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BetsyAnn Wrask, Clerk of the House and Rebecca Silbernagel, Journal Clerk

Journal of the House

Tuesday, January 4, 2022

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

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Communication from the Governor

“December 13, 2021

The Honorable Jill Krowinski
Speaker of the House
115 State Street, Drawer 33
Montpelier, VT 05633-5301

Dear Speaker Krowinski:

I have the great honor to inform you that I have appointed Larry Labor of Morgan, Vermont to serve in the General Assembly representing House District Orleans-1.

Sincerely,
/s/ Philip B. Scott
Governor

PBS/tb
CC: James Condos, Secretary of State
BetsyAnn Wrask, Clerk of the House”

Committee Appointment Announced

The Speaker appointed **Rep. Larry Labor of Morgan** to the House Committee on Corrections and Institutions.

Communication from Rep. Savage of Swanton

November 22, 2021

Hon. BetsyAnn Wrask
Clerk of the Vermont House
115 State Street
Montpelier, VT 05633

Dear Ms. Wrask:

Please be advised that I have accepted full time employment with the Town of Swanton as the Town Administrator effective December 1, 2021.

Due to the time requirements of my new position, I find it necessary to resign as a member of the Vermont House of Representatives, effective 12:01 a.m. on November 23, 2021.

Sincerely,
/s/ Brian K. Savage
State Representative
Franklin-4

cc: Governor Philip B.Scott
Speaker Jill Krowinski

Without objection, the Speaker postponed the reading of the resignation letter until Friday, January 7, 2022.

Communication from Rep. Redmond of Essex

Dear Speaker Krowinski and Clerk of the House Wrask:
(copying Gov. Phil Scott via Agency of Administration)

It is with a sad and heavy heart that I inform you I will be resigning my Essex seat in the Vermont House of Representatives, effective today, Thursday, Dec. 9, 2021.

It has become clear during the past few weeks and months that my personal health and well-being must become my central priorities in the coming days. The year-round activity of serving my constituents and my caucus as an assistant majority leader, and the natural stressors that this work entails (particularly during two years of pandemic), have left minimal space for the prioritization of my own health and wellness.

I am not experiencing a recurrence of cancer but am dealing with some health concerns that require my prompt and focused attention. It has become clear that stepping away from this role that I have cherished would be the most responsible thing to do – for me, as well as for the Vermonters I have been elected to serve.

It has been the deepest honor to serve as a champion and voice for Vermonters over the past three years, advocating for such priorities as an evidence-based public health response to the COVID-19 pandemic; a strengthening of the social safety net; bold climate-change solutions; deep investments in affordable housing; criminal justice reform; support of Afghans resettling in Vermont; policy considered through the lens of racial and social equity; and so much more.

I will be working with House leadership and the Essex Town Democrats to ensure that the names of several highly competent candidates for the Chittenden 8-1 seat be forwarded to the Governor quickly, so as not to delay participation in the coming legislative session.

I have appreciated problem-solving some of the state's challenges as well as celebrating its successes; they have become my own and have expanded greatly my understanding of our Brave Little State, its people and systems, and how extraordinary the communities we create and live in are. Thank you for your faith and trust in me; it has been a sincere joy of my life.

Kind regards,

Rep. Marybeth Redmond
Chittenden 8-1/Essex

Without objection, the Speaker postponed the reading of the resignation letter until Friday, January 7, 2022.

Introduction of House Bills Postponed

Without objection, the Speaker postponed introduction of House bills until Friday, January 7, 2022.

Message from the Senate No. 1

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolutions of the following titles:

J.R.S. 30. Joint resolution amending temporary Joint Rule 22A.

J.R.S. 31. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

In the adoption of which the concurrence of the House is requested.

House Resolution Adopted

H.R. 13

House resolution, entitled

House resolution authorizing remote operation of the House of Representatives and House committees

Offered by: Committee on Rules

Whereas, the ongoing COVID-19 pandemic, and in particular the anticipated impact of the highly-transmissible Omicron variant, poses a risk to the health and safety of House members, legislative staff, and members of the public if the House of Representatives and its committees operate in-person in the first two weeks of January 2022, *now therefore be it*

Resolved by the House of Representatives:

That the House of Representatives and its committees shall operate remotely until Tuesday, January 18, 2022, *and be it further*

Resolved: That the House and its committees shall continue to livestream their remote proceedings in order to maintain public access to the legislative process.

Was read.

Pending the question, Shall the House adopt the resolution?, **Rep. Terenzini of Rutland Town** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House adopt the resolution?, was decided in the affirmative. Yeas, 106. Nays, 19.

Those who voted in the affirmative are:

Ancel of Calais	Goldman of Rockingham	Noyes of Wolcott
Anthony of Barre City	Goslant of Northfield	O'Brien of Tunbridge
Arrison of Weathersfield	Grad of Moretown	Ode of Burlington *
Austin of Colchester	Gregoire of Fairfield *	Pajala of Londonderry

Bartholomew of Hartland	Hango of Berkshire	Palasik of Milton
Beck of St. Johnsbury	Harrison of Chittenden	Partridge of Windham
Birong of Vergennes	Helm of Fair Haven	Patt of Worcester
Black of Essex	Hooper of Montpelier	Pearl of Danville
Bluemle of Burlington	Hooper of Randolph	Pugh of South Burlington
Bongartz of Manchester	Hooper of Burlington	Rachelson of Burlington
Bos-Lun of Westminster	Houghton of Essex	Rogers of Waterville
Briglin of Thetford	James of Manchester	Satcowitz of Randolph
Brown of Richmond	Jerome of Brandon	Scheu of Middlebury
Brumsted of Shelburne	Jessup of Middlesex	Shaw of Pittsford
Burke of Brattleboro	Killacky of South Burlington	Sheldon of Middlebury
Burrows of West Windsor	Kimbell of Woodstock	Sibilia of Dover
Campbell of St. Johnsbury	Kitzmiller of Montpelier	Small of Winooski
Canfield of Fair Haven	Kornheiser of Brattleboro	Smith of Derby
Chase of Colchester	Labor of Morgan	Squirrell of Underhill
Coffey of Guilford	LaClair of Barre Town	Sullivan of Dorset
Colburn of Burlington	LaLonde of South	Surprenant of Barnard
Colston of Winooski	Burlington	Taylor of Colchester
Conlon of Cornwall	Lanpher of Vergennes	Toleno of Brattleboro
Copeland Hanzas of	Lippert of Hinesburg	Toof of St. Albans Town
Bradford	Long of Newfane	Townsend of South
Corcoran of Bennington	Marcotte of Coventry	Burlington
Cordes of Lincoln	Masland of Thetford	Troiano of Stannard
Cupoli of Rutland City	McCoy of Poultney	Walz of Barre City
Dolan of Waitsfield	McCullough of Williston *	Webb of Shelburne
Donahue of Northfield	Morris of Springfield	White of Bethel
Donnally of Hyde Park	Mrowicki of Putney	White of Hartford
Durfee of Shaftsbury	Murphy of Fairfax	Whitman of Bennington
Elder of Starksboro	Nicoll of Ludlow	Williams of Granby *
Emmons of Springfield	Nigro of Bennington	Wood of Waterbury
Fagan of Rutland City	Norris of Sheldon	Yacovone of Morristown
Feltus of Lyndon	Norris of Shoreham	
Gannon of Wilmington	Notte of Rutland City	

Those who voted in the negative are:

Achey of Middletown	Leffler of Enosburgh	Peterson of Clarendon
Springs	Martel of Waterford	Rosenquist of Georgia
Brennan of Colchester	Mattos of Milton	Scheuermann of Stowe
Graham of Williamstown	Morgan, L. of Milton	Seymour of Sutton
Higley of Lowell	Morgan, M. of Milton	Strong of Albany *
Lefebvre of Newark	Page of Newport City	Terenzini of Rutland Town
Lefebvre of Orange	Parsons of Newbury	

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

Bock of Chester	Dolan of Essex	Burlington
Brady of Williston	Howard of Rutland City	Sims of Craftsbury
Brownell of Pownal	Martin of Franklin	Smith of New Haven
Burditt of West Rutland	McCarthy of St. Albans City	Stebbins of Burlington
Christie of Hartford	McCormack of Burlington	Stevens of Waterbury

Cina of Burlington
Dickinson of St. Albans
Town

McFaun of Barre Town
Morrissey of Bennington
Mulvaney-Stanak of

Till of Jericho
Vyhovsky of Essex
Yantachka of Charlotte

Rep. Gregoire of Fairfield explained his vote as follows:

“Madam Speaker:

I vote yes out of respect for minority leadership who worked to achieve compromise. However, we must not continue to hold this body above those we represent, those who go to work every day including those who work around populations. This is especially true given the extraordinary efforts of leadership to ensure that our workplace is safe. I will not vote to extend remote legislation in the future.”

Rep. McCullough of Williston explained his vote as follows:

“Madam Speaker:

I voted for H.R.13 with the intention of avoiding, not creating, a legislative *annus horribilis*.”

Rep. Ode of Burlington explained her vote as follows:

“Madam Speaker:

The Legislature is in the unique position of drawing representatives from every single corner of Vermont. Each of us represents 4000 or 8000 Vermonters. I vote yes today based on the best advice we have to protect all of the more than 624,000 Vermonters.”

Rep. Strong of Albany explained her vote as follows:

“Madam Speaker:

‘Two weeks to flatten the curve’ was a year and a half ago. Let’s represent our constituents here in person without restriction.”

Rep. Williams of Granby explained her vote as follows:

“Madam Speaker:

I am voting yes not because I am concerned about the risk factor. I am voting yes to show my respect to those who have a concern.

The State of Vermont has spent hundreds of thousands of taxpayers’ money to make us safe here. God bless the people that planned, diagrammed, measured, coordinated, moved, connected, and reconnected for hours and days on end to make this a safe working environment.

I look forward to getting back to the State House on the 18th day of this month to do the work I was elected to do in a way that best serves the people.”

Joint Resolution Adopted in Concurrence

J.R.S. 30

By Senator Balint,

J.R.S. 30. Joint resolution amending temporary Joint Rule 22A.

Resolved by the Senate and House of Representatives:

That Temporary Joint Rule 22A is amended to read as follows:

Rule 22A Emergency Rule Regarding Joint Committee Meetings

(a) The Joint Rules Committee is vested with the authority to permit any joint committees of the Vermont Legislature (including itself and Conference Committees) to meet and vote electronically as the Joint Rules Committee determines appropriate. If necessary, the Joint Rules Committee may make this authorization remotely in conformity with this Rule.

(b) The authority of the Joint Rules Committee under this Rule 22A terminates on January 18, 2022.

(c) Notwithstanding the provisions of subsection (b) of this rule, if the Governor thereafter reissues capacity restrictions at gatherings and events or requires masks and physical distancing in response to COVID-19, the Joint Rules Committee is again authorized to meet remotely and to permit any joint committees of the Legislature to meet and vote electronically as the Joint Rules Committee determines appropriate.

Was taken up, read, and adopted in concurrence.

Joint Resolution Adopted in Concurrence

J.R.S. 31

By Senator Balint,

J.R.S. 31. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Wednesday, January 5, 2022, at two o'clock in the afternoon to receive the State-of-the-State message from the Governor, *and be it further*

Resolved: That the Joint Assembly shall be concurrently conducted electronically, such that members of the Joint Assembly may participate as permitted by their respective chambers.

Was taken up, read, and adopted in concurrence.

Adjournment

At ten o'clock and fifty-four minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Friday, January 7th at nine o'clock and thirty minutes in the forenoon.

Message from the Senate No. 2

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolutions of the following titles:

J.R.S. 32. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

J.R.S. 33. Joint resolution relating to Town Meeting adjournment.

J.R.S. 34. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Friday, January 7, 2022

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Message from the Senate No. 3

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

Madam Speaker:

I am directed to inform the House that:

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

H. 157. An act relating to registration of construction contractors.

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

Message from the Senate No. 4

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 172. An act relating to authorizing alternative procedures for 2022 annual municipal meetings in response to COVID-19.

In the passage of which the concurrence of the House is requested.

Resignation Letters Read

Resignation letters from Reps. Savage of Swanton and Redmond of Essex were read. For the text of those letters, see House Journal of January 4, 2022.

Memorial Service

The Speaker placed before the House the following names of members of past sessions of the Vermont General Assembly who had passed away recently:

John Zampieri of Ryegate	Member of the House, 1965-1985 Sessions
Debbie Evans of Essex	Member of the House, 2005-2016 Sessions
Leo O'Brien, Jr. of South Burlington	Member of the House, 1963-1968 Sessions
Jim Fitzgerald of St. Albans City	Member of the House, 1969-1972; 2007-2008 Sessions
Charles "Chub" Franzoni of Rutland	Member of the House, 1989-1990 Sessions

Thereupon, the members of the House held a moment of silence in memory of the deceased members.

Rules Suspended; House Bills Introduced

Pending first reading of the bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred to committee as follows:

H. 455

By Reps. Killackey of South Burlington, Campbell of St. Johnsbury, Howard of Rutland City, Ode of Burlington, and Troiano of Stannard,

House bill, entitled

An act relating to the sales and use tax exemption for charges for admission by or to certain nonprofit organizations

To the Committee on Ways and Means.

H. 456

By Reps. Fagan of Rutland City and James of Manchester,

House bill, entitled

An act relating to establishing strategic goals and reporting requirements for the Vermont State Colleges

To the Committee on Education.

H. 457

By Reps. Patt of Worcester, Fagan of Rutland City, and Masland of Thetford,

House bill, entitled

An act relating to the status of Holocaust education in public schools

To the Committee on Education.

H. 458

By Reps. Strong of Albany, Higley of Lowell, and LaClair of Barre Town,

House bill, entitled

An act relating to informed consent for the administration of immunizations

To the Committee on Judiciary.

H. 459

By Rep. Patt of Worcester,

House bill, entitled

An act relating to prorated Tier III renewable energy credits
To the Committee on Energy and Technology.

H. 460

By Rep. Rogers of Waterville,
House bill, entitled
An act relating to cemetery fencing
To the Committee on Government Operations.

H. 461

By Rep. Ancel of Calais,
House bill, entitled
An act relating to excluding the income of asylum seekers and refugees
from household income
To the Committee on Ways and Means.

H. 462

By Rep. Pugh of South Burlington,
House bill, entitled
An act relating to miscellaneous Department of Health programs
To the Committee on Human Services.

H. 463

By Reps. Burrows of West Windsor and Killacky of South Burlington,
House bill, entitled
An act relating to the Working Group to Address the Presence of Toxigenic
Mold in Buildings
To the Committee on Human Services.

H. 464

By Rep. Pugh of South Burlington,
House bill, entitled
An act relating to the medical review process in the Reach Up program and
Postsecondary Education Program eligibility
To the Committee on Human Services.

H. 465

By Reps. Gannon of Wilmington and LaClair of Barre Town,
House bill, entitled

An act relating to boards and commissions

To the Committee on Government Operations.

H. 466

By Reps. Dolan of Waitsfield and Sheldon of Middlebury,
House bill, entitled

An act relating to surface water withdrawals and interbasin transfers

To the Committee on Natural Resources, Fish, and Wildlife.

H. 467

By Reps. Sibia of Dover, Patt of Worcester, Rogers of Waterville, and
Sims of Craftsbury,

House bill, entitled

An act relating to extending the baseload renewable power portfolio
requirement

To the Committee on Energy and Technology.

H. 468

By Reps. James of Manchester and Kimbell of Woodstock,
House bill, entitled

An act relating to establishing a remote learning pilot program for CTE
students

To the Committee on Education.

H. 469

By Rep. White of Bethel,

House bill, entitled

An act relating to creditable service for temporary State employment

To the Committee on Government Operations.

H. 470

By Reps. Dolan of Essex and Colburn of Burlington,
House bill, entitled

An act relating to referral of domestic violence, sexual violence, and
stalking cases to community justice centers

To the Committee on Judiciary.

H. 471

By Rep. Burke of Brattleboro,
House bill, entitled

An act relating to entering a vehicle without legal authority or consent

To the Committee on Judiciary.

H. 472

By Rep. Fagan of Rutland City,
House bill, entitled

An act relating to establishing the Vermont Nursing Scholarship Program

To the Committee on Health Care.

H. 473

By Reps. Grad of Moretown and LaLonde of South Burlington,
House bill, entitled

An act relating to defense of others and justifiable homicide

To the Committee on Judiciary.

H. 474

By Rep. Ancel of Calais,
House bill, entitled

An act relating to exempting common law ways of necessity from the
Marketable Record Title Act

To the Committee on Judiciary.

H. 475

By Reps. Grad of Moretown, LaLonde of South Burlington, and Notte of Rutland City,

House bill, entitled

An act relating to the classification system for criminal offenses

To the Committee on Judiciary.

H. 476

By Reps. Walz of Barre City and Anthony of Barre City,

House bill, entitled

An act relating to State-paid sheriff's deputies

To the Committee on Government Operations.

H. 477

By Reps. Grad of Moretown and Stevens of Waterbury,

House bill, entitled

An act relating to leave for crime victims

To the Committee on General, Housing, and Military Affairs.

H. 478

By Rep. Colburn of Burlington,

House bill, entitled

An act relating to reinstatement of an operator's license after a lifetime suspension or revocation

To the Committee on Judiciary.

H. 479

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to portable benefits for intermediary workers

To the Committee on General, Housing, and Military Affairs.

H. 480

By Reps. Dolan of Waitsfield, Anthony of Barre City, Bos-Lun of Westminster, Brady of Williston, Burrows of West Windsor, Coffey of Guilford, Dolan of Essex, Durfee of Shaftsbury, Goldman of Rockingham,

Houghton of Essex, Masland of Thetford, Mrowicki of Putney, Ode of Burlington, Sims of Craftsbury, Stebbins of Burlington, Till of Jericho, White of Hartford, Wood of Waterbury, and Yantachka of Charlotte,

House bill, entitled

An act relating to adopting COVID-19 test to stay guidance for child care facilities

To the Committee on Human Services.

H. 481

By Reps. Rachelson of Burlington and Pugh of South Burlington,

House bill, entitled

An act relating to prohibiting mobile billboards

To the Committee on Natural Resources, Fish, and Wildlife.

H. 482

By Rep. Marcotte of Coventry,

House bill, entitled

An act relating to the Petroleum Cleanup Fund

To the Committee on Natural Resources, Fish, and Wildlife.

H. 483

By Reps. Kimbell of Woodstock, James of Manchester, Dickinson of St. Albans Town, and Toof of St. Albans Town,

House bill, entitled

An act relating to potential new models of funding and governance structures to improve the quality, duration, and access to career technical education in Vermont

To the Committee on Education.

H. 484

By Reps. Donahue of Northfield and Elder of Starksboro,

House bill, entitled

An act relating to regulating health care expense-sharing arrangements

To the Committee on Health Care.

H. 485

By Reps. Houghton of Essex and Black of Essex,

House bill, entitled

An act relating to extending Medicaid postpartum benefits

To the Committee on Health Care.

H. 486

By Rep. Nicoll of Ludlow,

House bill, entitled

An act relating to health insurance coverage for newborns

To the Committee on Health Care.

H. 487

By Rep. McFaun of Barre Town,

House bill, entitled

An act relating to a secure facility for justice-involved youth

To the Committee on Corrections and Institutions.

H. 488

By Rep. Taylor of Colchester,

House bill, entitled

An act relating to the authority of the Commissioner of Corrections to collect supervisory fees

To the Committee on Corrections and Institutions.

H. 489

By Reps. Lippert of Hinesburg and Donahue of Northfield,

House bill, entitled

An act relating to miscellaneous provisions affecting health insurance regulation

To the Committee on Health Care.

H. 490

By Rep. Sullivan of Dorset,
House bill, entitled
An act relating to elections and holding elected office
To the Committee on Government Operations.

H. 491

By Reps. Houghton of Essex and Dolan of Essex,
House bill, entitled
An act relating to the creation of the City of Essex Junction and the
adoption of the City charter
To the Committee on Government Operations.

H. 492

By Reps. Sheldon of Middlebury and Bongartz of Manchester,
House bill, entitled
An act relating to the structure of the Natural Resources Board
To the Committee on Natural Resources, Fish, and Wildlife.

H. 493

By Rep. Shaw of Pittsford,
House bill, entitled
An act relating to withdrawal from a unified union or union school district
and to electoral functions of a union school district where a member district is
also a union school district
To the Committee on Education.

H. 494

By Rep. LaClair of Barre Town,
House bill, entitled
An act relating to workforce development
To the Committee on Government Operations.

H. 495

By Rep. McCormack of Burlington,

House bill, entitled

An act relating to prohibiting the sale of mercury-containing lamps

To the Committee on Natural Resources, Fish, and Wildlife.

H. 496

By Rep. Harrison of Chittenden,

House bill, entitled

An act relating to establishing an extended producer responsibility program for out-of-service solar panels

To the Committee on Natural Resources, Fish, and Wildlife.

H. 497

By Reps. Donahue of Northfield, Hango of Berkshire, Higley of Lowell, Martel of Waterford, and Rosenquist of Georgia,

House bill, entitled

An act relating to protecting health care providers' rights of conscience

To the Committee on Health Care.

H. 498

By Rep. Houghton of Essex,

House bill, entitled

An act relating to the Green Mountain Care Board's duties and reappointment processes

To the Committee on Health Care.

H. 499

By Rep. LaClair of Barre Town,

House bill, entitled

An act relating to the use of sluice boxes for recreational mineral prospecting

To the Committee on Natural Resources, Fish, and Wildlife.

H. 500

By Rep. Sheldon of Middlebury,

House bill, entitled

An act relating to prohibiting the sale of mercury lamps in the State

To the Committee on Natural Resources, Fish, and Wildlife.

H. 501

By Rep. McCullough of Williston,

House bill, entitled

An act relating to physical contaminant standards for residual waste, digestate, and soil amendments

To the Committee on Natural Resources, Fish, and Wildlife.

H. 502

By Rep. Noyes of Wolcott,

House bill, entitled

An act relating to the cannabis wholesale gross receipts tax

To the Committee on Ways and Means.

H. 503

By Reps. Briglin of Thetford and Masland of Thetford,

House bill, entitled

An act relating to regulating the use of wake boats on State waters

To the Committee on Natural Resources, Fish, and Wildlife.

H. 504

By Rep. Shaw of Pittsford,

House bill, entitled

An act relating to the reorganization, enhancement, and enforcement of animal welfare requirements in the State

To the Committee on Agriculture and Forestry.

H. 505

By Reps. Grad of Moretown, LaLonde of South Burlington, and Notte of Rutland City,

House bill, entitled

An act relating to reclassification of penalties for unlawfully possessing, dispensing, and selling a regulated drug

To the Committee on Judiciary.

H. 506

By Reps. Townsend of South Burlington and Yacovone of Morristown,

House bill, entitled

An act relating to preserving the rights of a parent with a disability

To the Committee on Judiciary.

H. 507

By Rep. Masland of Thetford,

House bill, entitled

An act relating to certain civil process fees of sheriffs' departments

To the Committee on Ways and Means.

H. 508

By Reps. Anthony of Barre City and Walz of Barre City,

House bill, entitled

An act relating to refunding property tax overpayments by the City of Barre

To the Committee on Ways and Means.

H. 509

By Rep. Sheldon of Middlebury,

House bill, entitled

An act relating to Act 250 jurisdiction in one-acre towns

To the Committee on Natural Resources, Fish, and Wildlife.

H. 510

By Reps. Ancel of Calais, Beck of St. Johnsbury, Kornheiser of Brattleboro, Ode of Burlington, Pugh of South Burlington, and Webb of Shelburne,

House bill, entitled

An act relating to creating a Vermont child tax credit

To the Committee on Ways and Means.

H. 511

By Reps. Bongartz of Manchester, James of Manchester, Birong of Vergennes, Black of Essex, Bluemle of Burlington, Coffey of Guilford, Dolan of Essex, Durfee of Shaftsbury, Houghton of Essex, Kimbell of Woodstock, McCullough of Williston, Nicoll of Ludlow, Nigro of Bennington, Scheu of Middlebury, Sibilia of Dover, Sims of Craftsbury, Vyhovsky of Essex, Whitman of Bennington, Wood of Waterbury, Yacovone of Morristown, and Yantachka of Charlotte,

House bill, entitled

An act relating to promoting housing in Vermont's centers

To the Committee on Natural Resources, Fish, and Wildlife.

H. 512

By Reps. Kimbell of Woodstock and Marcotte of Coventry,

House bill, entitled

An act relating to modernizing land records and notarial acts law

To the Committee on Government Operations.

H. 513

By Rep. Grad of Moretown,

House bill, entitled

An act relating to expanding criminal threatening to include threats to third persons

To the Committee on Judiciary.

H. 514

By Reps. Beck of St. Johnsbury and Ancel of Calais,

House bill, entitled

An act relating to creating a uniform local share of sales and use tax

revenue

To the Committee on Ways and Means.

H. 515

By Reps. Marcotte of Coventry and Kimbell of Woodstock,

House bill, entitled

An act relating to banking, insurance, and securities

To the Committee on Commerce and Economic Development.

H. 516

By Rep. Yacovone of Morristown,

House bill, entitled

An act relating to increasing asset limits for Medicaid for the Aged, Blind, and Disabled

To the Committee on Human Services.

H. 517

By Rep. Fagan of Rutland City,

House bill, entitled

An act relating to the Vermont National Guard Tuition Benefit Program

To the Committee on General, Housing, and Military Affairs.

H. 518

By Rep. Sibilio of Dover,

House bill, entitled

An act relating to the creation of the Municipal Fuel Switching Grant Program

To the Committee on Energy and Technology.

H. 519

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to indemnification of employee legal expenses

To the Committee on General, Housing, and Military Affairs.

H. 520

By Reps. Masland of Thetford and Sims of Craftsbury,
House bill, entitled
An act relating to creating the Office of Native American Affairs
To the Committee on General, Housing, and Military Affairs.

H. 521

By Rep. Stevens of Waterbury,
House bill, entitled
An act relating to the Vermont basic needs budget
To the Committee on General, Housing, and Military Affairs.

H. 522

By Rep. McCoy of Poultney,
House bill, entitled
An act relating to automobile insurance and aftermarket parts
To the Committee on Commerce and Economic Development.

H. 523

By Rep. McCormack of Burlington,
House bill, entitled
An act relating to reducing hydrofluorocarbon emissions
To the Committee on Natural Resources, Fish, and Wildlife.

H. 524

By Rep. McCormack of Burlington,
House bill, entitled
An act relating to preventing sprawl through municipal zoning
To the Committee on Natural Resources, Fish, and Wildlife.

H. 525

By Rep. McCormack of Burlington,
House bill, entitled
An act relating to roadside memorials
To the Committee on Transportation.

H. 526

By Rep. McCormack of Burlington,

House bill, entitled

An act relating to adding electric vehicle supply equipment to Vermont's energy efficiency standards for appliances and equipment

To the Committee on Energy and Technology.

H. 527

By Rep. Canfield of Fair Haven,

House bill, entitled

An act relating to tax relief for Vermonters

To the Committee on Ways and Means.

H. 528

By Reps. Peterson of Clarendon, Achey of Middletown Springs, Donahue of Northfield, Gregoire of Fairfield, Harrison of Chittenden, Helm of Fair Haven, Lefebvre of Orange, Leffler of Enosburgh, Martel of Waterford, Morgan, L. of Milton, Morgan, M. of Milton, Page of Newport City, Parsons of Newbury, Rosenquist of Georgia, Smith of Derby, and Strong of Albany,

House bill, entitled

An act relating to tax benefits for home study programs

To the Committee on Ways and Means.

H. 529

By Rep. Till of Jericho,

House bill, entitled

An act relating to situational surveillance at birth

To the Committee on Human Services.

Senate Bill Referred**S. 172**

Senate bill, entitled

An act relating to authorizing alternative procedures for 2022 annual municipal meetings in response to COVID-19

Was read the first time and referred to the Committee on Government Operations.

Joint Resolution Adopted in Concurrence**J.R.S. 32**

By Senator Kitchel,

J.R.S. 32. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Tuesday, January 18, 2022, at one o'clock in the afternoon to receive the budget message of the Governor, *and be it further*

Resolved: That the Joint Assembly shall be concurrently conducted electronically, such that members of the Joint Assembly may participate as permitted by their respective chambers.

Was taken up, read, and adopted in concurrence.

Joint Resolution Adopted in Concurrence**J.R.S. 33**

By Senator Balint,

J.R.S. 33. Joint resolution relating to Town Meeting adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 25, 2022, or Saturday, February 26, 2022, it be to meet again no later than Tuesday, March 8, 2022.

Was taken up, read, and adopted in concurrence.

Joint Resolution Adopted in Concurrence**J.R.S. 34**

By Senator Balint,

J.R.S. 34. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 7, 2022, it be to meet again no later than Tuesday, January 11, 2022.

Was taken up, read, and adopted in concurrence.

Recess

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

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

Rules Suspended; Immediate Consideration; Second Reading; Proposal of Amendment Offered; Third Reading Ordered; Rules Suspended; All Remaininf Stages of Passage; Third Reading; Bill Passed in Concurrence; Rules Suspended; Bill Messaged to Senate Forthwith and Delivered to the Governor Forthwith

S. 172

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

An act relating to authorizing alternative procedures for 2022 annual municipal meetings in response to COVID-19

Pending appearance on the Calendar for Notice, was taken up for immediate consideration and the bill was read for the second time.

Rep. Anthony of Barre City, for the Committee on Government Operations, to which had been referred the Senate bill, reported in favor of its passage in concurrence.

Rep. Toof of St. Albans Town moved that the House propose to the Senate that the bill be amended immediately following Sec. 2 (annual municipal meetings in 2022; alternative procedures) by inserting a new Sec. 3 and Sec. 4 to read as follows:

Sec. 3. 17 V.S.A. § 2680 is amended to read:

§ 2680. AUSTRALIAN BALLOT SYSTEM; GENERAL

* * *

(g) Early and absentee voting. At the time the Australian ballots are available, which shall be not less than 20 days before the election, early and absentee voting shall be permitted in accordance with chapter 51, subchapter 6 of this title.

(1) ~~The legislative body of a~~ A town, city, or village ~~may vote to~~ shall mail a ballot to all active registered voters in the town, city, or village.

(2) A school board ~~may~~ shall, after receiving the approval of the legislative body of each member town in the district, ~~vote to~~ mail its annual meeting ballot to all active registered voters in the district. In such case, the town clerk and election officials in the member towns shall be responsible for the mailing of the ballots but all costs associated with the mailing of ballots shall be borne by the school district.

* * *

Sec. 4. APPROPRIATION

The sum of \$1,000,000.00 is appropriated from the General Fund to the Secretary of State in fiscal year 2023 for purpose of supporting municipalities that mail ballots to all active registered voters pursuant to 17 V.S.A. § 2680(g).

and by renumbering the remaining section to be numerically correct.

Which was disagreed to. Thereupon, 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. Thereupon, the bill was read the third time and passed in concurrence.

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

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 406

Rep. Stevens of Waterbury moved that the Committee on General, Housing, and Military Affairs be relieved of House bill, entitled

An act relating to promoting racial and social equity in economic opportunity and cultural empowerment

And that the bill be committed to the Committee on Commerce and Economic Development, which was agreed to.

Adjournment

At eleven o'clock and ten minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, January 11, 2022, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 34.

Message from the Senate No. 5

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 222. An act relating to authorizing temporary Open Meeting Law procedures in response to COVID-19.

In the passage of which the concurrence of the House is requested.

Tuesday, January 11, 2022

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

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Rules Suspended; House Bills Introduced

Pending first reading of House bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred to committee as follows:

H. 530

By Reps. Rogers of Waterville, Noyes of Wolcott, Page of Newport City, Wood of Waterbury, and Yacovone of Morristown,

House bill, entitled

An act relating to creating the Vermont Silver Alert Program

To the Committee on Government Operations.

H. 531

By Reps. Yacovone of Morristown, Brumsted of Shelburne, Webb of Shelburne, and Wood of Waterbury,

House bill, entitled

An act relating to supported housing options for individuals served through the developmental services waiver

To the Committee on Human Services.

H. 532

By Rep. Till of Jericho,

House bill, entitled

An act relating to the Rare Disease Advisory Council

To the Committee on Health Care.

H. 533

By Reps. Rachelson of Burlington, Leffler of Enosburgh, and Grad of Moretown,

House bill, entitled

An act relating to converting civil forfeiture of property in drug-related prosecutions into a criminal process

To the Committee on Judiciary.

H. 534

By Rep. Grad of Moretown,

House bill, entitled

An act relating to sealing criminal history records

To the Committee on Judiciary.

H. 535

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to judicial nominations and appointments

To the Committee on Judiciary.

H. 536

By Reps. LaLonde of South Burlington, Grad of Moretown, Jerome of Brandon, and Kimbell of Woodstock,

House bill, entitled

An act relating to the Vermont Uniform Power of Attorney Act

To the Committee on Judiciary.

H. 537

By Reps. Vyhovsky of Essex, Cordes of Lincoln, Black of Essex, Bluemle of Burlington, Brady of Williston, Brown of Richmond, Burrows of West Windsor, Colburn of Burlington, Dolan of Essex, Elder of Starksboro, Goldman of Rockingham, Houghton of Essex, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Rachelson of Burlington, Sims of Craftsbury, Small of Winooski, and Till of Jericho,

House bill, entitled

An act relating to a statewide mask mandate

To the Committee on Human Services.

H. 538

By Rep. Grad of Moretown,

House bill, entitled

An act relating to the establishment, ownership, and operation of a cemetery by a nonprofit college or university

To the Committee on General, Housing, and Military Affairs.

H. 539

By Rep. Pugh of South Burlington,

House bill, entitled

An act relating to youth banking by minors in foster care

To the Committee on Commerce and Economic Development.

H. 540

By Reps. Goldman of Rockingham, Burrows of West Windsor, Brumsted of Shelburne, Donahue of Northfield, Houghton of Essex, Noyes of Wolcott, Page of Newport City, Pajala of Londonderry, and Small of Winooski,

House bill, entitled

An act relating to strengthening support for social determinants of health

To the Committee on Human Services.

H. 541

By Reps. Dolan of Essex, Black of Essex, Bluemle of Burlington, Christie of Hartford, Coffey of Guilford, Notte of Rutland City, and Vyhovsky of Essex,

House bill, entitled

An act relating to establishing the Victims Services Advisory Council within the Center for Crime Victims Services

To the Committee on Judiciary.

H. 542

By Reps. Dolan of Waitsfield, Anthony of Barre City, Austin of Colchester, Brumsted of Shelburne, Campbell of St. Johnsbury, and Satcowitz of Randolph,

House bill, entitled

An act relating to establishing riparian protection areas in the State

To the Committee on Natural Resources, Fish, and Wildlife.

H. 543

By Reps. Dolan of Waitsfield, Anthony of Barre City, Bluemle of Burlington, Bos-Lun of Westminster, Brumsted of Shelburne, Campbell of St. Johnsbury, McCarthy of St. Albans City, McCullough of Williston, Mrowicki of Putney, Ode of Burlington, Sheldon of Middlebury, Squirrel of Underhill, and Yantachka of Charlotte,

House bill, entitled

An act relating to regulation of wetlands in the State

To the Committee on Natural Resources, Fish, and Wildlife.

H. 544

By Reps. Canfield of Fair Haven, Helm of Fair Haven, and Norris of Shoreham,

House bill, entitled

An act relating to leveling Vermont Route 22A

To the Committee on Transportation.

H. 545

By Reps. Christie of Hartford, Austin of Colchester, Bluemle of Burlington, Coffey of Guilford, Colston of Winooski, Cordes of Lincoln, Dolan of Waitsfield, Goldman of Rockingham, Killackey of South Burlington, Rogers of Waterville, Small of Winooski, Vyhovsky of Essex, and Wood of Waterbury,

House bill, entitled

An act relating to per diems for boards and commissions

To the Committee on Government Operations.

H. 546

By Reps. Grad of Moretown, Christie of Hartford, LaLonde of South Burlington, and Colston of Winooski,

House bill, entitled

An act relating to racial justice statistics

To the Committee on Judiciary.

H. 547

By Reps. Wood of Waterbury, Brumsted of Shelburne, Burrows of West Windsor, Coffey of Guilford, Harrison of Chittenden, Houghton of Essex, McFaun of Barre Town, Mulvaney-Stanak of Burlington, Pajala of Londonderry, and Small of Winooski,

House bill, entitled

An act relating to exempting students from standardized assessments in public schools

To the Committee on Education.

H. 548

By Reps. Grad of Moretown and Burditt of West Rutland,

House bill, entitled

An act relating to miscellaneous cannabis establishment procedures
To the Committee on Judiciary.

H. 549

By Reps. Hango of Berkshire, Gregoire of Fairfield, Harrison of Chittenden, Higley of Lowell, Leffler of Enosburgh, Martin of Franklin, Murphy of Fairfax, Page of Newport City, and Palasik of Milton,

House bill, entitled

An act relating to Vermont Housing Regulation Modernization
To the Committee on Natural Resources, Fish, and Wildlife.

H. 550

By Reps. Terenzini of Rutland Town, Brennan of Colchester, Goslant of Northfield, Hango of Berkshire, Higley of Lowell, Lefebvre of Newark, Morgan, L. of Milton, Morgan, M. of Milton, Page of Newport City, and Peterson of Clarendon,

House bill, entitled

An act relating to the energy efficiency charge for net metering customers
To the Committee on Energy and Technology.

H. 551

By Reps. Grad of Moretown, Christie of Hartford, Colburn of Burlington, Colston of Winooski, Kornheiser of Brattleboro, LaLonde of South Burlington, and Rachelson of Burlington,

House bill, entitled

An act relating to prohibiting racially and religiously restrictive covenants in deeds

To the Committee on Judiciary.

H. 552

By Reps. Bartholomew of Hartland, Burke of Brattleboro, McCormack of Burlington, Stebbins of Burlington, White of Hartford, Anthony of Barre City, Austin of Colchester, Black of Essex, Bluemle of Burlington, Bock of Chester, Bongartz of Manchester, Bos-Lun of Westminster, Briglin of Thetford, Brown of Richmond, Brumsted of Shelburne, Burrows of West Windsor, Campbell of St. Johnsbury, Chase of Colchester, Cina of Burlington, Coffey of Guilford, Colburn of Burlington, Copeland Hanzas of Bradford, Cordes of Lincoln, Dolan of Essex, Dolan of Waitsfield, Donnally of Hyde Park, Durfee of

Shaftsbury, Elder of Starksboro, Goldman of Rockingham, Hooper of Randolph, Houghton of Essex, James of Manchester, Kitzmiller of Montpelier, LaLonde of South Burlington, Long of Newfane, Masland of Thetford, McCarthy of St. Albans City, McCullough of Williston, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, O'Brien of Tunbridge, Ode of Burlington, Patt of Worcester, Rachelson of Burlington, Satcowitz of Randolph, Sheldon of Middlebury, Sibilia of Dover, Sims of Craftsbury, Small of Winooski, Squirrell of Underhill, Surprenant of Barnard, Till of Jericho, Troiano of Stannard, Vyhovsky of Essex, Walz of Barre City, White of Bethel, Whitman of Bennington, Yacovone of Morristown, and Yantachka of Charlotte,

House bill, entitled

An act relating to transportation initiatives to reduce carbon emissions

To the Committee on Transportation.

H. 553

By Reps. Rachelson of Burlington, Dolan of Essex, and Grad of Moretown,

House bill, entitled

An act relating to eligibility of domestic partners for reimbursement from the Victims Compensation Program

To the Committee on Judiciary.

H. 554

By Reps. Dolan of Waitsfield, Anthony of Barre City, Bock of Chester, Masland of Thetford, Ode of Burlington, and Squirrell of Underhill,

House bill, entitled

An act relating to an aquatic invasive species decal

To the Committee on Transportation.

H. 555

By Rep. Webb of Shelburne,

House bill, entitled

An act relating to health insurance coverage for children's hearing aids

To the Committee on Health Care.

H. 556

By Reps. Sims of Craftsbury, Bluemle of Burlington, Brumsted of Shelburne, Anthony of Barre City, Birong of Vergennes, Bongartz of Manchester, Brown of Richmond, Christie of Hartford, Cina of Burlington, Cordes of Lincoln, Goldman of Rockingham, Killacky of South Burlington, Mrowicki of Putney, O'Brien of Tunbridge, Ode of Burlington, Rachelson of Burlington, Stebbins of Burlington, Stevens of Waterbury, Surprenant of Barnard, Troiano of Stannard, White of Hartford, Whitman of Bennington, Wood of Waterbury, and Yantachka of Charlotte,

House bill, entitled

An act relating to exempting property owned by Vermont-recognized Native American tribes from property tax

To the Committee on Ways and Means.

H. 557

By Reps. Masland of Thetford, Anthony of Barre City, Burke of Brattleboro, McCullough of Williston, Mrowicki of Putney, Mulvaney-Stanak of Burlington, and Squirrell of Underhill,

House bill, entitled

An act relating to energy from large hydroelectric plants

To the Committee on Energy and Technology.

H. 558

By Reps. Harrison of Chittenden, Achey of Middletown Springs, Beck of St. Johnsbury, Birong of Vergennes, Brownell of Pownal, Christie of Hartford, Coffey of Guilford, Dolan of Waitsfield, Donahue of Northfield, Gannon of Wilmington, Goslant of Northfield, Gregoire of Fairfield, Hango of Berkshire, Hooper of Burlington, Labor of Morgan, Leffler of Enosburgh, Morgan, L. of Milton, Morgan, M. of Milton, Morris of Springfield, Norris of Sheldon, Noyes of Wolcott, Page of Newport City, Palasik of Milton, Parsons of Newbury, Peterson of Clarendon, Rosenquist of Georgia, Scheuermann of Stowe, Smith of Derby, Troiano of Stannard, and Williams of Granby,

House bill, entitled

An act relating to increasing the income tax exemption for Social Security benefits

To the Committee on Ways and Means.

H. 559

By Reps. Kimbell of Woodstock and Marcotte of Coventry,

House bill, entitled

An act relating to workers' compensation

To the Committee on Commerce and Economic Development.

H. 560

By Reps. Houghton of Essex, Black of Essex, Burrows of West Windsor, Cina of Burlington, Cordes of Lincoln, Donahue of Northfield, Goldman of Rockingham, Lippert of Hinesburg, and Small of Winooski,

House bill, entitled

An act relating to the certification of mental health peer support specialists

To the Committee on Health Care.

H. 561

By Reps. Houghton of Essex, Black of Essex, Burrows of West Windsor, Cina of Burlington, Cordes of Lincoln, Goldman of Rockingham, and Small of Winooski,

House bill, entitled

An act relating to peer-operated respite centers

To the Committee on Health Care.

H. 562

By Reps. Rachelson of Burlington, Bluemle of Burlington, Cordes of Lincoln, Donahue of Northfield, Donnally of Hyde Park, Kornheiser of Brattleboro, Masland of Thetford, Mulvaney-Stanak of Burlington, Notte of Rutland City, Stebbins of Burlington, Vyhovsky of Essex, and Whitman of Bennington,

House bill, entitled

An act relating to nonconsensual removal of or tampering with a sexual protective device

To the Committee on Judiciary.

H. 563

By Reps. Strong of Albany, Achey of Middletown Springs, Hango of Berkshire, Higley of Lowell, Lefebvre of Orange, Martel of Waterford, Morrissey of Bennington, Peterson of Clarendon, Rosenquist of Georgia, and

Williams of Granby,

House bill, entitled

An act relating to regulating facilities that provide abortion services

To the Committee on Human Services.

H. 564

By Reps. Strong of Albany, Achey of Middletown Springs, Hango of Berkshire, Higley of Lowell, Lefebvre of Orange, Martel of Waterford, Morrissey of Bennington, Peterson of Clarendon, Rosenquist of Georgia, and Williams of Granby,

House bill, entitled

An act relating to requiring notification of a parent or guardian prior to performing an abortion on a minor

To the Committee on Human Services.

H. 565

By Reps. Strong of Albany, Achey of Middletown Springs, Hango of Berkshire, Higley of Lowell, Lefebvre of Orange, Martel of Waterford, Peterson of Clarendon, Rosenquist of Georgia, and Williams of Granby,

House bill, entitled

An act relating to requiring the performance of a fetal ultrasound prior to obtaining an abortion

To the Committee on Human Services.

H. 566

By Reps. Sims of Craftsbury, Partridge of Windham, Anthony of Barre City, Austin of Colchester, Bock of Chester, Bongartz of Manchester, Brumsted of Shelburne, Campbell of St. Johnsbury, Feltus of Lyndon, Harrison of Chittenden, Kimbell of Woodstock, Masland of Thetford, Norris of Shoreham, Pajala of Londonderry, Patt of Worcester, Rogers of Waterville, Sibilia of Dover, Strong of Albany, Surprenant of Barnard, White of Bethel, Williams of Granby, Wood of Waterbury, and Yantachka of Charlotte,

House bill, entitled

An act relating to the establishment of the Vermont Forest Future Program

To the Committee on Agriculture and Forestry.

H. 567

By Reps. Rachelson of Burlington, Anthony of Barre City, Killacky of South Burlington, Masland of Thetford, Mulvaney-Stanak of Burlington, Troiano of Stannard, Vyhovsky of Essex, Walz of Barre City, and Yantachka of Charlotte,

House bill, entitled

An act relating to seizure action plans in public schools and approved independent schools

To the Committee on Education.

H. 568

By Reps. Cordes of Lincoln, Anthony of Barre City, Austin of Colchester, Bos-Lun of Westminster, Burrows of West Windsor, Campbell of St. Johnsbury, Mulvaney-Stanak of Burlington, Rachelson of Burlington, Sims of Craftsbury, Till of Jericho, Vyhovsky of Essex, and Yantachka of Charlotte,

House bill, entitled

An act relating to the dissemination of masks and at-home rapid antigen tests

To the Committee on Human Services.

H. 569

By Reps. Marcotte of Coventry and Kimbell of Woodstock,

House bill, entitled

An act relating to supporting economic development

To the Committee on Commerce and Economic Development.

H. 570

By Reps. Marcotte of Coventry and Kimbell of Woodstock,

House bill, entitled

An act relating to enhancing data privacy protections for consumers

To the Committee on Commerce and Economic Development.

H. 571

By Reps. Bos-Lun of Westminster, Goldman of Rockingham, Anthony of Barre City, Austin of Colchester, Burke of Brattleboro, Burrows of West Windsor, Christie of Hartford, Cina of Burlington, Howard of Rutland City, Masland of Thetford, McCullough of Williston, Mrowicki of Putney,

Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Ode of Burlington, Page of Newport City, Pajala of Londonderry, Patt of Worcester, Vyhovsky of Essex, White of Hartford, Wood of Waterbury, Yacovone of Morristown, and Yantachka of Charlotte,

House bill, entitled

An act relating to increasing Medicaid dental reimbursement rates

To the Committee on Health Care.

Senate Bill Referred

S. 222

Senate bill, entitled

An act relating to authorizing temporary Open Meeting Law procedures in response to COVID-19

Was read the first time and referred to the Committee on Government Operations.

Action on Bill Postponed

S. 78

Senate bill, entitled

An act relating to binding interest arbitration for employees of the Vermont Judiciary

Was taken up, and pending the reading of the report of the Committee on General, Housing, and Military Affairs, on motion of **Rep. Walz of Barre City**, action on the bill was postponed until January 20, 2022.

Action on Bill Postponed

H. 157

House bill, entitled

An act relating to registration of construction contractors

Was taken up, and pending consideration of the Senate proposal of amendment, on motion of **Rep. Troiano of Stannard**, action on the bill was postponed until January 14, 2022.

Adjournment

At ten o'clock and thirteen minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Wednesday, January 12, 2022

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

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Message from the Senate No. 6

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 223. An act relating to authorizing temporary elections procedures for annual meetings in the year 2022.

In the passage of which the concurrence of the House is requested.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 35. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Rules Suspended; House Bills Introduced

Pending first reading of the bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred to committee as follows:

H. 572

By Reps. Webb of Shelburne, Brumsted of Shelburne, and Hooper of Randolph,

House bill, entitled

An act relating to the retirement allowance for interim educators

To the Committee on Government Operations.

H. 573

By Reps. Strong of Albany, Higley of Lowell, LaClair of Barre Town, Peterson of Clarendon, and Williams of Granby,

House bill, entitled

An act relating to prohibiting discrimination based on immunization status

To the Committee on General, Housing, and Military Affairs.

H. 574

By Rep. Harrison of Chittenden,

House bill, entitled

An act relating to simplifying access to benefits and services

To the Committee on Human Services.

H. 575

By Reps. Ode of Burlington, Dolan of Waitsfield, and Grad of Moretown,

House bill, entitled

An act relating to music therapists and art therapists

To the Committee on Government Operations.

H. 576

By Reps. Rosenquist of Georgia, Strong of Albany, Achey of Middletown Springs, Hango of Berkshire, and Peterson of Clarendon,

House bill, entitled

An act relating to banning selective abortions based on sex, Down syndrome, or genetic abnormalities

To the Committee on Human Services.

H. 577

By Rep. Webb of Shelburne,

House bill, entitled

An act relating to Vermont's adoption of the Audiology and Speech-Language Pathology Interstate Compact

To the Committee on Government Operations.

H. 578

By Rep. Stebbins of Burlington,

House bill, entitled

An act relating to requirements for older drivers to renew operator's licenses

To the Committee on Transportation.

H. 579

By Reps. Cordes of Lincoln, Anthony of Barre City, Cina of Burlington, Elder of Starksboro, Lefebvre of Orange, Mulvaney-Stanak of Burlington, Pajala of Londonderry, Patt of Worcester, Stebbins of Burlington, Surprenant of Barnard, Till of Jericho, Troiano of Stannard, Vyhovsky of Essex, and White of Hartford,

House bill, entitled

An act relating to health insurance coverage for donated human breast milk

To the Committee on Health Care.

H. 580

By Reps. Scheu of Middlebury and Conlon of Cornwall,

House bill, entitled

An act relating to a grant program for adaptive sports and mobility-enhancing equipment

To the Committee on Commerce and Economic Development.

H. 581

By Reps. Kimbell of Woodstock, Birong of Vergennes, Brady of Williston, Burrows of West Windsor, Coffey of Guilford, Conlon of Cornwall, Feltus of Lyndon, Goldman of Rockingham, Gregoire of Fairfield, Harrison of Chittenden, Jerome of Brandon, Lefebvre of Newark, Nicoll of Ludlow, Norris of Shoreham, Noyes of Wolcott, Pajala of Londonderry, Pearl of Danville, Rogers of Waterville, Rosenquist of Georgia, Seymour of Sutton, Sibia of Dover, Sims of Craftsbury, Stebbins of Burlington, Surprenant of Barnard, White of Bethel, Wood of Waterbury, Yacovone of Morristown, and Yantachka of Charlotte,

House bill, entitled

An act relating to rural economic development

To the Committee on Natural Resources, Fish, and Wildlife.

H. 582

By Rep. Sibia of Dover,

House bill, entitled

An act relating to the creation of the Pipelines and Pathways Grant Program

To the Committee on Education.

H. 583

By Reps. Achey of Middletown Springs, Hango of Berkshire, Harrison of Chittenden, Higley of Lowell, Morgan, L. of Milton, Morgan, M. of Milton, Page of Newport City, Peterson of Clarendon, Rosenquist of Georgia, Strong of Albany, Williams of Granby, and Yantachka of Charlotte,

House bill, entitled

An act relating to a right of appeal for listers

To the Committee on Ways and Means.

H. 584

By Reps. Bos-Lun of Westminster, Christie of Hartford, Burrows of West Windsor, Black of Essex, Brady of Williston, Colston of Winooski, Cordes of Lincoln, Dolan of Essex, Dolan of Waitsfield, Donahue of Northfield, Goldman of Rockingham, Grad of Moretown, Houghton of Essex, Lippert of Hinesburg, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Ode of Burlington, Rachelson of Burlington, Sibia of Dover, Small of Winooski, Surprenant of Barnard, Vyhovsky of Essex, White of Hartford, and Yacovone of Morristown,

House bill, entitled

An act relating to the creation of an antiracist education certification

To the Committee on Education.

H. 585

By Reps. Sims of Craftsbury, Anthony of Barre City, Colston of Winooski, Leffler of Enosburgh, Sibia of Dover, and Vyhovsky of Essex,

House bill, entitled

An act relating to reapportionment

To the Committee on Government Operations.

H. 586

By Reps. Rogers of Waterville, Burke of Brattleboro, Dolan of Waitsfield, Kornheiser of Brattleboro, McCullough of Williston, and Pajala of Londonderry,

House bill, entitled

An act relating to eco-sanitation systems

To the Committee on Natural Resources, Fish, and Wildlife.

H. 587

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to expressly authorizing the manufacture of alcoholic beverages pursuant to contract

To the Committee on General, Housing, and Military Affairs.

H. 588

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to authorizing satellite tasting rooms for manufacturers of alcoholic beverages

To the Committee on General, Housing, and Military Affairs.

Committee Bill Introduced**H. 589**

By the Committee on Government Operations,

House bill, entitled

An act relating to reapportioning the initial districts of the House of Representatives

Was read, and pursuant to Rule 48, placed on the Calendar for Notice.

Senate Bill Referred**S. 223**

Senate bill, entitled

An act relating to authorizing temporary elections procedures for annual meetings in the year 2022

Was read the first time and referred to the Committee on Government Operations.

Bill Referred to Committee on Appropriations**H. 553**

House bill, entitled

An act relating to eligibility of domestic partners for reimbursement from the Victims Compensation Program

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

Joint Resolution Adopted in Concurrence**J.R.S. 35**

By Senator Balint,

J.R.S. 35. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 14, 2022, it be to meet again no later than Tuesday, January 18, 2022.

Was taken up, read, and adopted in concurrence.

Recess

At three o'clock and twelve minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

**Rules Suspended; Immediate Consideration; Second Reading; Third Reading
Ordered; Rules Suspended; All Remaining Stages of Passage; Passed in
Concurrence; Rules Suspended; Messaged to the Senate Forthwith**

S. 222

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

An act relating to authorizing temporary Open Meeting Law procedures in response to COVID-19

Pending appearance on the Calendar for Notice, was taken up for immediate consideration and the bill was read for the second time.

Rep. Mrowicki of Putney, for the Committee on Government Operations, to which had been referred the Senate bill, reported in favor of its passage in concurrence.

Thereupon, third reading was ordered.

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

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

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 512

Rep. Copeland Hanzas of Bradford moved that the Committee on Government Operations be relieved of House bill, entitled

An act relating to modernizing land records and notarial acts law

And that the bill be committed to the Committee on Commerce and Economic Development, which was agreed to.

Adjournment

At three o'clock and thirty-nine minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

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. 76

House concurrent resolution congratulating Elle Purrier St. Pierre on her outstanding performance in the 2020 Olympics women's 1500-meter race

H.C.R. 77

House concurrent resolution honoring Douglas Weld for his exemplary community service in the town of Berkshire

H.C.R. 78

House concurrent resolution congratulating the successful rescue effort of Newport City Fire Chief John Harlamert and retired Chief Robert (RJ) George

H.C.R. 79

House concurrent resolution congratulating the 2021 Milton High School Yellowjackets Division II boys' varsity soccer team

H.C.R. 80

House concurrent resolution honoring former Brattleboro Town Manager Peter Elwell for his outstanding municipal public service

H.C.R. 81

House concurrent resolution in memory and recognition of Henry A. LaGue Jr. of Berlin

H.C.R. 82

House concurrent resolution honoring former Brandon Police Lieutenant Rodney Pulsifer for his exemplary law enforcement career

H.C.R. 83

House concurrent resolution honoring former Brattleboro Public Works Director Stephen Barrett for his outstanding municipal public service

H.C.R. 84

House concurrent resolution honoring the civic contributions of John H. and Mary F. Carnahan to the community life of Brattleboro

H.C.R. 85

House concurrent resolution designating January 20, 2022, as Homelessness Awareness Day in Vermont

S.C.R. 10

Senate concurrent resolution congratulating the 2021 Bellows Falls Union High School Terriers Division II championship varsity football team.

[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 2022 Adjourned Session.]

Thursday, January 13, 2022

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

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Message from the Senate No. 7

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 10. Senate concurrent resolution congratulating the 2021 Bellows Falls Union High School Terriers Division II championship varsity football team..

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 76. House concurrent resolution congratulating Elle Purrier St. Pierre on her outstanding performance in the 2020 Olympics women's 1500-meter race.

H.C.R. 77. House concurrent resolution honoring Douglas Weld for his exemplary community service in the town of Berkshire.

H.C.R. 78. House concurrent resolution congratulating the successful rescue effort of Newport City Fire Chief John Harlamert and retired Chief Robert (RJ) George.

H.C.R. 79. House concurrent resolution congratulating the 2021 Milton High School Yellowjackets Division II boys' varsity soccer team.

H.C.R. 80. House concurrent resolution honoring former Brattleboro

Town Manager Peter Elwell for his outstanding municipal public service.

H.C.R. 81. House concurrent resolution in memory and recognition of Henry A. LaGue Jr. of Berlin.

H.C.R. 82. House concurrent resolution honoring former Brandon Police Lieutenant Rodney Pulsifer for his exemplary law enforcement career.

H.C.R. 83. House concurrent resolution honoring former Brattleboro Public Works Director Stephen Barrett for his outstanding municipal public service.

H.C.R. 84. House concurrent resolution honoring the civic contributions of John H. and Mary F. Carnahan to the community life of Brattleboro.

H.C.R. 85. House concurrent resolution designating January 20, 2022, as Homelessness Awareness Day in Vermont.

Rules Suspended; House Bills Introduced

Pending first reading of the bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred to committee as follows:

H. 590

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to low-alcohol spirits beverages

To the Committee on General, Housing, and Military Affairs.

H. 591

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to a direct-to-consumer spirits shipping license

To the Committee on General, Housing, and Military Affairs.

H. 592

By Rep. Satcowitz of Randolph,

House bill, entitled

An act relating to municipal ordinances governing nuisance properties containing salvage and scrap

To the Committee on Government Operations.

H. 593

By Rep. Campbell of St. Johnsbury,

House bill, entitled

An act relating to new motor vehicle arbitration

To the Committee on Transportation.

H. 594

By Reps. Campbell of St. Johnsbury, Anthony of Barre City, Austin of Colchester, Bartholomew of Hartland, Colburn of Burlington, Cordes of Lincoln, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Ode of Burlington, Patt of Worcester, Vyhovsky of Essex, White of Hartford, and Yantachka of Charlotte,

House bill, entitled

An act relating to jurisdiction over building energy codes

To the Committee on Energy and Technology.

H. 595

By Rep. Black of Essex,

House bill, entitled

An act relating to allowing essential caregivers to visit residents of long-term care facilities during a public health emergency

To the Committee on Human Services.

H. 596

By Reps. Mulvaney-Stanak of Burlington, Burrows of West Windsor, Cina of Burlington, Colburn of Burlington, Goldman of Rockingham, Small of Winooski, Surprenant of Barnard, and Vyhovsky of Essex,

House bill, entitled

An act relating to proper disposal of unused prescription drugs

To the Committee on Human Services.

H. 597

By Reps. Canfield of Fair Haven, Birong of Vergennes, Hango of Berkshire, Martel of Waterford, and Noyes of Wolcott,

House bill, entitled

An act relating to exempting military retirement and military survivor benefit income

To the Committee on Ways and Means.

H. 598

By Reps. Page of Newport City, Anthony of Barre City, Bongartz of Manchester, Bos-Lun of Westminster, Goldman of Rockingham, Hango of Berkshire, Houghton of Essex, Labor of Morgan, Lefebvre of Newark, Masland of Thetford, Morgan, L. of Milton, Morgan, M. of Milton, Mrowicki of Putney, Nicoll of Ludlow, Rosenquist of Georgia, Seymour of Sutton, Sims of Craftsbury, Smith of Derby, and Yantachka of Charlotte,

House bill, entitled

An act relating to a rail feasibility study

To the Committee on Transportation.

H. 599

By Reps. Mulvaney-Stanak of Burlington, Anthony of Barre City, Bluemle of Burlington, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Colburn of Burlington, Howard of Rutland City, Kornheiser of Brattleboro, Small of Winooski, Surprenant of Barnard, and Vyhovsky of Essex,

House bill, entitled

An act relating to the administration of Executive Branch contracts

To the Committee on Government Operations.

H. 600

By Reps. Campbell of St. Johnsbury, Anthony of Barre City, Austin of Colchester, Bartholomew of Hartland, Bos-Lun of Westminster, Coffey of Guilford, Colburn of Burlington, Cordes of Lincoln, Dolan of Essex, Elder of Starksboro, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Ode of Burlington, Patt of Worcester, Scheu of Middlebury, Sims of Craftsbury, Vyhovsky of Essex, White of Hartford, and Yantachka of Charlotte,

House bill, entitled

An act relating to heating and cooling systems owned or controlled by the State

To the Committee on Corrections and Institutions.

H. 601

By Reps. Page of Newport City, Marcotte of Coventry, Smith of Derby, Anthony of Barre City, Bos-Lun of Westminster, Goldman of Rockingham, Hango of Berkshire, Higley of Lowell, Houghton of Essex, Labor of Morgan, Lefebvre of Newark, Masland of Thetford, Morgan, L. of Milton, Morgan, M. of Milton, Mrowicki of Putney, Ode of Burlington, Rosenquist of Georgia, Seymour of Sutton, Sims of Craftsbury, Strong of Albany, and Williams of Granby,

House bill, entitled

An act relating to declaring Lake Memphremagog to be a lake in crisis

To the Committee on Natural Resources, Fish, and Wildlife.

H. 602

By Reps. Page of Newport City, Chase of Colchester, Goldman of Rockingham, Houghton of Essex, Morgan, L. of Milton, Morgan, M. of Milton, Rosenquist of Georgia, Seymour of Sutton, and Yantachka of Charlotte,

House bill, entitled

An act relating to prohibiting the sale of tobacco products utilizing single-use filters

To the Committee on Human Services.

H. 603

By Rep. Wood of Waterbury,

House bill, entitled

An act relating to requirements for transfer of nursing home ownership

To the Committee on Human Services.

H. 604

By Reps. Scheuermann of Stowe and Rogers of Waterville,

House bill, entitled

An act relating to valuation of time-share projects

To the Committee on Ways and Means.

H. 605

By Reps. Dolan of Waitsfield, Christie of Hartford, Noyes of Wolcott, Ode of Burlington, and Sheldon of Middlebury,

House bill, entitled

An act relating to clean water funding

To the Committee on Natural Resources, Fish, and Wildlife.

H. 606

By Rep. Sheldon of Middlebury,

House bill, entitled

An act relating to community resilience and biodiversity protection

To the Committee on Natural Resources, Fish, and Wildlife.

H. 607

By Reps. Durfee of Shaftsbury, Bongartz of Manchester, and Nigro of Bennington,

House bill, entitled

An act relating to medical debt collection

To the Committee on Health Care.

H. 608

By Reps. Cupoli of Rutland City, Anthony of Barre City, Arrison of Weathersfield, Harrison of Chittenden, Leffler of Enosburgh, Page of Newport City, Parsons of Newbury, Strong of Albany, Williams of Granby, and Yacovone of Morristown,

House bill, entitled

An act relating to the simplification of the home study program

To the Committee on Education.

H. 609

By Reps. Cupoli of Rutland City, Anthony of Barre City, Arrison of Weathersfield, Harrison of Chittenden, Page of Newport City, Sibilia of Dover, and Williams of Granby,

House bill, entitled

An act relating to technical corrections to Title 16

To the Committee on Education.

H. 610

By Reps. Hango of Berkshire, Martin of Franklin, and Murphy of Fairfax,
House bill, entitled

An act relating to airport expansion and primary agricultural soils

To the Committee on Agriculture and Forestry.

H. 611

By Rep. Smith of Derby,

House bill, entitled

An act relating to flag displays at public schools

To the Committee on Education.

H. 612

By Reps. Page of Newport City, Anthony of Barre City, Arrison of Weathersfield, Chase of Colchester, Hango of Berkshire, Harrison of Chittenden, Higley of Lowell, Houghton of Essex, Labor of Morgan, LaClair of Barre Town, Marcotte of Coventry, Masland of Thetford, Morgan, L. of Milton, Morgan, M. of Milton, Morris of Springfield, Mrowicki of Putney, Peterson of Clarendon, Rosenquist of Georgia, Seymour of Sutton, Smith of Derby, Williams of Granby, and Yantachka of Charlotte,

House bill, entitled

An act relating to landlord notice of utility disconnections

To the Committee on Energy and Technology.

H. 613

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to farm-based manufacturers of alcoholic beverages

To the Committee on General, Housing, and Military Affairs.

H. 614

By Rep. Ode of Burlington,

House bill, entitled

An act relating to time off for illness and for federal holidays

To the Committee on General, Housing, and Military Affairs.

H. 615

By Reps. Mulvaney-Stanak of Burlington, Bluemle of Burlington, Anthony of Barre City, Burrows of West Windsor, Cina of Burlington, Coffey of Guilford, Colburn of Burlington, Goldman of Rockingham, Howard of Rutland City, Killacky of South Burlington, Kornheiser of Brattleboro, Small of Winooski, Stebbins of Burlington, Surprenant of Barnard, Vyhovsky of Essex, and Walz of Barre City,

House bill, entitled

An act relating to compensation history and transparency

To the Committee on General, Housing, and Military Affairs.

H. 616

By Reps. Mulvaney-Stanak of Burlington, Kornheiser of Brattleboro, Anthony of Barre City, Black of Essex, Bluemle of Burlington, Bos-Lun of Westminster, Cina of Burlington, Colburn of Burlington, Donnally of Hyde Park, Goldman of Rockingham, Howard of Rutland City, Jessup of Middlesex, Kitzmiller of Montpelier, Mrowicki of Putney, Nicoll of Ludlow, Ode of Burlington, Patt of Worcester, Scheu of Middlebury, Sims of Craftsbury, Small of Winooski, Squirrell of Underhill, Stebbins of Burlington, Surprenant of Barnard, Toleno of Brattleboro, Troiano of Stannard, Vyhovsky of Essex, Walz of Barre City, White of Bethel, and Yacovone of Morristown,

House bill, entitled

An act relating to establishing the Office of the Unemployment Insurance Advocate

To the Committee on Commerce and Economic Development.

H. 617

By Rep. Kimbell of Woodstock,

House bill, entitled

An act relating to notice of employment laws

To the Committee on Commerce and Economic Development.

H. 618

By Reps. O'Brien of Tunbridge, Brumsted of Shelburne, Donahue of Northfield, Webb of Shelburne, and White of Hartford,

House bill, entitled

An act relating to providing the Abenaki with access to State lands

To the Committee on General, Housing, and Military Affairs.

H. 619

By Rep. Toof of St. Albans Town,

House bill, entitled

An act relating to the installation of fireblocking in single-family dwellings

To the Committee on General, Housing, and Military Affairs.

H. 620

By Rep. Stevens of Waterbury,

House bill, entitled

An act relating to Abenaki land ownership and land repatriation

To the Committee on General, Housing, and Military Affairs.

H. 621

By Reps. Troiano of Stannard, Anthony of Barre City, Austin of Colchester, Bartholomew of Hartland, Bluemle of Burlington, Burrows of West Windsor, Cina of Burlington, Colburn of Burlington, Cordes of Lincoln, Hooper of Burlington, Howard of Rutland City, Killackey of South Burlington, Kornheiser of Brattleboro, Masland of Thetford, McCullough of Williston, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Notte of Rutland City, Patt of Worcester, Townsend of South Burlington, Vyhovsky of Essex, Walz of Barre City, and Yantachka of Charlotte,

House bill, entitled

An act relating to the certification of collective bargaining representatives

To the Committee on General, Housing, and Military Affairs.

H. 622

By Rep. Morrissey of Bennington,

House bill, entitled

An act relating to service dog training

To the Committee on Government Operations.

H. 623

By Reps. Burke of Brattleboro and Coffey of Guilford,

House bill, entitled

An act relating to employment protections for volunteer firefighters

To the Committee on General, Housing, and Military Affairs.

H. 624

By Reps. Jerome of Brandon, Austin of Colchester, Brumsted of Shelburne, Burke of Brattleboro, Campbell of St. Johnsbury, Cina of Burlington, Coffey of Guilford, Cupoli of Rutland City, Dolan of Waitsfield, Durfee of Shaftsbury, Hango of Berkshire, Killackey of South Burlington, Kitzmiller of Montpelier, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Noyes of Wolcott, Page of Newport City, Pajala of Londonderry, Rachelson of Burlington, Scheuermann of Stowe, Sims of Craftsbury, Stebbins of Burlington, White of Bethel, Wood of Waterbury, and Yantachka of Charlotte,

House bill, entitled

An act relating to supporting creative sector businesses and cultural organizations

To the Committee on Commerce and Economic Development.

H. 625

By Reps. Bluemle of Burlington, Troiano of Stannard, Walz of Barre City, Anthony of Barre City, Burrows of West Windsor, Mulvaney-Stanak of Burlington, Rachelson of Burlington, and Stebbins of Burlington,

House bill, entitled

An act relating to providing protections against eviction, foreclosure, and tax sales

To the Committee on General, Housing, and Military Affairs.

H. 626

By Reps. Sheldon of Middlebury and Troiano of Stannard,

House bill, entitled

An act relating to the sale, use, or application of neonicotinoid pesticides

To the Committee on Agriculture and Forestry.

H. 628

By Reps. Small of Winooski, Black of Essex, Bluemle of Burlington, Bos-Lun of Westminster, Brown of Richmond, Brumsted of Shelburne, Burrows of West Windsor, Cina of Burlington, Coffey of Guilford, Colburn of Burlington, Colston of Winooski, Copeland Hanzas of Bradford, Cordes of Lincoln, Dolan of Essex, Donnally of Hyde Park, Elder of Starksboro, Goldman of Rockingham, Grad of Moretown, James of Manchester, Killacky of South Burlington, Kornheiser of Brattleboro, Lippert of Hinesburg, Pajala of Londonderry, Pugh of South Burlington, Rachelson of Burlington, Rogers of Waterville, Sibilia of Dover, Sims of Craftsbury, Stebbins of Burlington, Surprenant of Barnard, Vyhovsky of Essex, White of Hartford, Whitman of Bennington, and Wood of Waterbury,

House bill, entitled

An act relating to amending a birth certificate to reflect gender identity

To the Committee on Human Services.

Committee Bill Introduced**H. 627**

By the Committee on Commerce and Economic Development,

House bill, entitled

An act relating to the Vermont Economic Development Authority

Was read, and pursuant to House Rule 48, placed on the Calendar for Notice.

House Discrimination Prevention Panel Appointment Announced

Due to a vacancy on the House Discrimination Prevention Panel, and pursuant to House Rule 90(a)(3), the House Rules Committee appointed the following member to the House Discrimination Prevention Panel:

Rep. Killacky of South Burlington

Action on Bill Postponed**H. 74**

House bill, entitled

An act relating to making miscellaneous changes concerning self-storage businesses

Was taken up, and pending the reading of the report of the Committee on Commerce and Economic Development, on motion of **Rep. Marcotte of Coventry**, action on the bill was postponed until January 18, 2022.

**Rules Suspended; Second Reading; Third Reading Ordered;
Rules Suspended; Third Reading; Passed in Concurrence;
Rules Suspended; Bill Messaged to Senate Forthwith**

S. 223

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

An act relating to authorizing temporary elections procedures for annual meetings in the year 2022

Pending appearance on the Calendar for Notice, was taken up for immediate consideration and the bill was read for the second time.

Rep. LaClair of Barre Town, for the Committee on Government Operations, to which had been referred the Senate bill, reported in favor of its passage in concurrence.

Thereupon, third reading was ordered.

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

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

Adjournment

At three o'clock and twenty-three minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, January 14, 2022

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Grad of Moretown.

Memorial Service

The Speaker placed before the House the following names of members of past sessions of the Vermont General Assembly who had passed away recently:

Carl Powden of Johnson	Member of the House, Sessions 1989-1994
Willem Jewett of Ripton	Member of the House, Sessions of 2003-2016

Thereupon, the members of the House held a moment of silence in memory of the deceased members.

Rules Suspended; House Bills Introduced

Pending first reading of the bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred to committee as follows:

H. 629

By Reps. Webb of Shelburne, Brumsted of Shelburne, Grad of Moretown, and Townsend of South Burlington,

House bill, entitled

An act relating to access to adoption records

To the Committee on Judiciary.

H. 630

By Reps. Colburn of Burlington, Kornheiser of Brattleboro, Bluemle of Burlington, Cina of Burlington, Donnally of Hyde Park, Killacky of South Burlington, Mulvaney-Stanak of Burlington, Notte of Rutland City, Rachelson of Burlington, Small of Winooski, Surprenant of Barnard, Vyhovsky of Essex, and White of Hartford,

House bill, entitled

An act relating to voluntary engagement in sex work

To the Committee on Judiciary.

H. 631

By Reps. Ode of Burlington, Bluemle of Burlington, Burke of Brattleboro, Coffey of Guilford, Bongartz of Manchester, Noyes of Wolcott, and Satcowitz of Randolph,

House bill, entitled

An act relating to raising the age of eligibility to marry

To the Committee on Judiciary.

H. 632

By Rep. Seymour of Sutton,

House bill, entitled

An act relating to exempting all Social Security benefits for all Vermonters

To the Committee on Ways and Means.

H. 633

By Reps. Dolan of Waitsfield and Satcowitz of Randolph,

House bill, entitled

An act relating to erosion control certification for excavation contractors

To the Committee on Natural Resources, Fish, and Wildlife.

H. 634

By Rep. Till of Jericho,

House bill, entitled

An act relating to pregnancy center fraud

To the Committee on Human Services.

H. 635

By Reps. Colston of Winooski, Mrowicki of Putney, Anthony of Barre City, Bluemle of Burlington, Christie of Hartford, Cina of Burlington, Copeland Hanzas of Bradford, Donnally of Hyde Park, Lippert of Hinesburg, McCormack of Burlington, Patt of Worcester, Stebbins of Burlington, Troiano of Stannard, and Vyhovsky of Essex,

House bill, entitled

An act relating to secondary enforcement of minor traffic offenses

To the Committee on Judiciary.

H. 636

By Reps. Page of Newport City, Anthony of Barre City, Chase of Colchester, Cupoli of Rutland City, Goldman of Rockingham, Hango of Berkshire, Harrison of Chittenden, Houghton of Essex, Labor of Morgan, Morgan, L. of Milton, Morgan, M. of Milton, Mrowicki of Putney, Nicoll of Ludlow, Peterson of Clarendon, Rosenquist of Georgia, Seymour of Sutton, and Yantachka of Charlotte,

House bill, entitled

An act relating to establishing the Vermont Imagination Library

To the Committee on Education.

H. 637

By Reps. Noyes of Wolcott, Donahue of Northfield, and Goldman of Rockingham,

House bill, entitled

An act relating to increasing income eligibility thresholds for the Medicare Savings Programs

To the Committee on Human Services.

H. 638

By Reps. Page of Newport City, Anthony of Barre City, Bongartz of Manchester, Chase of Colchester, Hango of Berkshire, Harrison of Chittenden, Houghton of Essex, Labor of Morgan, Morgan, L. of Milton, Morgan, M. of Milton, Nicoll of Ludlow, Rosenquist of Georgia, Seymour of Sutton, and Smith of Derby,

House bill, entitled

An act relating to a direct-to-consumer spirits shipping license

To the Committee on General, Housing, and Military Affairs.

H. 639

By Reps. Noyes of Wolcott and Wood of Waterbury,

House bill, entitled

An act relating to payment reform for adult day service providers

To the Committee on Human Services.

H. 640

By Reps. Cina of Burlington, Burrows of West Windsor, Christie of Hartford, Colburn of Burlington, Troiano of Stannard, and Vyhovsky of Essex,

House bill, entitled

An act relating to creating tenant rights to purchase an apartment building

To the Committee on General, Housing, and Military Affairs.

H. 641

By Reps. Notte of Rutland City, Mulvaney-Stanak of Burlington, Anthony of Barre City, Bluemle of Burlington, Bos-Lun of Westminster, Burrows of West Windsor, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Colburn of Burlington, Colston of Winooski, Cordes of Lincoln, Dolan of Waitsfield, Elder of Starksboro, Jerome of Brandon, Killackey of South Burlington, Masland of Thetford, Morris of Springfield, Mrowicki of Putney, Nicoll of Ludlow, Small of Winooski, Surprenant of Barnard, Troiano of Stannard, Vyhovsky of Essex, White of Hartford, Wood of Waterbury, and Yantachka of Charlotte,

House bill, entitled

An act relating to public schools' or public postsecondary schools' mascots, nicknames, logos, letterhead, and team names

To the Committee on Education.

H. 642

By Reps. Smith of New Haven, Elder of Starksboro, Norris of Sheldon, and Parsons of Newbury,

House bill, entitled

An act relating to utility-terrain vehicles

To the Committee on Transportation.

H. 643

By Reps. Bluemle of Burlington, Stebbins of Burlington, Anthony of Barre City, Colburn of Burlington, Mulvaney-Stanak of Burlington, and Rachelson of Burlington,

House bill, entitled

An act relating to the governance of the Vermont State Colleges and the University of Vermont

To the Committee on Education.

H. 644

By Reps. Nicoll of Ludlow, Colburn of Burlington, Anthony of Barre City, Bartholomew of Hartland, Bluemle of Burlington, Bos-Lun of Westminster, Burke of Brattleboro, Burrows of West Windsor, Campbell of St. Johnsbury, Chase of Colchester, Christie of Hartford, Cina of Burlington, Colston of Winooski, Conlon of Cornwall, Cordes of Lincoln, Dolan of Essex, Donnally of Hyde Park, Elder of Starksboro, Hooper of Randolph, Hooper of Burlington, Houghton of Essex, Kitzmiller of Montpelier, Kornheiser of Brattleboro, McCormack of Burlington, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Pajala of Londonderry, Patt of Worcester, Rachelson of Burlington, Satcowitz of Randolph, Scheu of Middlebury, Sims of Craftsbury, Small of Winooski, Stebbins of Burlington, Surprenant of Barnard, Till of Jericho, Toleno of Brattleboro, Troiano of Stannard, Vyhovsky of Essex, White of Bethel, White of Hartford, and Yacovone of Morristown,

House bill, entitled

An act relating to decriminalization of a personal use supply of a regulated drug

To the Committee on Judiciary.

H. 645

By Reps. Cina of Burlington, Brumsted of Shelburne, Colburn of Burlington, Cordes of Lincoln, Dolan of Waitsfield, Elder of Starksboro, Houghton of Essex, Masland of Thetford, McCullough of Williston, Notte of Rutland City, Ode of Burlington, Rachelson of Burlington, Sims of Craftsbury, Small of Winooski, Surprenant of Barnard, Toleno of Brattleboro, and Vyhovsky of Essex,

House bill, entitled

An act relating to the creation of a scholarship program and pilot project for the preservation of the Abenaki language

To the Committee on Education.

H. 646

By Reps. Stebbins of Burlington, Anthony of Barre City, Burke of Brattleboro, Cordes of Lincoln, Elder of Starksboro, McCullough of Williston, Mrowicki of Putney, Patt of Worcester, and Yantachka of Charlotte,

House bill, entitled

An act relating to joining the Transportation and Climate Initiative

To the Committee on Transportation.

H. 647

By Reps. Stebbins of Burlington, Anthony of Barre City, Burke of Brattleboro, Cordes of Lincoln, Elder of Starksboro, McCullough of Williston, Mrowicki of Putney, Patt of Worcester, and Yantachka of Charlotte,

House bill, entitled

An act relating to funds collected from cap-and-invest programs

To the Committee on Transportation.

H. 648

By Rep. Burditt of West Rutland,

House bill, entitled

An act relating to funding for the Vermont Internet Crimes Against Children (VT-ICAC) Task Force

To the Committee on Judiciary.

H. 649

By Reps. Noyes of Wolcott, Surprenant of Barnard, Colburn of Burlington, Mulvaney-Stanak of Burlington, Pearl of Danville, Small of Winooski, and Vyhovsky of Essex,

House bill, entitled

An act relating to motor vehicle inspections

To the Committee on Transportation.

H. 650

By Reps. McCullough of Williston, Stebbins of Burlington, and Rachelson of Burlington,

House bill, entitled

An act relating to prohibiting perfluoroalkyl and polyfluoroalkyl substances in products to be sold in Vermont and the use and import of wastes containing microplastics

To the Committee on Natural Resources, Fish, and Wildlife.

H. 651

By Reps. Christie of Hartford, Cina of Burlington, Vyhovsky of Essex, Bos-Lun of Westminster, Burke of Brattleboro, Burrows of West Windsor, Colburn of Burlington, Dolan of Essex, Houghton of Essex, Small of Winooski, and Surprenant of Barnard,

House bill, entitled

An act relating to environmental justice in Vermont

To the Committee on Natural Resources, Fish, and Wildlife.

H. 652

By Rep. Pugh of South Burlington,

House bill, entitled

An act relating to physician assistant licensure by endorsement

To the Committee on Health Care.

H. 653

By Rep. Lefebvre of Newark,

House bill, entitled

An act relating to the creation of an ecological management qualification for the Use Value Appraisal program

To the Committee on Agriculture and Forestry.

Committee Bills Introduced

H. 654

By the Committee on Health Care,

House bill, entitled

An act relating to extending COVID-19 health care regulatory flexibility

Was read, and pursuant to Rule 48, placed on the Calendar for Notice.

H. 655

By the Committee on Health Care,

House bill, entitled

An act relating to establishing a telehealth licensure and registration system

Was read, and pursuant to Rule 48, placed on the Calendar for Notice.

Bill Referred to Committee on Appropriations**H. 410**

House bill, entitled

An act relating to the creation of the Artificial Intelligence Commission

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

Joint Resolution Referred to Committee**J.R.H. 11**

Joint resolution urging Congress and the states to adopt a U.S. constitutional amendment establishing nine as the number of U.S. Supreme Court justices

Offered by: Representative Lefebvre of Orange

Whereas, Art. III, § 1 of the United States Constitution established that “the judicial power of the United States shall be vested in one Supreme Court,” but the number of U.S. Supreme Court justices was not specified, and

Whereas, in the Judiciary Act of 1789, the U.S. Congress first set the number of U.S. Supreme Court justices, and since 1869, the number of justices has been nine, and

Whereas, in 1937, President Franklin Roosevelt proposed that Congress provide for the appointment of a maximum of six additional U.S. Supreme Court justices, one for each current justice who was at least 70 years and six months old and had served for a minimum of 10 years, and

Whereas, this legislation, which some persons viewed as President Roosevelt attempting to pack the U.S. Supreme Court with justices who would make favorable rulings, failed to garner broad public support or even receive a congressional vote, and

Whereas, on April 9, 2021, President Biden issued Executive Order 14023, establishing the Presidential Commission on the Supreme Court of the United

States, and one of the Commission's charges was to examine the size of the Court's membership, and

Whereas, in its draft report, this ideologically diverse Commission acknowledged Congress's "broad power" to change the size of the Court, but commented that expanding the Court would be likely to threaten the Supreme Court's legitimacy, and further opined "there are significant reasons to be skeptical that expansion would serve democratic values," and

Whereas, in furtherance of retaining the current size of the U.S. Supreme Court, a bipartisan coalition of over 1,000 elected officials nationwide has urged the adoption of a U.S. constitutional amendment establishing the number of U.S. Supreme Court justices at nine, and

Whereas, members of Congress in both chambers have introduced resolutions to initiate this constitutional amendment process, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress and the states to adopt a U.S. constitutional amendment establishing nine as the number of U.S. Supreme Court justices, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Keep Nine organization and the Vermont Congressional Delegation.

Was read and, in the Speaker's discretion pursuant to Rule 52, treated as bill and referred to the Committee on Government Operations.

House Resolution Read

H.R. 14

House resolution, entitled

House resolution authorizing specified, time-limited remote operation of the House of Representatives and House committees

Offered by: Committee on Rules

Whereas, the ongoing COVID-19 pandemic, and in particular the anticipated impact of the highly-transmissible COVID-19 Omicron variant, poses a risk to the health and safety of House members, legislative staff, and members of the public, and the height of this risk is expected to last through the next two weeks, and

Whereas, the House Committee on Rules needs the flexibility to meet remotely as necessary in order to respond to the impacts of the COVID-19 pandemic, *now therefore be it*

Resolved by the House of Representatives:

That the House of Representatives shall continue to operate remotely, *and be it further*

Resolved: That the House of Representatives authorizes a member of a House committee to debate and vote remotely in their committee if the member confirms with the member's committee chair that the member must be absent from committee due to symptomatic illness or direct COVID-19-related circumstances, *and be it further*

Resolved: That the Committee on Rules is authorized to meet remotely as necessary to address COVID-19-related matters that may impact the operation of the House and its committees, *and be it further*

Resolved: That the remote authority set forth in this resolution shall remain in effect through Tuesday, February 1, 2022.

Was read.

Recess

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

At eleven and thirty-seven minutes in the forenoon, the Speaker called the House to order.

Consideration Resumed; Amendment Disagreed To; Resolution Adopted

H.R. 14

Consideration resumed on House resolution, entitled

House resolution authorizing specified, time-limited remote operation of the House of Representatives and House committees

Pending the question, Shall the House adopt the resolution?, **Rep. McCullough of Williston** moved to amend the resolution as follows:

First: By striking out the second Whereas clause.

Second: By striking out all of the Resolved clauses and inserting in lieu thereof the following:

Resolved by the House of Representatives:

That the House of Representatives and its committees shall continue to operate remotely through Tuesday, February 1, 2022.

Pending the question, Shall the resolution be amended as offered by Rep. McCullough of Williston?, **Rep. McCullough of Williston** 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 resolution be amended as offered by Rep. McCullough of Williston?, was decided in the negative. Yeas, 30. Nays, 112.

Those who voted in the affirmative are:

Anthony of Barre City	McFaun of Barre Town	Surprenant of Barnard
Arrison of Weathersfield	Morris of Springfield	Taylor of Colchester
Bock of Chester	Morrissey of Bennington	Terenzini of Rutland Town
Brady of Williston	Mulvaney-Stanak of	Till of Jericho
Brownell of Pownal	Burlington	Výhovský of Essex
Cina of Burlington	O'Brien of Tunbridge	Walz of Barre City
Colburn of Burlington	Page of Newport City	White of Bethel
Howard of Rutland City	Rachelson of Burlington *	Yacovone of Morristown
Lefebvre of Newark	Seymour of Sutton	Yantachka of Charlotte
Masland of Thetford	Sims of Craftsbury	
McCullough of Williston	Sullivan of Dorset	

Those who voted in the negative are:

Achey of Middletown	Goldman of Rockingham	Nigro of Bennington
Springs	Goslant of Northfield	Norris of Sheldon
Ancel of Calais	Grad of Moretown	Norris of Shoreham
Austin of Colchester	Graham of Williamstown	Notte of Rutland City
Bartholomew of Hartland	Gregoire of Fairfield	Noyes of Wolcott
Beck of St. Johnsbury	Hango of Berkshire	Ode of Burlington
Birong of Vergennes	Harrison of Chittenden	Pajala of Londonderry
Black of Essex	Helm of Fair Haven	Palasik of Milton
Bluemle of Burlington	Hooper of Montpelier	Parsons of Newbury
Bongartz of Manchester	Hooper of Randolph	Partridge of Windham
Bos-Lun of Westminster	Hooper of Burlington	Patt of Worcester
Brennan of Colchester	Houghton of Essex	Pearl of Danville
Briglin of Thetford	James of Manchester	Peterson of Clarendon
Brown of Richmond	Jerome of Brandon	Pugh of South Burlington
Burditt of West Rutland	Jessup of Middlesex	Rogers of Waterville
Burke of Brattleboro	Killacky of South Burlington	Satcowitz of Randolph
Burrows of West Windsor	Kimbell of Woodstock	Scheu of Middlebury
Campbell of St. Johnsbury	Kornheiser of Brattleboro	Scheuermann of Stowe
Canfield of Fair Haven	Labor of Morgan	Shaw of Pittsford
Chase of Colchester	LaClair of Barre Town	Sheldon of Middlebury
Christie of Hartford	LaLonde of South	Sibilia of Dover
Coffey of Guilford	Burlington	Small of Winooski

Colston of Winooski	Lanpher of Vergennes	Smith of Derby
Conlon of Cornwall	Lefebvre of Orange	Smith of New Haven
Copeland Hanzas of Bradford	Leffler of Enosburgh	Squirrell of Underhill
Corcoran of Bennington	Lippert of Hinesburg	Stebbins of Burlington
Cordes of Lincoln	Long of Newfane	Stevens of Waterbury
Cupoli of Rutland City	Marcotte of Coventry	Strong of Albany
Dolan of Essex	Martel of Waterford	Toleno of Brattleboro
Dolan of Waitsfield	Martin of Franklin	Toof of St. Albans Town
Donahue of Northfield	Mattos of Milton	Townsend of South Burlington
Donnally of Hyde Park	McCarthy of St. Albans City	Troiano of Stannard
Durfee of Shaftsbury	McCormack of Burlington	Webb of Shelburne
Elder of Starksboro	McCoy of Poultney	White of Hartford
Emmons of Springfield	Morgan, L. of Milton	Whitman of Bennington
Fagan of Rutland City	Morgan, M. of Milton	Williams of Granby
Feltus of Lyndon	Mrowicki of Putney	Wood of Waterbury
Gannon of Wilmington	Murphy of Fairfax	
	Nicoll of Ludlow	

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

Brumsted of Shelburne	Town	Kitzmiller of Montpelier
Dickinson of St. Albans	Higley of Lowell	Rosenquist of Georgia

Rep. Rachelson of Burlington explained her vote as follows:

“Madam Speaker:

With all due respect and gratitude to you and the members of the House Rules Committee for your well thought out proposal. Having people make their own decision about coming in if they are “comfortable” doesn’t unfortunately do anything to stop the spread of COVID. Comfortable and noncontagious do not go hand in hand. I cannot in good conscience, add one more burden to our health care system and our health care workers. The system is short staffed, and workers are exhausted from saving lives and treating people from everything they normally do, to treating COVID patients. I will continue to advocate for a statewide mask mandate, and other measures so that Vermont workers do not have to choose between their safety and their paycheck.”

Thereupon, the resolution was adopted.

Bills Recommended

H. 654

House bill, entitled

An act relating to extending COVID-19 health care regulatory flexibility

Pending appearance on the Notice Calendar, **Rep. Lippert of Hinesburg** moved to recommit the bill to the Committee on Health Care, which was agreed to.

H. 655

House bill, entitled

An act relating to establishing a telehealth licensure and registration system

Pending appearance on the Notice Calendar, **Rep. Lippert of Hinesburg** moved to recommit the bill to the Committee on Health Care, which was agreed to.

Action on Bill Postponed

H. 157

House bill, entitled

An act relating to registration of construction contractors

Was taken up, and pending consideration of the Senate proposal of amendment, on motion of **Rep. Troiano of Stannard**, action on the bill was postponed until January 18, 2022.

Recess

At twelve o'clock and forty-eight minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

Committee Bill; Second Reading; Amendments Offered; Amendment Disagreed To; Bill Amended; Third Reading Ordered

H. 589

Rep. Gannon of Wilmington spoke for the Committee on Government Operations.

House bill, entitled

An act relating to reapportioning the initial districts of the House of Representatives

Having appeared on the Notice Calendar, was taken up, and read the second time.

Pending the question, Shall the bill be read a third time? **Rep. Toof of St. Albans Town and Rep. Scheuermann of Stowe** moved that the bill be

amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE FINDINGS

The General Assembly finds that:

(1) Pursuant to 17 V.S.A. § 1903, the State uses the U.S. decennial census data to reapportion the House of Representatives and the Senate.

(2) On October 15, 2021, the Legislative Apportionment Board voted 4-3-0 to approve an all single-member district map for distribution to cities, towns, and boards of civil authority as the Board's tentative House proposal prepared pursuant to 17 V.S.A. § 1905 and 2021 Acts and Resolves No. 11.

(3) On November 23, 2021, the Legislative Apportionment Board voted 4-3-0 to submit a revised all single-member district map to the General Assembly as the Board's recommended reapportionment map.

(4) On November 30, 2021, the Legislative Apportionment Board submitted the revised all single-member district map to the Clerk of the House as the Board's proposed plan for reapportionment of the House of Representatives pursuant to 17 V.S.A. § 1906.

Sec. 2. REAPPORTIONMENT; INITIAL HOUSE DISTRICTS

Notwithstanding any provision of law to the contrary, the General Assembly shall propose the all single-member districts reapportionment proposal submitted by the Legislative Apportionment Board to the Clerk of the House on November 30, 2021, to cities, towns, and boards of civil authority for purposes of taking testimony and requesting feedback on the reapportionment of the House of Representatives prior to the enactment of final districts.

Sec. 3. REAPPORTIONMENT; TIMELINE

Notwithstanding 2021 Acts and Resolves No. 11 or any other provision of law to the contrary, cities, towns, and boards of civil authority shall submit any proposals regarding the reapportionment of the House of Representatives to the House Committee on Government Operations on or before February 15, 2022.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Which was disagreed to on a vote by division: Yeas, 32, Nays, 90.

Thereafter, **Rep. Gannon of Wilmington** moved to amend the bill as follows:

First: In Sec. 2, reapportionment; initial House districts plan, following the section header, by inserting:

“(a) Notwithstanding any provision of law to the contrary, the House Committee on Government Operations shall send the multi-member districts reapportionment proposal submitted by the Legislative Apportionment Board to the Clerk of the House on January 6, 2022, and the all single-member districts reapportionment proposal submitted by the Legislative Apportionment Board to the Clerk of the House on November 30, 2021, to cities, towns, and boards of civil authority for purposes of taking testimony and requesting feedback on the reapportionment of the House of Representatives prior to the enactment of final districts.

(b)”

Second: In Sec. 2, reapportionment; initial House districts plan, following “subdivision of districts under 17 V.S.A. §§ 1906b–1906c:” by inserting

“District Towns and Cities Representatives”

Third: In Sec. 2, reapportionment; initial House districts plan, following “FRANKLIN-4” by striking out “Fairfield” and inserting in lieu thereof “Franklin”

Fourth: In Sec. 2, reapportionment; initial House districts plan, following “FRANKLIN-5 Bakersfield, Berkshire, Enosburgh,” by striking out “Franklin,”

Which was agreed to. Thereupon, third reading was ordered.

Adjournment

At two o'clock and nine minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, January 18, 2022, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 35.

Communication from the Governor

“January 11, 2022

The Honorable Jill Krowinski
Speaker of the House
115 State Street, Drawer 33
Montpelier, VT 05633-5301

Dear Speaker Krowinski:

I have the great honor to inform you that I have appointed Golrang (Rey) Garofano of Essex, Vermont to serve in the General Assembly representing House District Chittenden-8-1.

Sincerely,
/s/Philip B. Scott
Governor

PBS/tb

CC: James Condos, Secretary of State
BetsyAnn Wrask, Clerk of the House”

Tuesday, January 18, 2022

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

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Message from the Senate No. 8

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 36. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

The Governor has informed the Senate that on the 14th day of January, 2022, he approved and signed a bill originating in the Senate of the following title:

S. 172. An act relating to authorizing alternative procedures for 2022 annual municipal meetings in response to COVID-19.

New Member Announced and Appointed to Committee

Rep. Garofano of Essex, who was recently appointed by the Governor to fill the vacancy in Chittenden 8-1, having taken and subscribed the oath administered by the Clerk, as required by the Constitution and laws of the State, was seated and then appointed to the Committee on Human Services by the Speaker.

Rules Suspended

Pending first reading of the bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended to allow bills to be read the first time by number.

Recess

At ten o'clock and seven minutes in the forenoon, the Speaker declared a recess until the fall of the gavel to address connectivity issues.

At ten o'clock and twenty-five minutes in the forenoon, the Speaker called the House to order.

House Bills Introduced**H. 656**

By Rep. Hooper of Burlington,
House bill, entitled

An act relating to the publication of State, county, and municipal notices on electronic news media

Was read the first time and referred to the Committee on Government Operations.

H. 657

By Reps. Ode of Burlington, Smith of Derby, Page of Newport City, Durfee of Shaftsbury, Hango of Berkshire, and O'Brien of Tunbridge,

House bill, entitled

An act relating to the designation of a lake in crisis

Was read the first time and referred to the Committee on Natural Resources, Fish, and Wildlife.

H. 658

By Reps. Vyhovsky of Essex and Surprenant of Barnard,
House bill, entitled

An act relating to providing Medicaid-equivalent coverage to all Vermonters

Was read the first time and referred to the Committee on Health Care.

H. 659

By Reps. Vyhovsky of Essex, Small of Winooski, Burrows of West Windsor, Cina of Burlington, Colburn of Burlington, Cordes of Lincoln, Donnally of Hyde Park, Mulvaney-Stanak of Burlington, Rachelson of Burlington, and Surprenant of Barnard,

House bill, entitled

An act relating to allowing minors to consent to nonsurgical, gender-affirming care

Was read the first time and referred to the Committee on Health Care.

H. 660

By Reps. Vyhovsky of Essex, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Colston of Winooski, Mulvaney-Stanak of Burlington, Small of Winooski, and Surprenant of Barnard,

House bill, entitled

An act relating to creating municipal and regional civilian oversight of law enforcement

Was read the first time and referred to the Committee on Government Operations.

H. 661

By Reps. Vyhovsky of Essex, Anthony of Barre City, Bluemle of Burlington, Bos-Lun of Westminster, Burrows of West Windsor, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Mulvaney-Stanak of Burlington, Rachelson of Burlington, Surprenant of Barnard, and Troiano of Stannard,

House bill, entitled

An act relating to licensure of mental health professionals

Was read the first time and referred to the Committee on Government Operations.

H. 662

By Reps. Vyhovsky of Essex and Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to studying an expansion of the Vermont State Employees' Retirement System

Was read the first time and referred to the Committee on Government Operations.

H. 663

By Reps. Lefebvre of Orange, Achey of Middletown Springs, Brennan of Colchester, Morgan, M. of Milton, and Parsons of Newbury,

House bill, entitled

An act relating to false statements made in connection with petitions for relief from abuse

Was read the first time and referred to the Committee on Judiciary.

H. 664

By Reps. Masland of Thetford and Mrowicki of Putney,

House bill, entitled

An act relating to jurors' compensation

Was read the first time and referred to the Committee on Judiciary.

H. 665

By Rep. Notte of Rutland City,

House bill, entitled

An act relating to court appearances by misdemeanor defendants receiving residential substance use disorder treatment

Was read the first time and referred to the Committee on Judiciary.

H. 666

By Reps. Ode of Burlington, Burke of Brattleboro, Coffey of Guilford, Black of Essex, Brumsted of Shelburne, Dolan of Essex, Dolan of Waitsfield, Goldman of Rockingham, Houghton of Essex, Howard of Rutland City, Jerome of Brandon, Jessup of Middlesex, Mulvaney-Stanak of Burlington, Sheldon of Middlebury, and Stebbins of Burlington,

House bill, entitled

An act relating to sexual harassment and assault in the Vermont National Guard

Was read the first time and referred to the Committee on General, Housing, and Military Affairs.

H. 667

By Reps. Jerome of Brandon, Dolan of Waitsfield, Nicoll of Ludlow, and Notte of Rutland City,

House bill, entitled

An act relating to enacting the Uniform Restrictive Employment Agreements Act

Was read the first time and referred to the Committee on Commerce and Economic Development.

H. 668

By Reps. Stevens of Waterbury, Anthony of Barre City, Bluemle of Burlington, Bos-Lun of Westminster, Brumsted of Shelburne, Burke of Brattleboro, Burrows of West Windsor, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Donahue of Northfield, Killacky of South Burlington, Lippert of Hinesburg, McCullough of Williston, Mrowicki of Putney, Notte of Rutland City, Sims of Craftsbury, Sullivan of Dorset, Toleno of Brattleboro, Troiano of Stannard, White of Bethel, White of Hartford, and Wood of Waterbury,

House bill, entitled

An act relating to the protection of Abenaki sacred sites

Was read the first time and referred to the Committee on General, Housing, and Military Affairs.

H. 669

By Rep. Ode of Burlington,

House bill, entitled

An act relating to employee scheduling

Was read the first time and referred to the Committee on General, Housing, and Military Affairs.

H. 670

By Reps. Ode of Burlington, Bluemle of Burlington, and Killacky of South Burlington,

House bill, entitled

An act relating to employee expense reimbursement

Was read the first time and referred to the Committee on General, Housing, and Military Affairs.

H. 671

By Rep. Scheuermann of Stowe,

House bill, entitled

An act relating to allowing dogs on the patios of food establishments

Was read the first time and referred to the Committee on Human Services.

H. 672

By Reps. Small of Winooski, Anthony of Barre City, Bluemle of Burlington, Brumsted of Shelburne, Burke of Brattleboro, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Donnally of Hyde Park, Kornheiser of Brattleboro, Mulvaney-Stanak of Burlington, Pajala of Londonderry, Surprenant of Barnard, Troiano of Stannard, Vyhovsky of Essex, Whitman of Bennington, and Wood of Waterbury,

House bill, entitled

An act relating to miscellaneous amendments to the Reach Up program

Was read the first time and referred to the Committee on Human Services.

H. 673

By Reps. Stebbins of Burlington, Rogers of Waterville, Birong of Vergennes, Bock of Chester, Conlon of Cornwall, Durfee of Shaftsbury, Hango of Berkshire, Jerome of Brandon, Parsons of Newbury, Rosenquist of Georgia, Seymour of Sutton, Sibilia of Dover, Sims of Craftsbury, White of Bethel, Williams of Granby, and Wood of Waterbury,

House bill, entitled

An act relating to permits for overweight and overlength motor vehicles

Was read the first time and referred to the Committee on Transportation.

H. 674

By Reps. Burke of Brattleboro, Sibilia of Dover, Stebbins of Burlington, and White of Hartford,

House bill, entitled

An act relating to requiring the removal of snow and ice from vehicles operated on public highways

Was read the first time and referred to the Committee on Transportation.

H. 675

By Rep. Austin of Colchester,

House bill, entitled

An act relating to excessive motor vehicle noise

Was read the first time and referred to the Committee on Transportation.

H. 676

By Reps. Jerome of Brandon, Anthony of Barre City, Black of Essex, Bos-Lun of Westminster, Brumsted of Shelburne, Burrows of West Windsor, Coffey of Guilford, Dolan of Waitsfield, Durfee of Shaftsbury, Hooper of Burlington, Masland of Thetford, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Ode of Burlington, Patt of Worcester, Sims of Craftsbury, Sullivan of Dorset, White of Bethel, and Wood of Waterbury,

House bill, entitled

An act relating to child care capacity development grants

Was read the first time and referred to the Committee on Human Services.

H. 677

By Reps. Whitman of Bennington, Anthony of Barre City, Bluemle of Burlington, Brumsted of Shelburne, Campbell of St. Johnsbury, Coffey of Guilford, Cordes of Lincoln, Dolan of Waitsfield, Durfee of Shaftsbury, Elder of Starksboro, Houghton of Essex, Jerome of Brandon, Masland of Thetford, Mrowicki of Putney, Nicoll of Ludlow, Noyes of Wolcott, Ode of Burlington, Pajala of Londonderry, Rachelson of Burlington, Scheu of Middlebury, Sheldon of Middlebury, Small of Winooski, White of Hartford, Wood of Waterbury, and Yacovone of Morristown,

House bill, entitled

An act relating to regulating cosmetic products containing certain chemicals and chemical classes

Was read the first time and referred to the Committee on Human Services.

H. 678

By Reps. Mulvaney-Stanak of Burlington, Rogers of Waterville, Burke of Brattleboro, Chase of Colchester, Christie of Hartford, Colburn of Burlington, Donnally of Hyde Park, Goldman of Rockingham, Kitzmiller of Montpelier, Leffler of Enosburgh, Nicoll of Ludlow, Notte of Rutland City, Seymour of Sutton, Sibilias of Dover, Sims of Craftsbury, Small of Winooski, Surprenant of Barnard, Vyhovsky of Essex, White of Hartford, and Whitman of Bennington,

House bill, entitled

An act relating to legislator compensation and benefits

Was read the first time and referred to the Committee on Government Operations.

Committee Bill Introduced

H. 679

By the Committee on Appropriations,

House bill, entitled

An act relating to fiscal year 2022 budget adjustments

Was read, and pursuant to House Rule 48, placed on the Notice Calendar.

Second Reading

H. 74

Rep. Nigro of Bennington, for the Committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to making miscellaneous changes concerning self-storage businesses

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

Sec. 1. 9 V.S.A. chapter 98 is amended to read:

CHAPTER 98. STORAGE UNITS

§ 3901. DEFINITIONS

As used in this chapter, ~~the following terms shall have the following meanings:~~

(1) “Default” means the violation or failure to perform a duty or obligation created in this chapter or in a rental agreement.

(2) “Electronic mail” means the transmission of information through computer or other electronic means or a communication sent to a person identified by a unique electronic address.

(3) “Last known address” means that the mailing address, and the e-mail address if applicable, provided by the occupant in the a rental agreement or the address provided by the occupant in a subsequent written notice of a change of address.

(4)(A) “Late fee” means a fee or charge assessed for an occupant’s failure to pay rent or other fees, charges, or expenses when due.

(B) “Late fee” does not include:

(i) interest on a debt;

(ii) reasonable expenses, fees, or charges incurred in the collection of unpaid rent or expenses; or

(iii) fees or charges associated with the enforcement of any other remedy provided by law or a rental agreement.

~~(2)(5)~~ “Occupant” means a person, successor, assignee, agent, or representative entitled to the use of the storage space in a self-storage facility under a rental agreement to the exclusion of others.

~~(3)(6)~~ “Owner” means the owner, operator, lessor, or sublessor of a self-storage facility, an agent, or any other person authorized by the owner to manage the facility or to receive rent from an occupant under a rental agreement.

(7) “Personal information” means written information about a person that is not publicly available and that readily identifies that person or is closely associated with that person, including a Social Security number, credit or debit card information, a bank account number, medical information, or passport information.

~~(4)(8)~~ “Personal property” means movable property not affixed to land, and includes goods, merchandise, and household items.

~~(5)(9)~~ “Rental agreement” means ~~any a~~ written agreement that establishes or modifies the terms, conditions, rules, or any other provision concerning the use and occupancy of ~~a self-storage facility~~ storage space.

~~(6)(10)(A)~~ “Self-storage facility” means ~~any~~ real property designed and used for the purpose of renting or leasing individual storage space to ~~occupants who are to have access to such space for the purpose of storing and removing personal property~~ an occupant.

~~(B) A self-storage facility is not a “warehouse” as used in Article 7 of the Uniform Commercial Code (U.C.C.) as codified in Title defined in 9A V.S.A. § 7-102. If an owner issues any warehouse receipt, bill of lading, or other document of title for the personal property stored, the owner and the occupant are subject to the U.C.C., and this act does not apply.~~

(11) “Storage space” means the individual space at a self-storage facility that is rented to an occupant under a rental agreement.

§ 3902. RESIDENTIAL PURPOSES

(a) ~~No occupant shall~~ An occupant shall not use storage space at a self-storage facility for residential purposes.

(b) ~~No owner shall~~ An owner shall not knowingly permit the use of a storage space at a self-storage facility to be used for residential purposes.

§ 3903. DISCLOSURES

(a) A rental agreement shall contain the following:

(1) ~~The~~ the name and address of the owner and occupant;:

(2) ~~The~~ the actual monthly occupancy charge, rent, or lease amount for the storage space provided, expressed in dollars;:

(3) ~~An itemization of other charges imposed or which may be imposed in connection with~~

(A) disclosure of the charges the owner may impose for the occupancy;:

(B) a description of the charges, including any security deposit and the conditions for retaining or returning the deposit;

(C) whether the charges are mandatory or optional;: and

(D) the amount of each charge, expressed in dollars;:

(4) ~~A statement of a provision that states:~~

(A) whether property stored in the leased storage space is or is not insured by the owner against loss or damage; and

(B) of the requirement that the occupant must provide his or her own insurance for any property stored;: and

(5) ~~A statement advising notice to an occupant that:~~

(A) the occupant of the existence of the lien created by this chapter, this chapter creates a lien on property stored in the storage space;

(B) that the owner may sell the property stored in the leased storage space may be sold to satisfy the lien; and;

(C) that the owner shall not be is not liable for damage, loss, or alienation of items of sentimental nature or value; and

(D) if the owner offers notice by electronic mail, the occupant may elect to receive notice by electronic mail only by indicating the election in the rental agreement.

(b) If a rental agreement contains a limit on the value of property that may be stored in a storage space, the limit is deemed to be the maximum value of the property in the storage space and the maximum liability of the owner for any claim.

(c)(1) An owner may impose a late fee of not more than \$20.00 or 20 percent of a rental payment, whichever is greater, for each service period that an occupant does not pay the rent, charges, fees, or expenses when due.

(2) An owner shall not impose a late fee if the occupant pays the rent, charges, fees, and expenses in full not later than five days after the due date.

(3) An owner shall not impose a late fee unless the amount of the fee and the conditions for imposing that fee are stated in the rental agreement.

(d) Except as otherwise provided in a rental agreement, an occupant has the exclusive care, custody, and control of property in a storage space until the property is sold or otherwise disposed pursuant to this chapter.

(e) The disclosures required under subdivisions (a)(4) and (a)(5) and subsections (b)–(d) of this section shall be written in bold type and of a font size equal to or greater than the general text of the agreement.

§ 3904. LIEN

The owner of a self-storage facility

(a) An owner has a possessory lien upon all personal property located in a storage space at a self-storage facility for:

(1) rent;

(2) labor;

(3) late fees or other charges, present or future, in relation to relating to the personal property; and

(4) for expenses relevant to its preservation or expenses reasonably incurred in its arising from the preservation or sale of the property pursuant to this chapter.

(b) The lien created in this section attaches as of the date the personal property is brought to or placed in a regular storage space at a self-storage facility in accordance with the provisions of a valid an occupant stores personal property in a storage space pursuant to a rental agreement.

§ 3905. ENFORCEMENT OF LIEN

In the event of a default under the terms of a rental agreement, the lien created under this chapter may be enforced in accordance with the provisions

~~of this section~~ If an occupant defaults under a rental agreement, the owner may enforce the lien created in section 3904 of this title pursuant to this section.

(1) First notice of default. ~~No~~ Not sooner than seven days after a default, the owner shall notify the occupant ~~shall be notified~~ of the default by regular mail or electronic mail sent to ~~his or her~~ the occupant's last known address.

(2) Second notice of default.

~~(A)~~ No Not sooner than 14 days after mailing of the first notice, the owner shall notify the occupant ~~shall be notified~~ of the default by certified mail, first-class mail with a certificate of mailing, or electronic mail sent to ~~his or her~~ the occupant's last known address.

~~(B)~~ If the owner sent the second notice of default to the occupant by electronic mail and does not receive a response, return receipt, or delivery confirmation from the same electronic mail address within two days, then before proceeding with a sale, the owner shall send the notice to the occupant either by certified mail or by first-class mail with a certificate of mailing.

~~(C)~~ The second notice shall contain the following:

~~(A)(i)~~ An itemized statement of the owner's claim showing the sum due at the time of the notice and the date when the sum became due.

~~(B)(ii)~~ A brief and general description of the personal property subject to the lien. ~~There shall be no requirement~~ An owner is not required to describe the specific contents of a storage space in a self-storage facility beyond stating that it is the contents of a specific storage space in a specific self-storage facility rented by a specific occupant.

~~(C)(iii)~~ A notice of denial of access to the personal property, if such denial is permitted under the terms of the rental agreement.

~~(D)(iv)~~ A demand for payment within a specified time not less than ~~fifteen~~ 15 days after the mailing of the second notice of default.

~~(E)(v)~~ A conspicuous statement that unless the claim is paid in full within the time stated in the notice, the personal property will be advertised for sale and sold according to law.

(3) Advertisement. Except as otherwise provided in subdivision (C) or (D) of this subdivision (3):

(A) After the expiration of the time given in the second notice under subdivision (2) of this section, the owner shall publish an advertisement of the sale ~~shall be published~~ once a week for two consecutive weeks in the print or

electronic version of a newspaper of general circulation where the self-storage facility is located.

(B) The advertisement shall contain the following:

(A)(i) A a brief and general description of the personal property as provided in subdivision (2)(B) of this section-;

(B)(ii) ~~The~~ the address of the self-storage facility and;

(iii) the number, if any, of the space where the personal property is located;

(iv) the name of the occupant; and

(v) the time, place, and manner of the sale.

(C) ~~The time, place, and manner of the sale.~~ If there is no newspaper of general circulation where the self-storage facility is located, the owner shall post the advertisement ~~shall be posted~~ at least 15 days before the date of the sale at the town hall where the self-storage facility is located in ~~such fashion~~ the same manner as the auction sales of real property are posted.

(D) ~~A sale or other disposition of goods as provided for in this chapter shall not be defeated or deemed not in compliance with this provisions of this chapter if the owner attempted, but was not able to obtain personal service on those persons entitled to notice or if the certified mail return receipt is not signed by the person to whom notice must be sent, unless the owner fails to publish in accordance with this section.~~ As an alternative to the advertisement required in subdivisions (A)-(C) of this subdivision (3), an owner may advertise the sale of personal property in a commercially reasonable manner. For purposes of this subdivision (D), a manner of advertisement is commercially reasonable if three or more independent bidders attend or view the sale.

(4) Notice to other lienholders. Before the expiration of the time given in the second notice under subdivision (2) of this section, the owner shall determine whether the occupant owns any personal property subject to an active lien registered with the Vermont Secretary of State. If any such lien exists, the owner shall notify the lienholder ~~shall be notified~~ by certified mail not less than 21 days prior to the sale of the property. ~~Such~~ The notice shall include the following:

(A) A statement describing the property to be sold. There shall be no requirement to describe the specific contents of a storage space in a self-storage facility beyond stating that it is the contents of a specific storage space in a specific self-storage facility rented by a specific occupant.

(B) A statement of the lienholder's rights under this chapter.

(C) A statement of the time, place, and manner of the sale of the property.

(5) Delivery. For purposes of this chapter:

(A) notice by regular mail or first-class mail with a certificate of mailing is delivered when deposited with the U.S. Postal Service if the mail is properly addressed to the occupant's last known address and postage is prepaid; and

(B) notice by electronic mail is delivered when properly addressed and sent to an occupant's last known electronic mail address.

~~(6) Sale. Upon fulfillment of the notification and advertisement requirements of this section, sale of the personal property shall be permitted, provided the following conditions are met~~

(A) An owner that fulfills the notice and advertisement requirements of this section may sell personal property stored in a storage space, subject to the following conditions:

~~(A) The sale of the personal property shall take place~~

~~(i) the sale occurs not sooner than 15 days after the first publication advertisement under subdivision (3) of this section;~~

~~(B) Any sale of the personal property under this chapter shall conform~~

~~(ii) the sale conforms to the terms of all the notifications required under this section. If, or, if the sale will not or does not take place as provided for in the notifications, then the owner makes subsequent notifications shall be made in the same manner as the original notifications had been made, consistent with this section;~~

~~(iii) subject to subdivision (6)(C) of this section, the owner does not knowingly sell personal information contained in the storage space;~~

~~(C) Any sale of the personal property shall be~~

~~(iv) the sale is held at the self-storage facility, or at the nearest suitable place, or on a publicly accessible website;~~

~~(D) Any sale of the personal property shall be~~

(v) the owner does not purchase personal property at the sale; and

(vi) the sale is performed in a commercially reasonable manner, meaning the owner sells the goods in the usual manner in any recognized

market therefor, at the price current in such market at the time of the sale; or otherwise sold in conformity with.

(B) For purposes of subdivision (6)(A)(vi) of this section:

(i) A sale is commercially reasonable if it conforms to commercially reasonable practices within a recognized market for the goods or among dealers in the type of goods sold; however,

(ii) the The sale of more goods than apparently necessary to ensure satisfaction of the satisfy an occupant's obligation is not commercially reasonable unless necessary due to the nature of the goods being sold or the manner in which they are customarily sold.

(iii) The fact that an owner could obtain a better price could have been obtained by sale at a different time or by a different method from that selected by the owner is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner.

(C)(i) If an owner has a reasonable belief that storage space contains the personal information of an occupant or clients, customers, or others with whom the occupant does business, the owner shall not hold a lien sale of the personal information and may destroy the personal information without liability to any person.

(ii) Before taking possession of any personal property sold, a purchaser shall acknowledge that if any of the contents contain personal information, the purchaser will return the personal information to the owner, which the owner may destroy without liability to any person.

(E)(D) Any Except as provided in subdivision (7) of this section, an owner shall conduct a sale or disposition of a motor vehicle shall be performed pursuant to 23 V.S.A. chapter 21 and any a sale or disposition of a vessel, snowmobile, or all-terrain vehicle shall be performed pursuant to 23 V.S.A. chapter 36.

(7) Towing.

(A) If rent, charges, fees, or expenses remain unpaid after 51 days, an owner may have a vehicle, vessel, snowmobile, trailer, or all-terrain vehicle towed away by a towing company.

(B) Not later than five days after having personal property towed pursuant to this subdivision (7), an owner shall notify the occupant by regular mail or electronic mail at the occupant's last known address and shall include the name, address, and telephone number of the towing company.

(C) An owner has no liability to any person for having property towed or for damage to the property after the towing company takes possession of the property.

~~(6)~~(8) Right of satisfaction.

(A) Before any a sale of personal property pursuant to this chapter, the occupant may pay redeem the property by paying the amount necessary to satisfy the lien in full and the reasonable expenses incurred under this section, and thereby redeem the personal property.

(B) Upon receipt of such payment, the owner shall return the personal property, and thereafter the owner shall have no liability is not liable to any person with respect to such the personal property.

~~(7)~~(9) Proceeds in excess of lien amount.

(A) In the event of sale under this section, the An owner that sells property pursuant to this section:

(i) may satisfy the owner's lien from the proceeds of the sale, but; and

(ii) shall hold the balance, if any, for delivery on demand to the occupant.

(B) If the occupant does not claim the balance of the proceeds such funds shall be paid over, the owner shall deliver the balance without interest to the Treasurer of the State of Vermont in accordance with 27 V.S.A. chapter 14.

~~(8)~~(10) Rights of other lienholders. The holder of any perfected lien or security interest on personal property stored in the storage unit and registered with the Vermont Secretary of State may take possession of its lien property at any time prior to sale or other disposition.

~~(9)~~(11) Rights of purchasers. A purchaser in good faith of the personal property sold to satisfy a lien, ~~as provided elsewhere in this chapter,~~ takes the property free of any rights of persons against whom the lien was valid, despite noncompliance by the owner with the requirements of this chapter.

(12) Disposal of personal property. If an owner complies with the requirements of this section and a qualified buyer does not purchase the property offered for sale, the owner may dispose of the property without liability.

(13) Liability. An owner that has complied with the applicable provisions of this chapter is not liable to an occupant, lienholder, or any other person.

§ 3906. SCOPE; SUPPLEMENTAL NATURE OF CHAPTER

(a) If an owner issues a warehouse receipt, bill of lading, or other document of title for the personal property stored in a self-storage facility, the owner and the occupant are subject to Title 9A and this chapter does not apply.

(b) Nothing in this chapter shall be construed in any manner to impair or affect the right of parties to create liens by special contract or agreement, nor shall it in any manner affect or impair other liens arising at common law or in equity, or by any statute in this State.

* * *

Sec. 2. **EFFECTIVE DATE**

This act shall take effect on July 1, 2022.

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

Recess

At ten o'clock and thirty-two minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At ten o'clock and thirty-nine minutes in the forenoon, the Speaker called the House to order.

Consideration Resumed

H. 74

Consideration resumed on House bill, entitled

An act relating to making miscellaneous changes concerning self-storage businesses

Recess

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

At eleven o'clock and eleven minutes in the forenoon, the Speaker called the House to order.

Consideration Resumed; Bill Amended; Third Reading Ordered

H. 74

Consideration resumed on House bill, entitled

An act relating to making miscellaneous changes concerning self-storage businesses

Thereupon, the report of the Committee on Commerce and Economic Development was agreed to, and third reading ordered.

Action on Bill Postponed

H. 157

House bill, entitled

An act relating to registration of construction contractors

Was taken up, and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Troiano of Stannard**, action on the bill was postponed until January 19, 2022.

Third Reading; Bill Passed

H. 589

House bill, entitled

An act relating to reapportioning the initial districts of the House of Representatives

Was taken up, read the third time, and passed.

Committee Bill; Second Reading; Third Reading Ordered

H. 627

Rep. Kimbell of Woodstock spoke for the Committee on Commerce and Economic Development.

House bill, entitled

An act relating to the Vermont Economic Development Authority

Having appeared on the Calendar for Notice and appearing on the Calendar for Action, was taken up, read the second time, and third reading ordered.

Adjournment

At eleven and thirty-seven minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Wednesday, January 19, 2022

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

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Message from the Senate No. 9

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 224. An act relating to juvenile proceedings.

In the passage of which the concurrence of the House is requested.

The Governor has informed the Senate that on the 18th day of January, 2022, he approved and signed bills originating in the Senate of the following titles:

S. 222. An act relating to authorizing temporary Open Meeting Law procedures in response to COVID-19.

S. 223. An act relating to authorizing temporary elections procedures for annual meetings in the year 2022.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred to committee as follows:

H. 680

By Rep. Graham of Williamstown,

House bill, entitled

An act relating to obtaining a marriage license in any town in Vermont

To the Committee on Government Operations.

H. 681

By Reps. Scheuermann of Stowe, Birong of Vergennes, and Wood of Waterbury,

House bill, entitled

An act relating to the definition of "cider"

To the Committee on General, Housing, and Military Affairs.

H. 682

By Reps. McCormack of Burlington and Cina of Burlington,

House bill, entitled

An act relating to municipal authority to limit the increase of rental rates

To the Committee on Government Operations.

H. 683

By Rep. Gannon of Wilmington,

House bill, entitled

An act relating to deducting municipal fire and rescue services from the taxes collected in unorganized towns and gores

To the Committee on Government Operations.

H. 684

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to first- and third-class alcoholic beverage licenses for food trucks

To the Committee on General, Housing, and Military Affairs.

H. 685

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to exceptions to Vermont's tied-house law

To the Committee on General, Housing, and Military Affairs.

H. 686

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to parity in the manufacture and sale of alcoholic beverages

To the Committee on General, Housing, and Military Affairs.

H. 687

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to including lower alcohol fortified wines in the definition of "vinous beverages"

To the Committee on General, Housing, and Military Affairs.

H. 688

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to authorizing satellite tasting rooms for alcoholic beverage manufacturers

To the Committee on General, Housing, and Military Affairs.

H. 689

By Rep. McCormack of Burlington,

House bill, entitled

An act relating to requiring municipalities to adopt local enforcement plans

To the Committee on Government Operations.

H. 690

By Rep. Satcowitz of Randolph,

House bill, entitled

An act relating to amending the methods for notification of tax delinquency and tax sale proceedings

To the Committee on Ways and Means.

H. 691

By Reps. Birong of Vergennes, Hango of Berkshire, and Sibia of Dover,
House bill, entitled

An act relating to establishing qualifications for the Adjutant and Inspector
General

To the Committee on General, Housing, and Military Affairs.

Senate Bill Referred**S. 224**

Senate bill, entitled

An act relating to juvenile proceedings

Was read the first time and referred to the Committee on Judiciary.

**Joint Resolution Adopted; Rules Suspended;
Resolution Messaged to Senate Forthwith****J.R.H. 12**

Joint resolution amending the application of temporary Joint Rule 22A

Offered by: Representatives Long of Newfane and McCoy of Poultney

Resolved by the Senate and House of Representatives:

That Temporary Joint Rule 22A is amended to read as follows:

Rule 22A. ~~Emergency~~ Temporary Rule Regarding Joint Committee
Meetings

~~(a) The Joint Rules Committee is vested with the authority to permit any joint committees of the Vermont Legislature (including itself and Conference Committees) to meet and vote electronically as the Joint Rules Committee determines appropriate. If necessary, the Joint Rules Committee may make this authorization remotely in conformity with this Rule. A member of a joint committee may debate and vote remotely in that committee if the member confirms with the committee's chair or co-chairs, as applicable, that the member must be absent from committee due to symptomatic illness or direct COVID-19-related circumstances.~~

~~(b) The authority of the Joint Rules Committee under this Rule 22A terminates on January 18, 2022. is authorized to meet remotely as necessary to address COVID-19-related matters that may impact the operation of the General Assembly and joint committees.~~

(c) The remote authority set forth in this rule shall remain in effect through Tuesday, February 1, 2022.

(d) Notwithstanding the provisions of subsection ~~(b)~~ (c) of this rule, if the Governor thereafter reissues capacity restrictions at gatherings and events or requires masks and physical distancing in response to COVID-19, the Joint Rules Committee is ~~again~~ authorized to meet remotely and to permit any joint committees of the Legislature to meet and vote electronically as the Joint Rules Committee determines appropriate.

Was taken up and adopted on the part of the House.

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

Joint Resolution Adopted in Concurrence

J.R.S. 36

By Senator Balint,

J.R.S. 36. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 21, 2022, it be to meet again no later than Tuesday, January 25, 2022.

Was taken up, read, and adopted in concurrence.

Senate Proposal of Amendment Concurred in With a Further Amendment Thereto

H. 157

An act relating to registration of construction contractors

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

Sec. 1. FINDINGS

The General Assembly finds that:

(1) There is currently no master list of residential construction contractors operating in the State.

(2) There is no standard process for determining or adjudicating construction contract fraud complaints either on the part of contractors or consumers.

(3) Public authorities have no mechanism to contact all contractors

when necessary to provide updates to public health requirements, safe working protocols, codes and standards, and available trainings and certifications.

(4) Wide dissemination of information on codes, standards, and trainings is vital to improving construction techniques throughout the State's construction industry. Since building thermal conditioning represents over one-quarter of the State's greenhouse gas emissions, improving energy performance is a key strategy for meeting the requirements of the Global Warming Solutions Act, 2020 Acts and Resolves No. 153.

(5) While registration is not licensure and confers no assurance of competence, consumers have no way of knowing whether a contractor is operating legally or has been subject to civil claims or disciplinary actions.

(6) A noncommercial, standardized public listing will provide contractors an opportunity to include in their record optional third-party, State-sanctioned certifications.

Sec. 2. 3 V.S.A. § 122 is amended to read:

§ 122. OFFICE OF PROFESSIONAL REGULATION

The Office of Professional Regulation is created within the Office of the Secretary of State. The Office of Professional Regulation shall have a director who ~~shall be~~ is an exempt employee appointed by the Secretary of State ~~and shall be an exempt employee.~~ The following boards or professions are attached to the Office of Professional Regulation:

* * *

(50) Residential Contractors

Sec. 3. 26 V.S.A. chapter 107 is added to read:

CHAPTER 107. RESIDENTIAL CONTRACTORS

Subchapter 1. General Provisions

§ 5501. REGISTRATION REQUIRED

(a) A person shall register with the Office of Professional Regulation prior to contracting with a homeowner to perform residential construction in exchange for consideration of more than \$2,500.00, including labor and materials.

(b) Unless otherwise exempt under section 5502 of this title, as used in this chapter, "residential construction" means to build, demolish, or alter a residential dwelling unit, or a building or premises with four or fewer residential dwelling units, in this State, and includes interior and exterior construction, renovation, and repair; painting; paving; roofing; weatherization;

installation or repair of heating, plumbing, solar, electrical, water, or wastewater systems; and other activities the Office specifies by rule consistent with this chapter.

§ 5502. EXEMPTIONS

This chapter does not apply to:

(1) an employee acting within the scope of his or her employment for a business organization registered under this chapter;

(2)(A) a professional engineer, licensed architect, or tradesperson licensed, registered, or certified by the Department of Public Safety acting within the scope of his or her license, registration, or certification; or

(B) a business that performs residential construction if the work is performed primarily by or under the direct supervision of one or more employees who are individually exempt from registration under subdivision (2)(A) of this section;

(3) delivery or installation of consumer appliances, audio-visual equipment, telephone equipment, or computer network equipment;

(4) landscaping;

(5) work on a structure that is not attached to a residential building; or

(6) work that would otherwise require registration that a person performs in response to an emergency, provided the person applies for registration within a reasonable time after performing the work, as specified by rule.

§ 5503. MANDATORY REGISTRATION AND VOLUNTARY CERTIFICATION DISTINGUISHED

(a)(1) The system of mandatory registration established by this chapter is intended to protect against fraud, deception, breach of contract, and violations of law, but is not intended to establish standards for professional qualifications or workmanship that is otherwise lawful.

(2) The provisions of 3 V.S.A. § 129a, with respect to a registration, shall be construed in a manner consistent with the limitations of this subsection.

(b) The system of voluntary certification established in this chapter is intended to provide consumers and contractors with a publicly available, noncommercial venue for contractors to list optional approved certifications. The Director of Professional Regulation, in consultation with public safety officials and recognized associations or boards of builders, remodelers,

architects, and engineers, may:

(1) adopt rules providing for the issuance of voluntary certifications, as defined in subdivision 3101a(1) of this title, that signify demonstrated competence in particular subfields and specialties related to residential construction;

(2) establish minimum qualifications, and standards for performance and conduct, necessary for certification; and

(3) discipline a certificant for violating adopted standards or other law, with or without affecting the underlying registration.

Subchapter 2. Administration

§ 5505. DUTIES OF THE DIRECTOR

(a) The Director of Professional Regulation shall:

(1) provide information to the public concerning registration, certification, appeal procedures, and complaint procedures;

(2) administer fees established under this chapter;

(3) receive applications for registration or certification, issue registrations and certifications to applicants qualified under this chapter, deny or renew registrations or certifications, and issue, revoke, suspend, condition, and reinstate registrations and certifications as ordered by an administrative law officer; and

(4) prepare and maintain a registry of registrants and certificants.

(b) The Director, after consultation with the advisors appointed pursuant to section 5506 of this title, shall adopt rules to implement this chapter.

§ 5506. ADVISORS

(a) The Secretary of State shall appoint two persons pursuant to 3 V.S.A. § 129b to serve as advisors in matters relating to residential contractors and construction.

(b) To be eligible to serve, an advisor shall:

(1) register under this chapter;

(2) have at least three years' experience in residential construction immediately preceding appointment; and

(3) remain active in the profession during his or her service.

(c) The Director of Professional Regulation shall seek the advice of the advisors in implementing this chapter.

§ 5507. FEES

A person regulated under this chapter shall pay the following fees at initial application and biennial renewal:

(1) Registration, individual: \$75.00.

(2) Registration, business organization: \$250.00.

(3) State certifications: \$75.00 for a first certification and \$25.00 for each additional certification.

Subchapter 3. Registrations

§ 5508. ELIGIBILITY

To be eligible for registration, the Director of Professional Regulation shall find that the applicant is in compliance with the provisions of this chapter and applicable State law and has satisfied any judgment order related to the provision of professional services to a homeowner.

§ 5509. REQUIREMENTS OF REGISTRANTS

(a) Insurance. A person registered under this chapter shall maintain minimum liability insurance coverage in the amount of \$300,000.00 per claim and \$1,000,000.00 aggregate, evidence of which may be required as a precondition to issuance or renewal of a registration.

(b) Writing.

(1) A person registered under this chapter shall execute a written contract prior to receiving a deposit or commencing residential construction work if the estimated value of the labor and materials exceeds \$2,500.00.

(2) A contract shall specify:

(A) Price. One of the following provisions for the price of the contract:

(i) a maximum price for all work and materials;

(ii) a statement that billing and payment will be made on a time and materials basis, not to exceed a maximum price; or

(iii) a statement that billing and payment will be made on a time and materials basis and that there is no maximum price.

(B) Work dates. Estimated start and completion dates.

(C) Scope of work. A description of the services to be performed and a description of the materials to be used.

(D) Change order provision. A description of how and when

amendments to the contract may be approved and documented, as agreed by the parties.

(3) The parties shall document an amendment to the contract in a signed writing.

(c) Down payment.

(1) If a contract specifies a maximum price for all work and materials or a statement that billing and payment will be made on a time and materials basis, not to exceed a maximum price, the contract may require a down payment of up to one-half of the cost of labor to the consumer, or one-half of the price of materials, whichever is greater.

(2) If a contract specifies that billing and payment will be made on a time and materials basis and that there is no maximum price, the contract may require a down payment as negotiated by the parties.

§ 5510. PROHIBITIONS AND REMEDIES

(a) A person who does not register as required pursuant to this chapter may be subject to an injunction or a civil penalty, or both, for unauthorized practice as provided in 3 V.S.A. § 127(b).

(b) The Office of Professional Regulation may discipline a registrant or certificant for unprofessional conduct as provided in 3 V.S.A. § 129a, except that 3 V.S.A. § 129a(b) does not apply to a registrant.

(c) The following conduct by a registrant, certificant, applicant, or person who later becomes an applicant constitutes unprofessional conduct:

(1) failure to enter into a written contract when required by this chapter;

(2) failure to maintain liability or workers' compensation insurance as required by law;

(3) committing a deceptive act in commerce in violation of 9 V.S.A. § 2453;

(4) falsely claiming certification under this chapter, provided that this subdivision does not prevent accurate and nonmisleading advertising or statements related to credentials that are not offered by this State; and

(5) selling or fraudulently obtaining or furnishing a certificate of registration, certification, license, or any other related document or record, or assisting another person in doing so, including by reincorporating or altering a trade name for the purpose or with the effect of evading or masking revocation, suspension, or discipline against a registration issued under this chapter.

Sec. 4. IMPLEMENTATION

(a) Notwithstanding any contrary provision of 26 V.S.A. chapter 107:

(1) The initial biennial registration term for residential contractors pursuant to 26 V.S.A. chapter 107 shall begin on April 1, 2022.

(2) The Secretary of State may begin receiving applications for the initial registration term on December 1, 2021.

(3)(A) The registration fee for individuals who submit complete registration requests between December 1, 2021 and March 31, 2022 is \$25.00 and between April 1, 2022 and March 31, 2023, the fee is \$50.00.

(B) The registration fee for business organizations that submit complete registration requests between December 1, 2021 and March 31, 2022 is \$175.00 and between April 1, 2022 and March 31, 2023, the fee is \$200.00.

(4) Prior to April 1, 2023, the Office of Professional Regulation shall not take any enforcement action for unauthorized practice under 26 V.S.A. § 5510(a) against a residential contractor who fails to register as required by this act.

(b) On or before July 1, 2022, the Director of Professional Regulation shall establish an initial set of voluntary certifications, to include at minimum OSHA standards on construction projects and components of energy-efficient “green” building for insulators, carpenters, and heating and ventilation installers.

(c) The Office of Professional Regulation shall adopt and publish model contract provisions to be available to residential contractors and consumers.

(d) The Office of Professional Regulation shall collaborate with the Department of Public Safety and interested stakeholders to prepare and disseminate information, which the Office shall provide upon registration or certification, that:

(1) notifies registrants and certificants that the authorized practice of certain professions is subject to regulation by the Department of Public Safety, including through the licensure, registration, or certification of persons performing certain plumbing and electrical work; and

(2) specifies that registration or certification with the Office of Professional Regulation does not authorize a registrant or certificant to perform any work that requires a separate licensure, registration, or certification from the Department of Public Safety.

Sec. 5. CREATION OF POSITIONS WITHIN THE OFFICE OF
PROFESSIONAL REGULATION; LICENSING

(a) There are created within the Secretary of State's Office of Professional Regulation one new position in licensing and one new position in enforcement.

(b) In fiscal year 2022, the amount of \$200,000.00 in Office of Professional Regulation special funds is appropriated to the Secretary of State to fund the positions created in subsection (a) of this section.

Sec. 6. SECRETARY OF STATE; STATUS REPORT

On or before January 15, 2023, the Office of Professional Regulation shall report to the House Committee on General, Housing and Military Affairs and on Government Operations and to the Senate Committees on Economic Development, Housing and General Affairs and on Government Operations concerning the implementation of 26 V.S.A. chapter 107, including:

(1) the number of registrations and certifications;

(2) the resources necessary to implement the chapter;

(3) the number and nature of any complaints or enforcement actions;

(4) the potential design and implementation of a one-stop portal for contractors and consumers; and

(5) any other issues the Office deems appropriate.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

Rep. Troiano of Stannard moved that the House concur in the Senate proposal of amendment with further amendment thereto as follows:

First: In Sec. 2, 3 V.S.A. § 122, by striking out “(50)” and inserting in lieu thereof “(51)”

Second: By striking out Secs. 3–7 in their entireties and inserting in lieu thereof new Secs. 3–7 to read as follows:

Sec. 3. 26 V.S.A. chapter 106 is added to read:

CHAPTER 106. RESIDENTIAL CONTRACTORS

Subchapter 1. General Provisions

§ 5501. REGISTRATION REQUIRED

(a) A person shall register with the Office of Professional Regulation prior to contracting with a homeowner to perform residential construction in exchange for consideration of more than \$3,500.00, including labor and materials.

(b) Unless otherwise exempt under section 5502 of this title, as used in this chapter, “residential construction” means to build, demolish, or alter a residential dwelling unit, or a building or premises with four or fewer residential dwelling units, in this State, and includes interior and exterior construction, renovation, and repair; painting; paving; roofing; weatherization; installation or repair of heating, plumbing, solar, electrical, water, or wastewater systems; and other activities the Office specifies by rule consistent with this chapter.

§ 5502. EXEMPTIONS

This chapter does not apply to:

(1) an employee acting within the scope of his or her employment for a business organization registered under this chapter;

(2)(A) a professional engineer, licensed architect, or a tradesperson licensed, registered, or certified by the Department of Public Safety acting within the scope of his or her license, registration, or certification; or

(B) a business that performs residential construction if the work is performed primarily by or under the direct supervision of one or more employees who are individually exempt from registration under subdivision (2)(A) of this section;

(3) delivery or installation of consumer appliances, audio-visual equipment, telephone equipment, or computer network equipment;

(4) landscaping;

(5) work on a structure that is not attached to a residential building; or

(6) work that would otherwise require registration that a person performs in response to an emergency, provided the person applies for registration within a reasonable time after performing the work.

§ 5503. MANDATORY REGISTRATION AND VOLUNTARY

CERTIFICATION DISTINGUISHED

(a)(1) The system of mandatory registration established by this chapter is intended to protect against fraud, deception, breach of contract, and violations of law, but is not intended to establish standards for professional qualifications or workmanship that is otherwise lawful.

(2) The provisions of 3 V.S.A. § 129a, with respect to a registration, shall be construed in a manner consistent with the limitations of this subsection.

(b) The system of voluntary certification established in this chapter is intended to provide consumers and contractors with a publicly available, noncommercial venue for contractors to list optional approved certifications. The Director of Professional Regulation, in consultation with public safety officials and recognized associations or boards of builders, remodelers, architects, and engineers, may:

(1) adopt rules providing for the issuance of voluntary certifications, as defined in subdivision 3101a(1) of this title, that signify demonstrated competence in particular subfields and specialties related to residential construction;

(2) establish minimum qualifications, and standards for performance and conduct, necessary for certification; and

(3) discipline a certificant for violating adopted standards or other law, with or without affecting the underlying registration.

Subchapter 2. Administration

§ 5505. DUTIES OF THE DIRECTOR

(a) The Director of Professional Regulation shall:

(1) provide information to the public concerning registration, certification, appeal procedures, and complaint procedures;

(2) administer fees established under this chapter;

(3) receive applications for registration or certification, issue registrations and certifications to applicants qualified under this chapter, deny or renew registrations or certifications, and issue, revoke, suspend, condition, and reinstate registrations and certifications as ordered by an administrative law officer; and

(4) prepare and maintain a registry of registrants and certificants.

(b) The Director, after consultation with an advisor appointed pursuant to section 5506 of this title, may adopt rules to implement this chapter.

§ 5506. ADVISORS

(a) The Secretary of State shall appoint two persons pursuant to 3 V.S.A. § 129b to serve as advisors in matters relating to residential contractors and construction.

(b) To be eligible to serve, an advisor shall:

(1) register under this chapter;

(2) have at least three years' experience in residential construction immediately preceding appointment; and

(3) remain active in the profession during his or her service.

(c) The Director of Professional Regulation shall seek the advice of the advisors in implementing this chapter.

§ 5507. FEES

A person regulated under this chapter shall pay the following fees at initial application and biennial renewal:

(1) Registration, individual: \$75.00.

(2) Registration, business organization: \$250.00.

(3) State certifications: \$75.00 for a first certification and \$25.00 for each additional certification.

Subchapter 3. Registrations

§ 5508. ELIGIBILITY

To be eligible for registration, the Director of Professional Regulation shall find that the applicant is in compliance with the provisions of this chapter and applicable State law and has satisfied any judgment order related to the provision of professional services to a homeowner.

§ 5509. REQUIREMENTS OF REGISTRANTS

(a) Insurance. A person registered under this chapter shall maintain minimum liability insurance coverage in the amount of \$300,000.00 per claim and \$1,000,000.00 aggregate, evidence of which may be required as a precondition to issuance or renewal of a registration.

(b) Writing.

(1) A person registered under this chapter shall execute a written contract prior to receiving a deposit or commencing residential construction work if the estimated value of the labor and materials exceeds \$3,500.00.

(2) A contract shall specify:

(A) Price. One of the following provisions for the price of the contract:

(i) a maximum price for all work and materials;

(ii) a statement that billing and payment will be made on a time and materials basis, not to exceed a maximum price; or

(iii) a statement that billing and payment will be made on a time and materials basis and that there is no maximum price.

(B) Work dates. Estimated start and completion dates.

(C) Scope of work. A description of the services to be performed and a description of the materials to be used.

(D) Change order provision. A description of how and when amendments to the contract may be approved and documented, as agreed by the parties.

(3) The parties shall document an amendment to the contract in a signed writing.

(c) Down payment.

(1) If a contract specifies a maximum price for all work and materials or a statement that billing and payment will be made on a time and materials basis, not to exceed a maximum price, the contract may require a down payment of up to one-half of the cost of labor to the consumer, or one-half of the price of materials, whichever is greater.

(2) If a contract specifies that billing and payment will be made on a time and materials basis and that there is no maximum price, the contract may require a down payment as negotiated by the parties.

§ 5510. PROHIBITIONS AND REMEDIES

(a) A person who does not register as required pursuant to this chapter may be subject to an injunction or a civil penalty, or both, for unauthorized practice as provided in 3 V.S.A. § 127(b).

(b) The Office of Professional Regulation may discipline a registrant or certificant for unprofessional conduct as provided in 3 V.S.A. § 129a, except that 3 V.S.A. § 129a(b) does not apply to a registrant.

(c) The following conduct by a registrant, certificant, applicant, or person who later becomes an applicant constitutes unprofessional conduct:

(1) failure to enter into a written contract when required by this chapter;

(2) failure to maintain liability or workers' compensation insurance as required by law;

(3) committing a deceptive act in commerce in violation of 9 V.S.A. § 2453;

(4) falsely claiming certification under this chapter, provided that this subdivision does not prevent accurate and nonmisleading advertising or statements related to credentials that are not offered by this State; and

(5) selling or fraudulently obtaining or furnishing a certificate of registration, certification, license, or any other related document or record, or assisting another person in doing so, including by reincorporating or altering a trade name for the purpose or with the effect of evading or masking revocation, suspension, or discipline against a registration issued under this chapter.

Sec. 4. IMPLEMENTATION

(a) Notwithstanding any contrary provision of 26 V.S.A. chapter 106:

(1) The initial biennial registration term for residential contractors pursuant to 26 V.S.A. chapter 106 shall begin on April 1, 2023.

(2) The Secretary of State may begin receiving applications for the initial registration term on December 1, 2022.

(3)(A) The registration fee for individuals who submit complete registration requests between December 1, 2022 and March 31, 2023 is \$25.00 and between April 1, 2023 and March 31, 2024, the fee is \$50.00.

(B) The registration fee for business organizations that submit complete registration requests between December 1, 2022 and March 31, 2023 is \$175.00 and between April 1, 2023 and March 31, 2024, the fee is \$200.00.

(4) Prior to April 1, 2024, the Office of Professional Regulation shall not take any enforcement action for unauthorized practice under 26 V.S.A. § 5510(a) against a residential contractor who fails to register as required by this act.

(b) On or before July 1, 2023, the Director of Professional Regulation shall establish an initial set of voluntary certifications, to include at minimum OSHA standards on construction projects and components of energy-efficient “green” building for insulators, carpenters, and heating and ventilation installers.

Sec. 5. CREATION OF POSITIONS WITHIN THE OFFICE OF PROFESSIONAL REGULATION; LICENSING

(a) There are created within the Secretary of State’s Office of Professional Regulation one new position in licensing and one new position in enforcement.

(b) In fiscal year 2023, the amount of \$200,000.00 in Office of Professional Regulation special funds is appropriated to the Secretary of State to fund the positions created in subsection (a) of this section.

Sec. 6. SECRETARY OF STATE; STATUS REPORT

On or before January 15, 2024, the Office of Professional Regulation shall report to the House Committees on General, Housing, and Military Affairs and on Government Operations and to the Senate Committees on Economic Development, Housing and General Affairs and on Government Operations concerning the implementation of 26 V.S.A. chapter 106, including:

- (1) the number of registrations and certifications;
- (2) the resources necessary to implement the chapter;
- (3) the number and nature of any complaints or enforcement actions;
- (4) the potential design and implementation of a one-stop portal for contractors and consumers; and
- (5) any other issues the Office deems appropriate.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

Pending the question, Shall the House concur in the Senate proposal of amendment with further amendment thereto?, **Rep. Higley of Lowell** moved to amend the House proposal of amendment to the Senate proposal of amendment offered by Rep. Troiano of Stannard as follows:

First: By striking out 26 V.S.A. § 5509 in its entirety and inserting in lieu thereof a new section 5509 to read:

§ 5509. REQUIREMENTS OF REGISTRANTS

A person registered under this chapter shall maintain minimum liability insurance coverage in the amount of \$300,000.00 per claim and \$1,000,000.00 aggregate, evidence of which may be required as a precondition to issuance or renewal of a registration.

Second: In 26 V.S.A. § 5510(c) by striking out subdivision (1) in its entirety and re-designating the remaining subdivisions to be numerically correct.

Which was disagreed to in a vote by division: Yeas, 46; Nays, 75.

Rep. Long of Newfane presiding.

Rep. Krowinski of Burlington presiding.

Thereupon, the House concurred in the Senate proposal of amendment with further amendment thereto as offered by Rep. Troiano of Stannard in a vote by division: Yeas, 82; Nays, 45.

Bill Amended; Read Third Time; Bill Passed

H. 74

House bill, entitled

An act relating to making miscellaneous changes concerning self-storage businesses

Was taken up and, pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill in Sec. 1, 9 V.S.A. chapter 98, in subdivision 3905(6), by striking out subdivision (C) in its entirety and inserting in lieu thereof a new subdivision (C) to read as follows:

(C)(i) If an owner has a reasonable belief that storage space contains the personal information of an occupant or clients, customers, or others with whom the occupant does business, the owner shall not hold a lien sale of the personal information and may destroy the personal information without liability to any person.

(ii) Before the purchaser takes possession of any personal property sold, an owner shall provide notice and shall require written acknowledgment from the purchaser that, if any of the contents contain personal information, the purchaser shall return the personal information to the owner, which the owner may destroy without liability to any person.

Which was agreed to. Thereupon, the bill was read the third time and passed.

Bill Amended; Read Third Time; Bill Passed

H. 627

House bill, entitled

An act relating to the Vermont Economic Development Authority

Was taken up and, pending third reading of the bill, **Reps. Wood of Waterbury, Brumsted of Shelburne, Garofano of Essex, Gregoire of Fairfield, McFaun of Barre Town, Noyes of Wolcott, Pajala of Londonderry, Pugh of South Burlington, Rosenquist of Georgia, Small of**

Winooski, and Whitman of Bennington moved that the bill be amended in Sec. 1, in 10 V.S.A. chapter 12, in subdivision 212(6), by striking out subdivision (S) in its entirety and inserting in lieu thereof a new subdivision (S) to read:

(S) After consultation with and deference to the Vermont Housing Finance Agency on applications that are eligible for financing from both the Authority and the Agency, financing for one or more of the following types of long-term care facilities licensed by the State pursuant to 33 V.S.A. chapter 71 and other applicable law, and any independent living facility, as defined in 32 V.S.A. § 9202(18), associated with the licensed facility:

- (i) an assisted living residence;
 - (ii) a home for the terminally ill;
 - (iii) a nursing home;
 - (iv) a residential care home; and
 - (v) a therapeutic community residence.
-
- (ii) a home for the terminally ill;
 - (iii) a nursing home;
 - (iv) a residential care home; and
 - (v) a therapeutic community residence.

Which was agreed to. Thereupon, the bill was read the third time and passed.

Adjournment

At four o'clock and forty-one minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Thursday, January 20, 2022

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

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Message from the Senate No. 10

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

Madam Speaker:

I am directed to inform the House that:

The Senate has considered joint resolution originating in the House of the following title:

J.R.H. 12. Joint resolution amending the application of temporary Joint Rule 22A.

And has adopted the same in concurrence.

House Resolution Placed on Calendar**H.R. 15**

House resolution, entitled

House resolution urging the United States Postal Service to improve immediately the reliability and timeliness of its deliveries and requesting that Congress take any necessary legislative actions to effectuate this objective

Offered by: Representatives Bongartz of Manchester, Brownell of Pownal, Burke of Brattleboro, Coffey of Guilford, Corcoran of Bennington, Durfee of Shaftsbury, Goldman of Rockingham, James of Manchester, Long of Newfane, Morrissey of Bennington, Mrowicki of Putney, Nigro of Bennington, Pajala of Londonderry, Partridge of Windham, Toleno of Brattleboro, and Whitman of Bennington

Whereas, even in the digital age, the United States Postal Service (USPS) remains essential for Vermonters and Vermont's economy, and

Whereas, the USPS is mandated to be self-sufficient while also prefunding its future retirees' health benefits far into the future, and

Whereas, to improve USPS revenues, U.S. Postmaster General Louis DeJoy and the Postal Board of Governors adopted a 10-year USPS transformation

plan entitled “Delivering for America,” which focuses more on profitability and less on timely service, and

Whereas, the 10-year plan includes an intentional slowing, from three to six days, of the USPS delivery standard for first class mail, and

Whereas, this standard is resulting in deteriorating postal service nationwide, as seen in the fact that approximately 92 percent of first-class mail was delivered on time in the first quarter of 2020 while, during the same period in 2021, that figure fell to 78 percent, and

Whereas, many Vermont communities, including Barre, Bennington, Marshfield, Montpelier, Pownal, Shaftsbury, Stowe, and Williston have experienced extensive USPS delivery delays, and

Whereas, the late receipt of credit card and utility bills may result in damage to a person’s credit rating or the suspension of a basic utility service, and

Whereas, the tardy arrival of critical medications sent via USPS could be life threatening, and

Whereas, the Bennington Post Office informed an individual that the delivery of packages would be delayed until the post office had the time and/or staff to deliver them, and a full workweek after a stated delivery date had passed, the parcels still remained undelivered, and

Whereas, the shortcomings of the USPS are also impacting businesses such as Vermont News & Media, which publishes the *Bennington Banner*, the *Brattleboro Reformer*, and the *Manchester Journal*, and

Whereas, the company attributes the cancellation of over 200 newspaper subscriptions in Bennington and Windham Counties and an anticipated revenue loss of at least \$45,000 to the USPS, and this is merely one example of the negative financial effects of USPS delivery delays on Vermont corporations, and

Whereas, the USPS’s new “Delivering for America” plan is causing significant harm to the health and economic livelihoods of individuals and corporations in Vermont and nationally and should be immediately reassessed, and

Whereas, the postal problems Vermonters are encountering are due to flawed national USPS policies and are not the fault of the hard-working USPS employees in Vermont, now therefore be it

Resolved by the House of Representatives:

That this legislative body urges the United States Postal Service to reassess its 10-year transformation plan with the goal of immediately restoring the reliability and timeliness of mail delivery to the standard that existed prior to the plan's implementation, and be it further

Resolved: That this legislative body requests that Congress take any necessary legislative action, including revising the retiree health benefit prefunding requirement, to effectuate this objective, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to U.S. Postmaster General Louis DeJoy, the Postal Board of Governors, the Chair of the U.S. House Committee on Oversight and Reform's Subcommittee on Government Operations, the U.S. House Majority and Minority Leaders, and the Vermont Congressional Delegation.

Was read by title and, in the Speaker's discretion, placed on the Calendar for Action on the next legislative day pursuant to House Rule 52.

Ceremonial Reading

H.C.R. 85

House concurrent resolution designating January 20, 2022, as Homelessness Awareness Day in Vermont

Offered by: Stevens of Waterbury and Pugh of South Burlington

Having been adopted in concurrence on Wednesday, January 12, 2022 in accord with Joint Rule 16b, was read.

Second Reading; Proposal of Amendment Agreed to; Third Reading Ordered

S. 78

Rep. Walz of Barre City, for the Committee on General, Housing, and Military Affairs, to which had been referred Senate bill, entitled

An act relating to binding interest arbitration for employees of the Vermont Judiciary

Reported in favor of its passage in concurrence. The bill, having appeared on the Notice Calendar, was taken up and read the second time.

Thereupon, **Rep. Walz of Barre City** moved that the House propose to the Senate that the bill be amended by striking out Sec. 3, effective date, in its entirety and inserting in lieu thereof the following:

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2022 and shall apply to contract negotiations that commence after that date.

Which was agreed to, and third reading was ordered.

Committee Bill; Second Reading; Third Reading Ordered

H. 679

Rep. Hooper of Montpelier spoke for the Committee on Appropriations.

House bill, entitled

An act relating to fiscal year 2022 budget adjustments

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up and read the second time.

Pending the question, Shall the bill be read a third time?, **Rep. Hooper of Montpelier** 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, 140. Nays, 0.

Those who voted in the affirmative are:

Achey of Middletown	Goldman of Rockingham	Norris of Sheldon
Springs	Goslant of Northfield	Norris of Shoreham
Ancel of Calais	Grad of Moretown	Notte of Rutland City
Anthony of Barre City	Graham of Williamstown	Noyes of Wolcott
Arrison of Weathersfield	Gregoire of Fairfield	O'Brien of Tunbridge
Austin of Colchester	Hango of Berkshire	Ode of Burlington
Bartholomew of Hartland	Harrison of Chittenden	Pajala of Londonderry
Beck of St. Johnsbury	Helm of Fair Haven	Parsons of Newbury
Birong of Vergennes	Higley of Lowell	Partridge of Windham
Black of Essex	Hooper of Montpelier	Patt of Worcester
Bluemle of Burlington	Hooper of Randolph	Pearl of Danville
Bock of Chester	Hooper of Burlington	Peterson of Clarendon
Bongartz of Manchester	Houghton of Essex	Pugh of South Burlington
Bos-Lun of Westminster	Howard of Rutland City	Rachelson of Burlington
Brady of Williston	James of Manchester	Rogers of Waterville
Briglin of Thetford	Jerome of Brandon	Rosenquist of Georgia
Brown of Richmond	Jessup of Middlesex	Satcowitz of Randolph
Brownell of Pownal	Killackey of South Burlington	Scheu of Middlebury
Brumsted of Shelburne	Kimbell of Woodstock	Scheuermann of Stowe
Burditt of West Rutland	Kitzmiller of Montpelier	Shaw of Pittsford
Burke of Brattleboro	Kornheiser of Brattleboro	Sheldon of Middlebury
Burrows of West Windsor	LaClair of Barre Town	Sibilia of Dover
Campbell of St. Johnsbury	LaLonde of South	Sims of Craftsbury
Canfield of Fair Haven	Burlington	Small of Winooski

Chase of Colchester	Lanpher of Vergennes	Squirrell of Underhill
Christie of Hartford	Lefebvre of Newark	Stebbins of Burlington
Cina of Burlington	Lefebvre of Orange	Stevens of Waterbury
Coffey of Guilford	Leffler of Enosburgh	Strong of Albany
Colburn of Burlington	Lippert of Hinesburg	Sullivan of Dorset
Colston of Winooski	Long of Newfane *	Surprenant of Barnard
Conlon of Cornwall	Marcotte of Coventry	Taylor of Colchester
Copeland Hanzas of Bradford	Martin of Franklin	Terenzini of Rutland Town
Corcoran of Bennington	Masland of Thetford	Till of Jericho
Cordes of Lincoln	Mattos of Milton	Toleno of Brattleboro
Cupoli of Rutland City	McCarthy of St. Albans City	Toof of St. Albans Town
Dickinson of St. Albans Town	McCormack of Burlington	Townsend of South Burlington
Dolan of Essex	McCoy of Poultney	Troiano of Stannard
Dolan of Waitsfield	McCullough of Williston	Vyhovsky of Essex
Donahue of Northfield	McFaun of Barre Town	Walz of Barre City
Donnally of Hyde Park	Morgan, L. of Milton	Webb of Shelburne
Durfee of Shaftsbury	Morgan, M. of Milton	White of Bethel
Elder of Starksboro	Morris of Springfield	White of Hartford
Emmons of Springfield	Morrissey of Bennington	Whitman of Bennington
Fagan of Rutland City	Mrowicki of Putney	Williams of Granby
Feltus of Lyndon	Mulvaney-Stanak of Burlington	Wood of Waterbury
Gannon of Wilmington	Murphy of Fairfax	Yacovone of Morristown
Garofano of Essex	Nicoll of Ludlow	Yantachka of Charlotte
	Nigro of Bennington	

Those who voted in the negative are: none

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

Brennan of Colchester	Page of Newport City	Smith of Derby
Labor of Morgan	Palasik of Milton	Smith of New Haven
Martel of Waterford	Seymour of Sutton	

Rep. Long of Newfane explained her vote as follows:

“Madam Speaker:

In addition to balancing our budget mid-year, H.679 offers an opportunity to address current critical needs, including ongoing pandemic response. I vote yes to support important investments in housing, workforce retention, and providing services to Vermonters who have been deeply impacted by COVID-19. This Budget Adjustment helps Vermonters facing crises like food insecurity or a lack of childcare all while setting us up for a more sustainable financial future. ”

Adjournment

At four o'clock and nine minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, January 21, 2022

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Third Reading; Bill Passed**H. 679**

House bill, entitled

An act relating to fiscal year 2022 budget adjustments

Was taken up, read the third time, and passed.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment****S. 78**

Senate bill, entitled

An act relating to binding interest arbitration for employees of the Vermont Judiciary

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

House Resolution Adopted**H.R. 15**

House resolution, entitled

House resolution urging the United States Postal Service to improve immediately the reliability and timeliness of its deliveries and requesting that Congress take any necessary legislative actions to effectuate this objective

Was taken up and adopted.

Adjournment

At nine o'clock and forty-three minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, January 25, 2022, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 36.

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. 86

House concurrent resolution designating January 2022 as School Board Recognition Month in Vermont

H.C.R. 87

House concurrent resolution recognizing January 25, 2022, as Mentoring Day at the General Assembly

S.C.R. 11

Senate concurrent resolution honoring John Shannahan for his exemplary leadership of the Better Bennington Corporation

[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 2022 Adjourned Session.]

Tuesday, January 25, 2022

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

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Communication from the Governor

“January 20, 2022

The Honorable Jill Krowinski
Speaker of the House

115 State Street, Drawer 33
Montpelier, VT 05633-5301

Dear Speaker Krowinski:

I have the great honor to inform you that I have appointed Matthew Walker of Swanton, Vermont to serve in the General Assembly representing House District Franklin-4.

Sincerely,
/s/Philip B. Scott
Governor

PBS/tb

CC: James Condos, Secretary of State
BetsyAnn Wrask, Clerk of the House”

Message from the Senate No. 11

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 11. Senate concurrent resolution honoring John Shannahan for his exemplary leadership of the Better Bennington Corporation.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 86. House concurrent resolution designating January 2022 as School Board Recognition Month in Vermont.

H.C.R. 87. House concurrent resolution recognizing January 25, 2022, as Mentoring Day at the General Assembly.

House Bill Introduced

H. 692

By Reps. Austin of Colchester, Christie of Hartford, Cordes of Lincoln, Mulvaney-Stanak of Burlington, and Ode of Burlington,

House bill, entitled

An act relating to language access

Was read the first time and referred to the Committee on Government Operations.

Committee Bill Introduced

H. 693

By the Committee on Government Operations,

House bill, entitled

An act relating to the annual budget vote of the Northeast Kingdom Waste Management District

Was read, and pursuant to House Rule 48, placed on the Notice Calendar.

Ceremonial Reading

H.C.R. 87

House concurrent resolution recognizing January 25, 2022, as Mentoring Day at the General Assembly

Offered by: Committee on Education

Having been adopted in concurrence on Friday, January 21, 2022 in accord with Joint Rule 16b, was read.

Message from the Senate No. 12

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

Madam Speaker:

I am directed to inform the House that:

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

H. 589. An act relating to reapportioning the initial districts of the House of Representatives.

And has passed the same in concurrence.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 37. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Adjournment

At ten o'clock and eleven minutes in the forenoon, on motion of **Rep. Toof of St. Albans Town**, the House adjourned until tomorrow at three o'clock in the afternoon.

Wednesday, January 26, 2022

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

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Message from the Senate No. 13

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 74. An act relating to modifications to Vermont's patient choice at end of life laws.

S. 183. An act relating to midpoint probation review.

In the passage of which the concurrence of the House is requested.

House Bill Introduced

H. 694

By Rep. Small of Winooski,

House bill, entitled

An act relating to prohibiting perfluoroalkyl and polyfluoroalkyl substances in Vermont

Was read the first time and referred to the Committee on Natural Resources, Fish, and Wildlife.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 74

Senate bill, entitled

An act relating to modifications to Vermont's patient choice at end of life laws

To the Committee on Human Services.

S. 183

Senate bill, entitled

An act relating to midpoint probation review

To the Committee on Corrections and Institutions.

Joint Resolution Adopted in Concurrence**J.R.S. 37**

By Senator Balint,

J.R.S. 37. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 28, 2022, it be to meet again no later than Tuesday, February 1, 2022.

Was taken up, read, and adopted in concurrence.

Second Reading; Bill Amended; Third Reading Ordered**H. 654**

Rep. Houghton of Essex, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to extending COVID-19 health care regulatory flexibility

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

Sec. 1. 2020 Acts and Resolves No. 91, as amended by 2020 Acts and Resolves No. 140, Sec. 13, 2020 Acts and Resolves No. 159, Sec. 10, 2021 Acts and Resolves No. 6, Secs. 1 and 3, and 2021 Acts and Resolves No. 69, Sec. 19, is further amended to read:

* * * Supporting Health Care and Human Service Provider Sustainability * * *

Sec. 1. AGENCY OF HUMAN SERVICES; HEALTH CARE AND
HUMAN SERVICE PROVIDER SUSTAINABILITY

Through March 31, ~~2022~~ 2023, the Agency of Human Services shall consider modifying existing rules or adopting emergency rules to protect access to health care services, long-term services and supports, and other human services under the Agency's jurisdiction. In modifying or adopting rules, the Agency shall consider the importance of the financial viability of providers that rely on funding from the State, federal government, or Medicaid, or a combination of these, for a major portion of their revenue.

* * *

* * * Protections for Employees of Health Care Facilities and
Human Service Providers * * *

Sec. 3. PROTECTIONS FOR EMPLOYEES OF HEALTH CARE FACILITIES AND HUMAN SERVICE PROVIDERS

In order to protect employees of a health care facility or human service provider who are not licensed health care professionals from the risks associated with COVID-19, through March 31, ~~2022~~ 2023, all health care facilities and human service providers in Vermont, including hospitals, federally qualified health centers, rural health clinics, residential treatment programs, homeless shelters, home- and community-based service providers, and long-term care facilities, shall follow State and federal public health guidance from the Vermont Department of Health regarding measures to address employee safety, to the extent feasible.

* * * Compliance Flexibility * * *

Sec. 4. HEALTH CARE AND HUMAN SERVICE PROVIDER REGULATION; WAIVER OR VARIANCE PERMITTED

Notwithstanding any provision of the Agency of Human Services' administrative rules or standards to the contrary, through March 31, ~~2022~~ 2023, the Secretary of Human Services may waive or permit variances from the following State rules and standards governing providers of health care services and human services as necessary to prioritize and maximize direct patient care, support children and families who receive benefits and services through the Department for Children and Families, and allow for continuation of operations with a reduced workforce and with flexible staffing arrangements that are responsive to evolving needs, to the extent such waivers or variances are permitted under federal law:

- (1) Hospital Licensing Rule;
- (2) Hospital Reporting Rule;

- (3) Nursing Home Licensing and Operating Rule;
- (4) Home Health Agency Designation and Operation Regulations;
- (5) Residential Care Home Licensing Regulations;
- (6) Assisted Living Residence Licensing Regulations;
- (7) Home for the Terminally Ill Licensing Regulations;
- (8) Standards for Adult Day Services;
- (9) Therapeutic Community Residences Licensing Regulations;
- (10) Choices for Care High/Highest Manual;
- (11) Designated and Specialized Service Agency designation and provider rules;
- (12) Child Care Licensing Regulations;
- (13) Public Assistance Program Regulations;
- (14) Foster Care and Residential Program Regulations; and
- (15) other rules and standards for which the Agency of Human Services is the adopting authority under 3 V.S.A. chapter 25.

Sec. 5. GREEN MOUNTAIN CARE BOARD RULES; WAIVER OR
VARIANCE PERMITTED

(a) Notwithstanding any provision of 18 V.S.A. chapter 220 or 221, 8 V.S.A. § 4062, 33 V.S.A. chapter 18, subchapter 1, or the Green Mountain Care Board's administrative rules, guidance, or standards to the contrary, ~~during a declared state of emergency in Vermont as a result of COVID-19 and for a period of six months following the termination of the state of emergency through March 31, 2023,~~ the Green Mountain Care Board may waive or permit variances from State laws, guidance, and standards with respect to the following regulatory activities, to the extent permitted under federal law, as necessary to prioritize and maximize direct patient care, safeguard the stability of health care providers, and allow for orderly regulatory processes that are responsive to evolving needs related to the COVID-19 pandemic:

- (1) hospital budget review;
- (2) certificates of need;
- (3) health insurance rate review; and
- (4) accountable care organization certification and budget review.

(b) As part of any proceeding conducted on or after February 1, 2022 to establish or enforce a hospital's fiscal year 2022 or 2023 budget, the Green Mountain Care Board shall consider the hospital's extraordinary labor costs and investments, as well as the impacts of those costs and investments on the affordability of health care.

Sec. 6. MEDICAID AND HEALTH INSURERS; PROVIDER

ENROLLMENT AND CREDENTIALING

Until March 31, 2022 2023, and to the extent permitted under federal law, the Department of Vermont Health Access shall relax provider enrollment requirements for the Medicaid program, and the Department of Financial Regulation shall direct health insurers to relax provider credentialing requirements for health insurance plans, in order to allow for individual health care providers to deliver and be reimbursed for services provided across health care settings as needed to respond to Vermonters' evolving health care needs.

* * *

Sec. 8. ACCESS TO HEALTH CARE SERVICES; DEPARTMENT OF
FINANCIAL REGULATION; EMERGENCY RULEMAKING

(a) It is the intent of the General Assembly to increase Vermonters' access to medically necessary health care services during and after a declared state of emergency in Vermont as a result of COVID-19.

(b)(1) Until April 1, 2022 2023, and notwithstanding any provision of 3 V.S.A. § 844 to the contrary, the Department of Financial Regulation shall consider adopting, and shall have the authority to adopt, emergency rules to address the following through March 31, 2022 2023:

(A) expanding health insurance coverage for, and waiving or limiting cost-sharing requirements directly related to, the diagnosis of COVID-19, including tests for influenza, pneumonia, and other respiratory viruses performed in connection with making a COVID-19 diagnosis; the treatment of COVID-19 when it is the primary or a secondary diagnosis; and the prevention of COVID-19; and

(B) modifying or suspending health insurance plan deductible requirements for all prescription drugs, except to the extent that such an action would disqualify a high-deductible health plan from eligibility for a health savings account pursuant to 26 U.S.C. § 223.

(2) Any rules adopted in accordance with this subsection shall remain in effect until not later than April 1, 2022 2023.

* * * Access to Health Care Services and Human Services * * *

* * *

Sec. 9. PRESCRIPTION DRUGS; MAINTENANCE MEDICATIONS;
EARLY REFILLS

(a) As used in this section, “health insurance plan” means any health insurance policy or health benefit plan offered by a health insurer, as defined in 18 V.S.A. § 9402. The term does not include policies or plans providing coverage for a specified disease or other limited benefit coverage.

(b) Through March 31, 2022 2023, all health insurance plans and Vermont Medicaid shall allow their members to refill prescriptions for chronic maintenance medications early to enable the members to maintain a 30-day supply of each prescribed maintenance medication at home.

(c) As used in this section, “maintenance medication” means a prescription drug taken on a regular basis over an extended period of time to treat a chronic or long-term condition. The term does not include a regulated drug, as defined in 18 V.S.A. § 4201.

* * *

* * * Regulation of Professions * * *

* * *

Sec. 17. OFFICE OF PROFESSIONAL REGULATION; BOARD OF
MEDICAL PRACTICE; OUT-OF-STATE HEALTH CARE
PROFESSIONALS

(a) Notwithstanding any provision of Vermont’s professional licensure statutes or rules to the contrary, through March 31, 2022 2023, a health care professional, including a mental health professional, who holds a valid license, certificate, or registration to provide health care services in any other U.S. jurisdiction shall be deemed to be licensed, certified, or registered to provide health care services, including mental health services, to a patient located in Vermont ~~using telehealth~~; as a volunteer member of the Medical Reserve Corps; or as part of the staff of a licensed facility, other health care facility as defined in 18 V.S.A. § 9432, or federally qualified health center, provided the health care professional:

(1) is licensed, certified, or registered in good standing in the other U.S. jurisdiction or jurisdictions in which the health care professional holds a license, certificate, or registration;

(2) is not subject to any professional disciplinary proceedings in any other U.S. jurisdiction; and

(3) is not affirmatively barred from practice in Vermont for reasons of fraud or abuse, patient care, or public safety.

(b) A health care professional who plans to provide health care services in Vermont as a volunteer member of the Medical Reserve Corps or as part of the staff of a licensed facility, other health care facility as defined in 18 V.S.A. § 9432, or federally qualified health center shall submit or have submitted on the individual's behalf the individual's name, contact information, and the location or locations at which the individual will be practicing to:

(1) the Board of Medical Practice for medical doctors, physician assistants, and podiatrists; or

(2) the Office of Professional Regulation for all other health care professions.

(c) A health care professional who delivers health care services in Vermont pursuant to subsection (a) of this section shall be subject to the imputed jurisdiction of the Board of Medical Practice or the Office of Professional Regulation, as applicable based on the health care professional's profession, in accordance with Sec. 19 of this act.

(d)(1) This section shall remain in effect through March 31, ~~2022~~ 2023, provided the health care professional remains licensed, certified, or registered in good standing.

(2) The Board of Medical Practice and Office of Professional Regulation shall provide appropriate notice of the March 31, ~~2022~~ 2023 expiration date of this section to:

(A) health care professionals providing health care services in Vermont under this section;

(B) the Medical Reserve Corps; and

(C) health care facilities and federally qualified health centers at which health care professionals are providing services under this section.

(e) Nothing in this section is intended to limit, restrict, or modify the application of existing or future federal waivers of health care professional licensure requirements to licensed and certified facilities.

Sec. 18. INACTIVE LICENSEES; BOARD OF MEDICAL PRACTICE;
OFFICE OF PROFESSIONAL REGULATION

(a)(1) Through March 31, ~~2022~~ 2023, a former health care professional, including a mental health professional, whose Vermont license, certificate, or registration became inactive not more than three years earlier and was in good standing at the time it became inactive may provide health care services, including mental health services, to a patient located in Vermont using telehealth; as a volunteer member of the Medical Reserve Corps; or as part of the staff of a licensed facility, other health care facility as defined in 18 V.S.A. § 9432, or federally qualified health center after submitting, or having submitted on the individual's behalf, to the Board of Medical Practice or Office of Professional Regulation, as applicable, the individual's name, contact information, and the location or locations at which the individual will be practicing.

(2) A former health care professional who returns to the Vermont health care workforce pursuant to this subsection shall be subject to the regulatory jurisdiction of the Board of Medical Practice or the Office of Professional Regulation, as applicable.

(3) The Board of Medical Practice and Office of Professional Regulation shall provide appropriate notice of the March 31, ~~2022~~ 2023 expiration date of this section to:

(A) health care professionals providing health care services under this section;

(B) the Medical Reserve Corps; and

(C) health care facilities and federally qualified health centers at which health care professionals are providing services under this section.

(b) Through March 31, ~~2022~~ 2023, the Board of Medical Practice and the Office of Professional Regulation may permit former health care professionals, including mental health professionals, whose Vermont license, certificate, or registration became inactive more than three but less than 10 years earlier and was in good standing at the time it became inactive to return to the health care workforce on a temporary basis to provide health care services, including mental health services, to patients in Vermont. The Board of Medical Practice and Office of Professional Regulation may issue temporary licenses to these individuals at no charge and may impose limitations on the scope of practice of returning health care professionals as the Board or Office deems appropriate.

* * *

Sec. 20. OFFICE OF PROFESSIONAL REGULATION; BOARD OF
MEDICAL PRACTICE; EMERGENCY AUTHORITY TO ACT
FOR REGULATORY BOARDS

(a)(1) Through March 31, ~~2022~~ 2023, if the Director of Professional Regulation finds that a regulatory body attached to the Office of Professional Regulation by 3 V.S.A. § 122 cannot reasonably, safely, and expeditiously convene a quorum to transact business, the Director may exercise the full powers and authorities of that regulatory body, including disciplinary authority.

(2) Through March 31, ~~2022~~ 2023, if the Executive Director of the Board of Medical Practice finds that the Board cannot reasonably, safely, and expeditiously convene a quorum to transact business, the Executive Director may exercise the full powers and authorities of the Board, including disciplinary authority.

(b) The signature of the Director of the Office of Professional Regulation or of the Executive Director of the Board of Medical Practice shall have the same force and effect as a voted act of their respective boards.

(c)(1) A record of the actions of the Director of the Office of Professional Regulation taken pursuant to the authority granted by this section shall be published conspicuously on the website of the regulatory body on whose behalf the Director took the action.

(2) A record of the actions of the Executive Director of the Board of Medical Practice taken pursuant to the authority granted by this section shall be published conspicuously on the website of the Board of Medical Practice.

Sec. 21. OFFICE OF PROFESSIONAL REGULATION; BOARD OF
MEDICAL PRACTICE; EMERGENCY REGULATORY
ORDERS

Through March 31, ~~2022~~ 2023, the Director of Professional Regulation and the Commissioner of Health may issue such orders governing regulated professional activities and practices as may be necessary to protect the public health, safety, and welfare. If the Director or Commissioner finds that a professional practice, act, offering, therapy, or procedure by persons licensed or required to be licensed by Title 26 of the Vermont Statutes Annotated is exploitative, deceptive, or detrimental to the public health, safety, or welfare, or a combination of these, the Director or Commissioner may issue an order to cease and desist from the applicable activity, which, after reasonable efforts to publicize or serve the order on the affected persons, shall be binding upon all

persons licensed or required to be licensed by Title 26 of the Vermont Statutes Annotated, and a violation of the order shall subject the person or persons to professional discipline, may be a basis for injunction by the Superior Court, and shall be deemed a violation of 3 V.S.A. § 127.

* * *

* * * Telehealth * * *

* * *

Sec. 26. WAIVER OF CERTAIN TELEHEALTH REQUIREMENTS FOR A LIMITED TIME

(a) Notwithstanding any provision of 8 V.S.A. § 4100k or 18 V.S.A. § 9361 to the contrary, through March 31, 2022 2023, the following provisions related to the delivery of health care services through telemedicine or by store-and-forward means shall not be required, to the extent their waiver is permitted by federal law or guidance regarding enforcement discretion:

(1) delivering health care services, including dental services, using a connection that complies with the requirements of the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191 in accordance with 8 V.S.A. § 4100k(i), as amended by this act, if it is not practicable to use such a connection under the circumstances; and

(2) representing to a patient that the health care services, including dental services, will be delivered using a connection that complies with the requirements of the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191 in accordance with 18 V.S.A. § 9361(c), if it is not practicable to use such a connection under the circumstances.

~~(b) Notwithstanding any provision of 8 V.S.A. § 4100k or 18 V.S.A. § 9361 to the contrary, until 60 days following a declared state of emergency in Vermont as a result of COVID-19, a health care provider shall not be required to obtain and document a patient's oral or written informed consent for the use of telemedicine or store-and-forward technology prior to delivering services to the patient in accordance with 18 V.S.A. § 9361(c), if obtaining or documenting such consent, or both, is not practicable under the circumstances.~~

* * *

Sec. 2. 2020 Acts and Resolves No. 140, Sec. 15, as amended by 2021 Acts and Resolves No. 6, Sec. 2, is further amended to read:

Sec. 15. BOARD OF MEDICAL PRACTICE; TEMPORARY
PROVISIONS; PHYSICIANS, PHYSICIAN ASSISTANTS,
AND PODIATRISTS

(a) Notwithstanding any provision of 26 V.S.A. § 1353(11) to the contrary, the Board of Medical Practice or its Executive Director may issue a temporary license through March 31, ~~2022~~ 2023 to an individual who is licensed to practice as a physician, physician assistant, or podiatrist in another jurisdiction, whose license is in good standing, and who is not subject to disciplinary proceedings in any other jurisdiction. The temporary license shall authorize the holder to practice in Vermont until a date not later than April 1, ~~2022~~ 2023, provided the licensee remains in good standing.

(b) Through March 31, ~~2022~~ 2023, the Board of Medical Practice or its Executive Director may waive requirements for physician assistants, including scope of practice requirements and the requirement for documentation of the relationship between a physician assistant and a physician pursuant to 26 V.S.A. § 1735a. The Board or Executive Director may impose limitations or conditions when granting a waiver under this subsection.

Sec. 3. 2020 Acts and Resolves No. 178, Sec. 12a, as amended by 2021 Acts and Resolves No. 6, Sec. 2a, is further amended to read:

Sec. 12a. SUNSET OF PHARMACIST AUTHORITY TO ORDER OR
ADMINISTER SARS-COV TESTS

In Sec. 11, 26 V.S.A. § 2023(b)(2)(A)(x) (clinical pharmacy prescribing; State protocol; SARS-CoV testing) shall be repealed on March 31, ~~2022~~ 2023.

Sec. 4. 2021 Acts and Resolves No. 6, Sec. 8 is amended to read:

Sec. 8. TELEPHONE TRIAGE SERVICES; DEPARTMENT OF
FINANCIAL REGULATION; EMERGENCY RULEMAKING

Notwithstanding any provision of 3 V.S.A. § 844 to the contrary, the Department of Financial Regulation shall consider adopting, and shall have the authority to adopt, emergency rules to address health insurance coverage of and reimbursement for telephone calls used to determine whether an office visit or other service is needed. Emergency rules adopted pursuant to this section shall remain in effect until not later than April 1, ~~2022~~ 2023.

Sec. 5. OFFICE OF PROFESSIONAL REGULATION; BOARD OF
MEDICAL PRACTICE; OUT-OF-STATE HEALTH CARE
PROFESSIONALS THROUGH MARCH 31, 2022

(a) Notwithstanding any provision of Vermont's professional licensure statutes or rules to the contrary, through March 31, 2022, a health care professional who holds a valid license, certificate, or registration to provide health care services in any other U.S. jurisdiction shall be deemed to be licensed, certified, or registered to provide health care services to a patient located in Vermont using telehealth, provided the health care professional:

(1) is licensed, certified, or registered in good standing in the other U.S. jurisdiction or jurisdictions in which the health care professional holds a license, certificate, or registration;

(2) is not subject to any professional disciplinary proceedings in any other U.S. jurisdiction; and

(3) is not affirmatively barred from practice in Vermont for reasons of fraud or abuse, patient care, or public safety.

(b) A health care professional who delivers health care services to a patient located in Vermont using telehealth pursuant to subsection (a) of this section shall be subject to the imputed jurisdiction of the Board of Medical Practice or the Office of Professional Regulation, as applicable based on the health care professional's profession.

(c) This section shall remain in effect through March 31, 2022, provided the health care professional remains licensed, certified, or registered in good standing. Beginning on April 1, 2022 and continuing through June 30, 2023, an out-of-state health care professional shall register with the Office of Professional Regulation or Board of Medical Practice, as applicable, in accordance with Sec. 6 of this act in order to provide or to continue to provide health care services to one or more patients located in Vermont.

Sec. 6. TEMPORARY TELEHEALTH REGISTRATION FOR OUT-OF-

STATE HEALTH CARE PROFESSIONALS

Notwithstanding any provision of Vermont's professional licensure statutes or rules to the contrary, from the period from April 1, 2022 through June 30, 2023, the Office of Professional Regulation and Board of Medical Practice shall register a health care professional who is not licensed or registered to practice in Vermont but who seeks to provide health care services to patients or clients located in Vermont using telehealth, provided:

(1) the health care professional completes an application in the manner specified by the Director of the Office of Professional Regulation or the Board of Medical Practice, as applicable; and

(2)(A) the health care professional holds an active, unencumbered license, certificate, or registration in at least one other U.S. jurisdiction to

practice the health care profession for which the health care professional seeks to provide telehealth services in Vermont;

(B) the health care professional's license, certificate, or registration is in good standing in all other U.S. jurisdictions in which the health care professional is licensed, certified, or registered to practice; and

(C) the health care professional provides verification of licensure, certification, or registration to the Office or the Board, as applicable.

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

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

Reps. Noyes of Wolcott, Brumsted of Shelburne, Garofano of Essex, Gregoire of Fairfield, McFaun of Barre Town, Pajala of Londonderry, Pugh of South Burlington, Rosenquist of Georgia, Small of Winooski, Whitman of Bennington, and Wood of Waterbury moved to amend the report of the Committee on Health Care as follows:

First: In Sec. 1, 2020 Acts and Resolves No. 91, as amended and further amended, following Sec. 9 of that act and its ellipses, by inserting the following:

Sec. 12. BUPRENORPHINE; PRESCRIPTION RENEWALS

Through March 31, 2022 2023, to the extent permitted under federal law, a health care professional authorized to prescribe buprenorphine for treatment of substance use disorder may authorize renewal of a patient's existing buprenorphine prescription without requiring an office visit.

Sec. 13. 24-HOUR FACILITIES AND PROGRAMS; BED-HOLD DAYS

Through March 31, 2022 2023, to the extent permitted under federal law, the Agency of Human Services may reimburse Medicaid-funded long-term care facilities and other programs providing 24-hour per day services for their bed-hold days.

* * *

Second: By adding a new section to be Sec. 7 to read as follows:

Sec. 7. 18 V.S.A. § 9721 is amended to read:

§ 9721. ADVANCE DIRECTIVES; COVID-19 ~~STATE OF EMERGENCY~~;
REMOTE WITNESSES AND EXPLAINERS

* * *

(c)(1) Notwithstanding any provision of subsection 9703(b) of this title to the contrary, an advance directive executed by a principal between June 15, 2020 and ~~June 30, 2022~~ March 31, 2023 shall be deemed to be valid even if the principal signed the advance directive outside the physical presence of one or both of the required witnesses, provided all of the following conditions are met with respect to each remote witness:

* * *

(d)(1) Notwithstanding any provision of subsection 9703(d) or (e) of this title to the contrary, an advance directive executed by a principal between February 15, 2020 and ~~June 30, 2022~~ March 31, 2023 while the principal was being admitted to or was a resident of a nursing home or residential care facility or was being admitted to or was a patient in a hospital shall be deemed to be valid even if the individual who explained the nature and effect of the advance directive to the principal in accordance with subsection 9703(d) or (e) of this title, as applicable, was not physically present in the same location as the principal at the time of the explanation, provided the individual delivering the explanation was communicating with the principal by video or telephone.

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

And by renumbering the remaining section, effective date, to be Sec. 8

Which was agreed to. Thereupon, the bill was amended as recommended by the Committee on Health Care, as amended, and third reading was ordered.

Adjournment

At three o'clock and thirty-two minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, January 27, 2022

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

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

House Bill Introduced**H. 695**

By Rep. Conlon of Cornwall,

House bill, entitled

An act relating to the taxation of trailer coaches as real property

Was read the first time and referred to the Committee on Ways and Means.

Bill Amended; Read Third Time; Bill Passed**H. 654**

House bill, entitled

An act relating to extending COVID-19 health care regulatory flexibility

Was taken up and, pending third reading of the bill, **Reps. Houghton of Essex, Black of Essex, Burrows of West Windsor, Cina of Burlington, Cordes of Lincoln, Donahue of Northfield, Goldman of Rockingham, Lippert of Hinesburg, Page of Newport City, and Peterson of Clarendon** moved to amend the bill in Sec. 1 by striking out Sec. 17 in that section in its entirety and inserting in lieu thereof a new Sec. 17 to read as follows:

Sec. 17. OFFICE OF PROFESSIONAL REGULATION; BOARD OF
MEDICAL PRACTICE; OUT-OF-STATE HEALTH CARE
PROFESSIONALS

(a) Notwithstanding any provision of Vermont's professional licensure statutes or rules to the contrary, through March 31, ~~2022~~ 2023, a health care professional, including a mental health professional, who holds a valid license, certificate, or registration to provide health care services in any other U.S. jurisdiction shall be deemed to be licensed, certified, or registered to provide health care services, including mental health services, to a patient located in Vermont ~~using telehealth~~; as a volunteer member of the Medical Reserve Corps; or, for a period not to exceed six months, as part of the staff of a licensed facility, other health care facility as defined in 18 V.S.A. § 9432, or federally qualified health center, provided the health care professional:

(1) is licensed, certified, or registered in good standing in the other U.S. jurisdiction or jurisdictions in which the health care professional holds a license, certificate, or registration;

(2) is not subject to any professional disciplinary proceedings in any other U.S. jurisdiction; and

(3) is not affirmatively barred from practice in Vermont for reasons of fraud or abuse, patient care, or public safety.

(b) A health care professional who plans to provide health care services in Vermont as a volunteer member of the Medical Reserve Corps or as part of the staff of a licensed facility, other health care facility as defined in 18 V.S.A. § 9432, or federally qualified health center shall submit or have submitted on the individual's behalf the individual's name, contact information, and the location or locations at which the individual will be practicing to:

(1) the Board of Medical Practice for medical doctors, physician assistants, and podiatrists; or

(2) the Office of Professional Regulation for all other health care professions.

(c) A health care professional who delivers health care services in Vermont pursuant to subsection (a) of this section shall be subject to the imputed jurisdiction of the Board of Medical Practice or the Office of Professional Regulation, as applicable based on the health care professional's profession, in accordance with Sec. 19 of this act.

(d)(1) This section shall remain in effect through March 31, ~~2022~~ 2023, provided the health care professional remains licensed, certified, or registered in good standing throughout the period the health care professional is practicing in Vermont, which shall not exceed six months for a health care professional providing health care services as part of the staff of a licensed facility, other health care facility as defined in 18 V.S.A. § 9432, or federally qualified health center.

(2) The Board of Medical Practice and Office of Professional Regulation shall provide appropriate notice of the March 31, ~~2022~~ 2023 expiration date of this section to:

(A) health care professionals providing health care services in Vermont under this section;

(B) the Medical Reserve Corps; and

(C) health care facilities and federally qualified health centers at which health care professionals are providing services under this section.

(e) Nothing in this section is intended to limit, restrict, or modify the application of existing or future federal waivers of health care professional licensure requirements to licensed and certified facilities.

Which was agreed to. Thereupon, the bill was read the third time and passed.

Committee Bill; Second Reading; Third Reading Ordered**H. 693**

Rep. Higley of Lowell spoke for the Committee on Government Operations.

House bill, entitled

An act relating to the annual budget vote of the Northeast Kingdom Waste Management District

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up, read the second time, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered**H. 462**

Rep. Whitman of Bennington, for the Committee on Human Services, to which had been referred House bill, entitled

An act relating to miscellaneous Department of Health programs

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

* * * Division of Substance Use Programs * * *

Sec. 1. 3 V.S.A. § 3004 is amended to read:

§ 3004. PERSONNEL DESIGNATION

The Secretary, Deputy Secretary, commissioners, deputy commissioners, attorneys, Directors of the Offices of State Economic Opportunity, ~~of Alcohol and Drug Abuse Programs~~, and of Child Support, and all members of boards, committees, commissions, or councils attached to the Agency for support are exempt from the classified State service. Except as authorized by section 311 of this title or otherwise by law, all other positions shall be within the classified service.

Sec. 2. 18 V.S.A. § 4255 is amended to read:

§ 4255. VERMONT PRESCRIPTION DRUG ADVISORY COUNCIL

* * *

(b)(1) The Advisory Council shall consist of the following members:

(A) the Commissioner of Health or designee, who shall serve as chair;

(B) the Deputy Commissioner of Health for ~~Alcohol and Drug Abuse~~ the Division of Substance Use Programs or designee;

* * *

(CC) a drug and alcohol abuse counselor licensed pursuant to 26 V.S.A. chapter 62, to be selected by the Deputy Commissioner of Health for ~~Alcohol and Drug Abuse~~ the Division of Substance Use Programs;

* * *

Sec. 3. 18 V.S.A. 4806 is amended to read:

§ 4806. ~~DIVISION OF ALCOHOL AND DRUG ABUSE~~ SUBSTANCE USE
PROGRAMS

(a) The ~~Division of Alcohol and Drug Abuse~~ Substance Use Programs shall plan, operate, and evaluate a consistent, effective program of substance ~~abuse use~~ programs. All duties, responsibilities, and authority of the Division shall be carried out and exercised by and within the Department of Health.

* * *

(c) Under the direction of the Commissioner of Health, the Deputy Commissioner of ~~Alcohol and Drug Abuse Programs~~ for the Division shall review and approve all alcohol and drug programs developed or administered by any State agency or department, except for alcohol and drug education programs developed by the Agency of Education in conjunction with the Alcohol and Drug Abuse Council pursuant to 16 V.S.A. § 909.

* * *

Sec. 4. 18 V.S.A. § 7253 is amended to read:

§ 7253. CLINICAL RESOURCE MANAGEMENT AND OVERSIGHT

The Commissioner of Mental Health, in consultation with health care providers as defined in section 9432 of this title, including designated hospitals, designated agencies, individuals with mental conditions or psychiatric disabilities, and other stakeholders, shall design and implement a clinical resource management system that ensures the highest quality of care and facilitates long-term, sustained recovery for individuals in the custody of the Commissioner.

* * *

(2) For the purpose of maintaining the integrity and effectiveness of the clinical resource management system, the Department of Mental Health shall:

* * *

(B) coordinate care across the mental and physical health care systems as well as ensure coordination within the Agency of Human Services, particularly the Department of Corrections, the Department of Health's ~~Alcohol and Drug Abuse~~ Division of Substance Use Programs, and the Department of Disabilities, Aging, and Independent Living;

* * *

Sec. 5. 23 V.S.A. § 1216 is amended to read:

§ 1216. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL
CONCENTRATION OF 0.02 OR MORE

* * *

(g) The Alcohol and Driving Program required under this section shall be administered by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's Division of Substance Use Programs and shall take into consideration any particular treatment needs of operators under ~~the age of 21 years of age.~~

* * *

Sec. 6. 23 V.S.A. § 3207f is amended to read:

§ 3207f. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL
CONCENTRATION OF 0.02 OR MORE

* * *

(f) The alcohol program required under this section shall be administered by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's Division of Substance Use Programs and shall take into consideration any particular treatment needs of operators under ~~the age of 21 years of age.~~

* * *

Sec. 7. 23 V.S.A. § 3323a is amended to read:

§ 3323a. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL
CONCENTRATION OF 0.02 OR MORE

* * *

(f) The alcohol program required under this section shall be administered by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's Division of Substance Use Programs and shall take into consideration any particular treatment needs of operators under ~~the age of 21 years of age.~~

* * *

Sec. 8. 33 V.S.A. § 5272 is amended to read:

§ 5272. JUVENILE JUSTICE UNIT; JUVENILE JUSTICE DIRECTOR

* * *

(c) The Juvenile Justice Director shall ensure that the following occur:

* * *

(3) cooperation among appropriate departments, including the Department; the Agency of Education; the Departments of Corrections, of Labor, of Mental Health, of Public Safety, and of Disabilities, Aging, and Independent Living; and the Department of Health's Division of Alcohol and Drug Abuse Substance Use Programs;

* * *

* * * Expansion of Drug Disposal Kiosks * * *

Sec. 9. 18 V.S.A. § 4224 is amended to read:

§ 4224. UNUSED PRESCRIPTION DRUG DISPOSAL PROGRAM

(a) The Department of Health shall establish and maintain the Statewide Unused Prescription Drug Disposal Program to provide for the safe disposal of Vermont residents' unused and unwanted prescription drugs. The Program may include establishing secure collection and disposal sites and providing medication envelopes for sending unused prescription drugs to an authorized collection facility for destruction.

(b) Pharmacies that operate 10 or more establishments in the United States, while concurrently conducting business in Vermont, shall enroll in a drug disposal kiosk program not later than December 31, 2022.

* * * Child Fatality Review Team * * *

Sec. 10. 18 V.S.A. § 1561 is amended to read:

§ 1561. CHILD FATALITY REVIEW TEAM

* * *

(g)(1) Confidentiality.

(1)(A) The records produced or acquired by the Team are exempt from public inspection and copying under the Public Records Act and shall be kept confidential. The records of the Team are not subject to subpoena, discovery, or introduction into evidence in a civil or criminal action. Nothing in this section shall be construed to limit or restrict the right to discover or use in any civil or criminal proceedings information or records that are available from another source and entirely outside the Team's review. The Team shall not use

the information or records generated during the course of its review for purposes other than those described in this section.

(B) The Department may share deidentified data produced or acquired by the Team with other states that have child fatality review panels, provided access under such agreements is consistent with the privacy, security, and disclosure protections in this chapter.

* * *

* * * Autopsy Reports * * *

Sec. 11. 18 V.S.A. § 5205 is amended to read:

§ 5205. DEATH CERTIFICATE WHEN NO ATTENDING PHYSICIAN
AND IN OTHER CIRCUMSTANCES; AUTOPSY

* * *

(f) The State's Attorney or Chief Medical Examiner, if either deem it necessary and in the interest of public health, welfare, and safety, or in furtherance of the administration of the law, may order an autopsy to be performed by the Chief Medical Examiner or under ~~his or her~~ the Chief Medical Examiner's direction. Upon completion of the autopsy, the Chief Medical Examiner shall submit a report to such State's Attorney and the Attorney General and shall submit a report of death to the State Registrar. Upon the written request of a federal prosecutor or a prosecutor in another state, the Chief Medical Examiner shall submit a report of a death to the requesting office.

* * *

* * * Effective Date * * *

Sec. 12. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

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

Second Reading; Bill Amended; Third Reading Ordered

H. 466

Rep. Dolan of Waitsfield, for the Committee on Natural Resources, Fish, and Wildlife, to which had been referred House bill, entitled

An act relating to surface water withdrawals and interbasin transfers

Reported in favor of its passage when amended as follows:

In Sec. 1, 10 V.S.A. chapter 41, in section 1002, by striking out subdivision (20) in its entirety and inserting in lieu thereof a new subdivision (20) to read as follows:

(20) “Surface water” means all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, and springs and all bodies of surface waters that are contained within, flow through, or border upon the State or any portion of it. “Surface water” shall not include the following:

(A) groundwater as defined in section 1391 of this title;

(B) artificial waterbodies as defined under section 29A-101(d) of the Vermont Water Quality Standards;

(C) treatment ponds, lagoons, or wetlands created solely to meet the requirements of a permit issued for a discharge; and

(D) constructed ponds or other impoundments that are used for irrigation or watering of livestock and that are not subject to the Vermont Water Quality Standards.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Natural Resources, Fish, and Wildlife agreed to, and third reading ordered.

Second Reading; Proposal of Amendment Offered; Motion to Commit

S. 30

Rep. Notte of Rutland City, for the Committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to prohibiting possession of firearms within hospital buildings

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 4023 is added to read:

§ 4023. POSSESSION OF FIREARMS IN HOSPITAL BUILDINGS PROHIBITED

(a) A person shall not knowingly possess a firearm while within a hospital building.

(b) A person who violates this section shall be fined not more than \$250.00.

(c) This section shall not apply to a firearm possessed by a federal law enforcement officer or a law enforcement officer certified as a law enforcement officer by the Vermont Criminal Justice Training Council pursuant to 20 V.S.A. § 2358, for legitimate law enforcement purposes.

(d) Notice of the provisions of this section shall be posted conspicuously at each public entrance to each hospital.

(e) As used in this section:

(1) "Firearm" has the same meaning as in subsection 4017(d) of this title.

(2) "Hospital" has the same meaning as in 18 V.S.A. § 1902.

Sec. 2. 13 V.S.A. § 4019 is amended to read:

§ 4019. FIREARMS TRANSFERS; BACKGROUND CHECKS

(a) As used in this section:

* * *

(4) "Licensed dealer" means a person issued a license as a dealer in firearms pursuant to 18 U.S.C. § 923(a).

(5) "Proposed transferee" means an unlicensed person to whom a proposed transferor intends to transfer a firearm.

(6) "Proposed transferor" means an unlicensed person who intends to transfer a firearm to another unlicensed person.

(7) "Transfer" means to transfer ownership of a firearm by means of sale, trade, or gift.

(8) "Unlicensed person" means a person who has not been issued a license as a dealer, importer, or manufacturer in firearms pursuant to 18 U.S.C. § 923(a).

(b)(1) Except as provided in subsection (e) of this section, an unlicensed person shall not transfer a firearm to another unlicensed person unless:

(A) the proposed transferor and the proposed transferee physically appear together with the firearm before a licensed dealer and request that the licensed dealer facilitate the transfer; and

(B) the licensed dealer agrees to facilitate the transfer.

(2) A person shall not, in connection with the transfer or attempted transfer of a firearm pursuant to this section, knowingly make a false statement or exhibit a false identification intended to deceive a licensed dealer with respect to any fact material to the transfer.

* * *

(d) A person shall not transfer a firearm to another person if:

(1) the transfer requires a background check under this section or under federal law; and

(2) the licensed dealer facilitating the transfer has not been provided with a unique identification number for the transfer by the National Instant Criminal Background Check System, provided that if the identification number has not been provided within 30 days, then the transfer may proceed.

~~(d)~~(e)(1) An unlicensed person who transfers a firearm to another unlicensed person in violation of subdivision (b)(1) of this section shall be imprisoned not more than one year or fined not more than \$500.00, or both.

(2) A person who violates subdivision (b)(2) or subsection (d) of this section shall be imprisoned not more than one year or fined not more than \$500.00, or both.

~~(e)~~(f) This section shall not apply to:

(1) the transfer of a firearm by or to a law enforcement agency;

(2) the transfer of a firearm by or to a law enforcement officer or member of the U.S. Armed Forces acting within the course of his or her official duties;

(3) the transfer of a firearm from one immediate family member to another immediate family member; or

(4) a person who transfers the firearm to another person in order to prevent imminent harm to any person, provided that this subdivision shall only apply while the risk of imminent harm exists.

~~(f)~~(g) A licensed dealer who facilitates a firearm transfer pursuant to this section shall be immune from any civil or criminal liability for any actions taken or omissions made when facilitating the transfer in reliance on the provisions of this section. This subsection shall not apply to reckless or intentional misconduct by a licensed dealer.

Sec. 3. 13 V.S.A. § 4057 is amended to read:

§ 4057. PROCEDURE

(a) Except as otherwise specified, proceedings commenced under this subchapter shall be in accordance with the Vermont Rules for Family Proceedings and shall be in addition to any other available civil or criminal remedies.

* * *

(d)(1) For purposes of a petition filed pursuant to this subchapter, a health care provider may notify a law enforcement officer when the provider believes in good faith that disclosure of the information is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public.

(2) As used in this subsection:

(A) “Health care provider” has the same meaning as in 18 V.S.A. § 9402.

(B) “Necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public” includes circumstances when the health care provider reasonably believes that the patient poses an extreme risk of causing harm to themselves or another person by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the patient’s custody or control.

Sec. 4. 13 V.S.A. § 4062 is added to read:

§ 4062. ANNUAL REPORTING; OFFICE OF COURT ADMINISTRATOR
AND AGENCY OF HUMAN SERVICES

(a) On or before September 1, 2022 and annually thereafter, the Court Administrator, with the assistance of the Agency of Human Services, shall report data on the use of extreme risk protection orders during the previous year to the Senate and House Committees on Judiciary.

(b) The reports required by this section shall include the following data for the previous year:

(1) the number of extreme risk protection order petitions filed and the number of orders issued;

(2) geographical data indicating the county where the petition was filed;
and

(3) follow-up information describing whether the order was renewed or terminated pursuant to section 4055 of this title and whether the subject of the order was charged with violating it under section 4058 of this title.

(c) The Agency of Human Services shall include in the reports required by this section an analysis of the impact of extreme risk prevention orders on Vermont suicide rates, including any relevant data relied on or utilized by the Agency for purposes of providing the information required by 2017 Acts and Resolves No. 34, An act relating to evaluation of suicide profiles.

Sec. 5. 13 V.S.A. § 4021 is amended to read:

§ 4021. LARGE CAPACITY AMMUNITION FEEDING DEVICES

(a) A person shall not manufacture, possess, transfer, offer for sale, purchase, or receive or import into this State a large capacity ammunition feeding device. As used in this subsection, “import” ~~shall~~ does not include the transportation back into this State of a large capacity ammunition feeding device by the same person who transported the device out of State if the person possessed the device on or before the effective date of this section.

* * *

(d)(1) This section shall not apply to any large capacity ammunition feeding device:

* * *

(F) transported by a resident of another state into this State for the exclusive purpose of use in an organized shooting competition sponsored by an entity registered with the Secretary of State if the device is lawfully possessed under the laws of another state.

* * *

Sec. 6. 15 V.S.A. § 1104 is amended to read:

§ 1104. EMERGENCY RELIEF

(a) In accordance with the Vermont Rules of Civil Procedure, temporary orders under this chapter may be issued *ex parte*, without notice to the defendant, upon motion and findings by the court that the defendant has abused the plaintiff or the plaintiff’s children, or both. The plaintiff shall submit an affidavit in support of the order. A minor 16 years of age or older, or a minor of any age who is in a dating relationship as defined in subdivision 1101(2) of this chapter, may seek relief on his or her own behalf. Relief under this section shall be limited as follows:

(1) Upon a finding that there is an immediate danger of further abuse, an order may be granted requiring the defendant:

(A) to refrain from abusing the plaintiff or his or her children, or both, or from cruelly treating as defined in 13 V.S.A. § 352 or 352a or killing any animal owned, possessed, leased, kept, or held as a pet by either party or by a minor child residing in the household;

(B) to refrain from interfering with the plaintiff's personal liberty or the personal liberty of the plaintiff's children, or both;

(C) to refrain from coming within a fixed distance of the plaintiff, the plaintiff's children, the plaintiff's residence, or the plaintiff's place of employment; ~~and~~

(D) to refrain from contacting the plaintiff or the plaintiff's children, or both, in any way, whether directly, indirectly, or through a third party, with the purpose of making contact with the plaintiff, including in writing or by telephone, e-mail, or other electronic communication; or

(E) to immediately relinquish, until the expiration of the order, all firearms that are in the defendant's possession, ownership, or control and to refrain from acquiring or possessing any firearms while the order is in effect.

(2) Upon a finding that the plaintiff, ~~his or her or the plaintiff's~~ children, or both, have been forced from the household and will be without shelter unless the defendant is ordered to vacate the premises, the court may order the defendant to vacate immediately the household and may order sole possession of the premises to the plaintiff.

(3) Upon a finding that there is immediate danger of physical or emotional harm to minor children, the court may award temporary custody of these minor children to the plaintiff or to other persons.

* * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

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

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Judiciary?, **Rep. Smith of Derby** moved that the bill be committed to the Committee on Health Care.

Recess

At two o'clock and thirty minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

Consideration Resumed; Bill Not Committed; Proposal of Amendment Agreed To; Third Reading Ordered

S. 30

Consideration resumed on Senate bill, entitled

An act relating to prohibiting possession of firearms within hospital buildings

Pending the question, Shall the bill be committed to the Committee on Health Care?, **Rep. Brennan of Colchester** 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 committed to the Committee on Health Care?, was decided in the negative. Yeas, 55. Nays, 90.

Those who voted in the affirmative are:

Achey of Middletown Springs	Higley of Lowell	Page of Newport City
Birong of Vergennes	Labor of Morgan	Pajala of Londonderry
Brennan of Colchester	LaClair of Barre Town	Palasik of Milton
Brownell of Pownal	Lefebvre of Newark	Parsons of Newbury
Canfield of Fair Haven	Lefebvre of Orange	Pearl of Danville
Chase of Colchester	Leffler of Enosburgh	Peterson of Clarendon
Cupoli of Rutland City	Marcotte of Coventry	Rogers of Waterville
Dickinson of St. Albans Town	Martel of Waterford	Rosenquist of Georgia
Donahue of Northfield	Martin of Franklin	Scheuermann of Stowe
Fagan of Rutland City	Mattos of Milton	Shaw of Pittsford
Feltus of Lyndon	McCoy of Poultney	Sibilia of Dover
Goslant of Northfield	McFaun of Barre Town	Sims of Craftsbury
Graham of Williamstown	Morgan, L. of Milton	Smith of Derby
Gregoire of Fairfield	Morgan, M. of Milton	Smith of New Haven
Hango of Berkshire	Morrissey of Bennington	Strong of Albany
Harrison of Chittenden	Murphy of Fairfax	Taylor of Colchester
Helm of Fair Haven	Norris of Sheldon	Terenzini of Rutland Town
	Norris of Shoreham	Toof of St. Albans Town
	Noyes of Wolcott	Williams of Granby

Those who voted in the negative are:

Ancel of Calais	Durfee of Shaftsbury	Nigro of Bennington
Anthony of Barre City	Elder of Starksboro	Notte of Rutland City
Arrison of Weathersfield	Emmons of Springfield	O'Brien of Tunbridge
Austin of Colchester	Gannon of Wilmington	Ode of Burlington

Bartholomew of Hartland	Garofano of Essex	Partridge of Windham
Beck of St. Johnsbury	Goldman of Rockingham	Patt of Worcester
Black of Essex	Grad of Moretown	Pugh of South Burlington
Bluemle of Burlington	Hooper of Montpelier	Rachelson of Burlington
Bock of Chester	Hooper of Burlington	Scheu of Middlebury
Bongartz of Manchester	Houghton of Essex	Sheldon of Middlebury
Bos-Lun of Westminster	Howard of Rutland City	Small of Winooski
Brady of Williston	James of Manchester	Squirrell of Underhill
Briglin of Thetford	Jerome of Brandon	Stebbins of Burlington
Brown of Richmond	Jessup of Middlesex	Stevens of Waterbury
Brumsted of Shelburne	Killackey of South Burlington	Sullivan of Dorset
Burditt of West Rutland	Kimbell of Woodstock	Surprenant of Barnard
Burke of Brattleboro	Kitzmiller of Montpelier	Till of Jericho
Burrows of West Windsor	Kornheiser of Brattleboro	Toleno of Brattleboro
Campbell of St. Johnsbury	LaLonde of South	Townsend of South
Christie of Hartford	Burlington	Burlington
Cina of Burlington	Lanpher of Vergennes	Troiano of Stannard
Coffey of Guilford	Lippert of Hinesburg	Vyhovsky of Essex
Colburn of Burlington	Long of Newfane	Walz of Barre City
Colston of Winooski	Masland of Thetford	Webb of Shelburne
Conlon of Cornwall	McCarthy of St. Albans City	White of Bethel
Copeland Hanzas of	McCormack of Burlington	White of Hartford
Bradford	McCullough of Williston	Whitman of Bennington
Corcoran of Bennington	Morris of Springfield	Wood of Waterbury
Cordes of Lincoln *	Mrowicki of Putney	Yacovone of Morristown
Dolan of Essex	Mulvaney-Stanak of	Yantachka of Charlotte
Dolan of Waitsfield	Burlington	
Donnally of Hyde Park	Nicoll of Ludlow	

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

Hooper of Randolph	Satcowitz of Randolph	Seymour of Sutton

Rep. Cordes of Lincoln explained her vote as follows:

“Madam Speaker:

I voted no because a mental health professional’s reporting requirements are well established in common law by *Peck v. Counseling Service of Addison County, Inc.*, and in long standing mental health and healthcare practice.”

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Judiciary?, **Rep. Peterson of Clarendon** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Judiciary?, was decided in the affirmative. Yeas, 97. Nays, 49.

Those who voted in the affirmative are:

Ancel of Calais	Elder of Starksboro	Noyes of Wolcott
Anthony of Barre City	Emmons of Springfield	O'Brien of Tunbridge
Arrison of Weathersfield	Fagan of Rutland City	Ode of Burlington
Austin of Colchester	Garofano of Essex	Partridge of Windham
Bartholomew of Hartland	Goldman of Rockingham	Patt of Worcester
Beck of St. Johnsbury	Grad of Moretown	Pugh of South Burlington
Birong of Vergennes	Hooper of Montpelier	Rachelson of Burlington
Black of Essex	Hooper of Randolph	Rogers of Waterville
Bluemle of Burlington	Hooper of Burlington	Satcowitz of Randolph
Bock of Chester	Houghton of Essex	Scheu of Middlebury
Bongartz of Manchester	Howard of Rutland City	Sheldon of Middlebury
Bos-Lun of Westminster	James of Manchester	Sims of Craftsbury
Brady of Williston	Jerome of Brandon	Small of Winooski
Briglin of Thetford	Jessup of Middlesex	Squirrell of Underhill
Brown of Richmond	Killacky of South Burlington	Stebbins of Burlington
Brumsted of Shelburne	Kimbell of Woodstock	Stevens of Waterbury
Burke of Brattleboro	Kitzmiller of Montpelier	Sullivan of Dorset
Burrows of West Windsor	Kornheiser of Brattleboro	Surprenant of Barnard
Campbell of St. Johnsbury	LaLonde of South	Taylor of Colchester
Chase of Colchester	Burlington	Till of Jericho
Christie of Hartford	Lanpher of Vergennes	Toleno of Brattleboro
Cina of Burlington	Lippert of Hinesburg	Townsend of South
Coffey of Guilford	Long of Newfane	Burlington
Colburn of Burlington	Masland of Thetford	Troiano of Stannard
Colston of Winooski	McCarthy of St. Albans City	Vyhovsky of Essex
Conlon of Cornwall	McCormack of Burlington	Walz of Barre City
Copeland Hanzas of	McCullough of Williston	Webb of Shelburne
Bradford	Morris of Springfield	White of Bethel
Corcoran of Bennington	Mrowicki of Putney	White of Hartford
Cordes of Lincoln	Mulvaney-Stanak of	Whitman of Bennington
Dolan of Essex	Burlington	Wood of Waterbury
Dolan of Waitsfield	Nicoll of Ludlow	Yacovone of Morristown
Donnally of Hyde Park	Nigro of Bennington	Yantachka of Charlotte
Durfee of Shaftsbury	Notte of Rutland City	

Those who voted in the negative are:

Achey of Middletown	Helm of Fair Haven	Norris of Shoreham
Springs	Higley of Lowell	Page of Newport City
Brennan of Colchester	Labor of Morgan	Pajala of Londonderry
Brownell of Pownal	LaClair of Barre Town	Palasik of Milton
Burditt of West Rutland	Lefebvre of Orange	Parsons of Newbury
Canfield of Fair Haven	Leffler of Enosburgh	Pearl of Danville
Cupoli of Rutland City	Marcotte of Coventry	Peterson of Clarendon
Dickinson of St. Albans	Martel of Waterford	Rosenquist of Georgia
Town	Martin of Franklin	Scheuermann of Stowe
Donahue of Northfield	Mattos of Milton	Shaw of Pittsford
Feltus of Lyndon	McCoy of Poultney	Sibilia of Dover
Gannon of Wilmington	McFaun of Barre Town	Smith of Derby

Goslant of Northfield	Morgan, L. of Milton	Smith of New Haven
Graham of Williamstown	Morgan, M. of Milton	Strong of Albany
Gregoire of Fairfield	Morrissey of Bennington	Terenzini of Rutland Town
Hango of Berkshire	Murphy of Fairfax	Toof of St. Albans Town
Harrison of Chittenden	Norris of Sheldon	Williams of Granby

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

Lefebvre of Newark	Seymour of Sutton

Thereupon, third reading was ordered in a vote by division: Yeas, 93; Nays, 47.

Message from the Senate No. 14

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

Madam Speaker:

I am directed to inform the House that:

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

H. 157. An act relating to registration of construction contractors.

And has concurred therein.

Adjournment

At three o'clock and thirty-four minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, January 28, 2022

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

House Bill Introduced**H. 696**

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to on-farm restaurants

Was read the first time and referred to the Committee on Agriculture and Forestry.

Committee Bill Introduced; Referred to Ways and Means**H. 697**

By the Committee on Natural Resources, Fish, and Wildlife

House bill, entitled

An act relating to eligibility of reserve forestland for enrollment in the Use Value Appraisal Program

Was read the first time and, pending appearance on the Notice Calendar and pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred to committee as follows:

H. 698

By Reps. Kimbell of Woodstock, Sibilia of Dover, and Sims of Craftsbury,

House bill, entitled

An act relating to the regulation of the recreational trails

To the Committee on Natural Resources, Fish, and Wildlife.

H. 699

By Rep. Black of Essex,

House bill, entitled

An act relating to prohibiting surveillance devices on private property without consent of the property owner

To the Committee on Judiciary.

H. 700

By Reps. Black of Essex, Brady of Williston, Dolan of Essex, Donahue of Northfield, Garofano of Essex, Houghton of Essex, and Page of Newport City,

House bill, entitled

An act relating to suicide prevention

To the Committee on Health Care.

Committee Bill Introduced**H. 701**

By the Committee on Ways and Means,

House bill, entitled

An act relating to cannabis license fees

Was read, and pursuant to House Rule 48, placed on the Notice Calendar.

House Resolution Adopted**H.R. 16**

House resolution, entitled

House resolution relating to time-limited hybrid operation of the House of Representatives and House committees and to House Rules Committee meeting authority

Offered by: Committee on Rules

Whereas, 2022, H.R. 14 authorized through Tuesday, February 1, 2022 the remote operation of the House of Representatives; hybrid operation of House committees; and remote operation of the House Rules Committee, and

Whereas, the ongoing COVID-19 pandemic continues to pose a risk to the health and safety of House members, legislative staff, and members of the public, and

Whereas, the House of Representatives wants to ensure a safe process in returning to in-person legislating, *now therefore be it*

Resolved by the House of Representatives:

That the House of Representatives shall operate in a hybrid manner, whereby House members shall debate and vote in the House chamber but may do so through remote participation if the member must be absent from the chamber due to symptomatic illness or direct COVID-19-related circumstances, *and be it further*

Resolved: That House committees shall continue to operate in a hybrid manner, such that a member of a House committee may debate and vote remotely in their committee if the member confirms with the member's committee chair that the member must be absent from committee due to symptomatic illness or direct COVID-19-related circumstances, *and be it further*

Resolved: That the Committee on Rules is authorized to meet remotely as necessary to address COVID-19-related matters that may impact the operation of the House and its committees, *and be it further*

Resolved: That the hybrid and remote authority set forth in this resolution shall remain in effect through Tuesday, February 15, 2022.

Was read and adopted.

**Joint Resolution Adopted;
Rules Suspended; Resolution Messaged to Senate Forthwith**

J.R.H. 13

Joint resolution extending the application of temporary Joint Rule 22A

Offered by: Committee on Rules

Resolved by the Senate and House of Representatives:

That Temporary Joint Rule 22A is amended to read as follows:

Rule 22A. Temporary Rule Regarding Joint Committee Meetings

(a) A member of a joint committee may debate and vote remotely in that committee if the member confirms with the committee's chair or co-chairs, as applicable, that the member must be absent from committee due to symptomatic illness or direct COVID-19-related circumstances.

(b) The Joint Rules Committee is authorized to meet remotely as necessary to address COVID-19-related matters that may impact the operation of the General Assembly and joint committees.

(c) The remote authority set forth in this rule shall remain in effect through Tuesday, February 15, 2022.

(d) Notwithstanding the provisions of subsection (c) of this rule, if the Governor thereafter reissues capacity restrictions at gatherings and events or requires masks and physical distancing in response to COVID-19, the Joint Rules Committee is authorized to meet remotely and to permit any joint committees of the Legislature to meet and vote electronically as the Joint Rules Committee determines appropriate.

Was taken up and adopted on the part of the House.

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

Ceremonial Reading

H.C.R. 86

House concurrent resolution designating January 2022 as School Board Recognition Month in Vermont

Offered by: Conlon of Cornwall, Brady of Williston, Christie of Hartford, Durfee of Shaftsbury, Hango of Berkshire, Long of Newfane, and Sibilis of Dover

Having been adopted in concurrence on Friday, January 21, 2022 in accord with Joint Rule 16b, was read.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 462

House bill, entitled

An act relating to miscellaneous Department of Health programs

H. 466

House bill, entitled

An act relating to surface water withdrawals and interbasin transfers

H. 693

House bill, entitled

An act relating to the annual budget vote of the Northeast Kingdom Waste Management District

**Amendment to Proposal of Amendment Withdrawn; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 30

Senate bill, entitled

An act relating to prohibiting possession of firearms within hospital buildings

Was taken up and, pending third reading of the bill, **Rep. Brennan of Colchester** moved to amend the House proposal of amendment as follows:

In Sec. 2, 13 V.S.A. § 4019, in subdivision (d)(2), by striking out “30” and inserting in lieu thereof “15 business”

Thereafter, **Rep. Brennan of Colchester** asked and was granted leave of the House to withdraw this amendment. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment in a vote by division: Yeas, 84; Nays, 42.

Adjournment

At ten o'clock and thirty-seven minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, February 1, 2022, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 37.

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. 88

House concurrent resolution congratulating the 2021 St. Johnsbury Academy Hilltoppers Division I boys' cross-country championship team

H.C.R. 89

House concurrent resolution congratulating St. Johnsbury Academy Hilltopper Evan Thornton-Sherman on winning the 2021 individual boys' Division I cross-country running championship

H.C.R. 90

House concurrent resolution congratulating the Essex High School Hornets 2021 Division I championship varsity football team

H.C.R. 91

House concurrent resolution congratulating Iris Hsiang on winning the 2021 Rights & Democracy Human Rights Award for Vermont

H.C.R. 92

House concurrent resolution congratulating the Essex High School Hornets 2021 Division I championship boys' varsity soccer team

H.C.R. 93

House concurrent resolution congratulating the 2021 Thetford Academy Panthers Division III girls' cross-country championship team

H.C.R. 94

House concurrent resolution in memory of Robert D. Bates

H.C.R. 95

House concurrent resolution congratulating the 2021 Essex High School Hornets State championship girls' varsity volleyball team

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2022 Adjourned Session.]

Tuesday, February 1, 2022

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

Message from the Senate No. 15

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

Madam Speaker:

I am directed to inform the House that:

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

H. 454. An act relating to approval of an amendment to the charter of the City of Burlington.

And has passed the same in concurrence.

The Senate has considered joint resolution originating in the House of the following title:

J.R.H. 13. Joint resolution extending the application of temporary Joint Rule 22A.

And has adopted the same in concurrence.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 88. House concurrent resolution congratulating the 2021 St. Johnsbury Academy Hilltoppers Division I boys' cross-country championship team.

H.C.R. 89. House concurrent resolution congratulating St. Johnsbury Academy Hilltopper Evan Thornton-Sherman on winning the 2021 individual boys' Division I cross-country running championship.

H.C.R. 90. House concurrent resolution congratulating the Essex High School Hornets 2021 Division I championship varsity football team.

H.C.R. 91. House concurrent resolution congratulating Iris Hsiang on winning the 2021 Rights & Democracy Human Rights Award for Vermont.

H.C.R. 92. House concurrent resolution congratulating the Essex High School Hornets 2021 Division I championship boys' varsity soccer team.

H.C.R. 93. House concurrent resolution congratulating the 2021 Thetford

Academy Panthers Division III girls' cross-country championship team.

H.C.R. 94. House concurrent resolution in memory of Robert D. Bates.

H.C.R. 95. House concurrent resolution congratulating the 2021 Essex High School Hornets State championship girls' varsity volleyball team.

Recess

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

Message from the Senate No. 16

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

Madam Speaker:

I am directed to inform the House that:

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

S. 78. An act relating to binding interest arbitration for employees of the Vermont Judiciary.

And has concurred therein.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 38. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Recess

At eleven o'clock and seventeen minutes in the forenoon, the Speaker called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Pledge of Allegiance

Page Abraham Dunne of Hartland led the House in the Pledge of Allegiance.

House Bills Introduced**H. 702**

By Reps. Coffey of Guilford and Killacky of South Burlington,

House bill, entitled

An act relating to appropriating funds for the 2023 Farmers' Night Concert Series

Was read the first time and referred to the Committee on Appropriations.

H. 703

By Rep. Toleno of Brattleboro,

House bill, entitled

An act relating to promoting workforce development

Was read the first time and referred to the Committee on Commerce and Economic Development.

Second Reading; Bill Amended; Third Reading Ordered**H. 320**

Rep. Bluemle of Burlington, for the Committee on General, Housing, and Military Affairs, to which had been referred House bill, entitled

An act relating to prohibiting agreements that prevent an employee from working for the employer following the settlement of a discrimination claim

Reported in favor of its passage when amended as follows:

First: In Sec. 1, 21 V.S.A. § 495, by striking out subsection (i) in its entirety and inserting in lieu thereof a new subsection (i) to read as follows:

(i)(1) An agreement to settle a claim of a violation of subsection (a) of this section shall not prohibit, prevent, or otherwise restrict the employee from working for the employer or any parent company, subsidiary, division, or affiliate of the employer. Any provision of an agreement to settle a claim of a violation of subsection (a) of this section that violates this subsection shall be void and unenforceable with respect to the individual who made the claim.

(2) The provisions of this subsection shall not apply to any settlement agreement that was entered into on or before June 30, 2022.

Second: In Sec. 2, effective date, by striking out the number "2021" and inserting in lieu thereof the number "2022"

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

Adjournment

At eleven o'clock and forty-five minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Wednesday, February 2, 2022

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

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Message from the Senate No. 17

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolutions of the following titles:

J.R.S. 39. Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

J.R.S. 40. Joint resolution establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2022.

In the adoption of which the concurrence of the House is requested.

New Member Announced and Appointed to Committee

Rep. Walker of Swanton, who was recently appointed by the Governor to fill the vacancy in Franklin-4, having taken and subscribed the oath administered by the Clerk, as required by the Constitution and laws of the State, was seated and then appointed to the Committee on Transportation by the Speaker.

House Bills Introduced**H. 704**

By Rep. Kimbell of Woodstock,

House bill, entitled

An act relating to the regulation of accessory on-farm businesses

Was read the first time and referred to the Committee on Agriculture and Forestry.

H. 705

By Rep. Leffler of Enosburgh,

House bill, entitled

An act relating to prohibiting the running of livestock at large

Was read the first time and referred to the Committee on Agriculture and Forestry.

Bill Referred to Committee on Ways and Means**H. 491**

House bill, entitled

An act relating to the creation of the City of Essex Junction and the adoption of the City charter

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

Joint Resolution Placed on Calendar**J.R.H. 14**

Joint resolution authorizing the 2022 Green Mountain Girls State educational program to use the State House

Offered by: Representative Brumsted of Shelburne

Whereas, the American Legion Auxiliary Department of Vermont sponsors the Green Mountain Girls State educational program, providing a group of girls entering the 12th grade a special opportunity to study the workings of State government in Montpelier, and

Whereas, the Green Mountain Girls State educational program serves as an outstanding leadership-training forum for future civic leaders in Vermont, and

Whereas, as part of their visit to the State's capital city, the girls conduct a mock legislative session in the State House, now therefore be it

Resolved by the Senate and House of Representatives:

That the Sergeant at Arms shall make available the chambers and committee rooms of the State House for the Green Mountain Girls State educational program on Wednesday, June 22, 2022, from 8:00 a.m. to 4:15 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Auxiliary Department of Vermont in Montpelier.

Was read by title and, in the Speaker's discretion under House Rule 52, placed on the Action Calendar on the next legislative day.

Joint Resolution Adopted in Concurrence

J.R.S. 38

By Senator Balint,

J.R.S. 38. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 4, 2022, it be to meet again no later than Tuesday, February 8, 2022.

Was taken up, read, and adopted in concurrence.

Joint Resolutions Placed on Calendar

J.R.S. 39

By Senator Balint,

J.R.S. 39. Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, February 17, 2022, at ten o'clock and thirty minutes in the forenoon to vote on the election of two legislative Trustees of the Vermont State Colleges Corporation to serve a four year term commencing March 1, 2022, and expiring on March 1, 2026, *and be it further*

Resolved: That the Joint Assembly shall be concurrently conducted electronically at which members of the General Assembly may participate and

debate from a remote location; that voting by ballot shall be conducted, as practicable, consistent with Vermont's "Early or Absentee Voters" statute at 17 V.S.A. §2531, et seq.; that after nominations and debates, if necessary, the Joint Assembly shall recess until Tuesday, March 8, 2022 at 2:00 pm (or as otherwise ordered by the Joint Assembly) so that ballots may be submitted; and that upon reconvening, the results of the vote shall be announced or the Joint Assembly shall proceed until the above is completed.

Was read by title and, at the Speaker's discretion under House Rule 52, placed on the Action Calendar on the next legislative day.

J.R.S. 40

By Senator Balint,

J.R.S. 40. Joint resolution establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2022.

Whereas, in recent years it has become increasingly necessary to shorten the length of time spent by the General Assembly in joint session for the election of various officials, and

Whereas, if elections for multiple vacancies were to be decided by a plurality vote, then a great savings of time can be effectuated, *now therefore be it*

Resolved by the Senate and House of Representatives:

That, notwithstanding the current provisions of Joint Rule 10, and for this election only, the election of two legislative trustees of the Vermont State Colleges Corporation at a Joint Assembly to be held pursuant to J.R.S. 38, shall be governed by the following procedure:

(1) All candidates for the office of Trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be two.

(2) The two candidates receiving the greater number of votes shall be declared elected to fill the two vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for a vacant position, then voting shall continue on successive ballots for the unfilled position or positions until the vacancies have been filled by election declared of the two candidates receiving the greater number of votes.

Was read by title and, at the Speaker's discretion under House Rule 52, placed on the Action Calendar on the next legislative day.

**Committee Relieved of Consideration
and Bills Committed to Other Committees**

H. 16

Rep. Burditt of West Rutland moved that the Committee on Judiciary be relieved of House bill, entitled

An act relating to the sale and use of fireworks

And that the bill be committed to the Committee on General, Housing, and Military Affairs, which was agreed to.

H. 548

Rep. Burditt of West Rutland moved that the Committee on Judiciary be relieved of House bill, entitled

An act relating to miscellaneous cannabis establishment procedures

And that the bill be committed to the Committee on Government Operations, which was agreed to.

Third Reading; Bill Passed

H. 320

House bill, entitled

An act relating to prohibiting agreements that prevent an employee from working for the employer following the settlement of a discrimination claim

Was taken up, read the third time, and passed in a vote by division: Yeas, 91; Nays, 37.

Committee Bill; Second Reading; Third Reading Ordered

H. 701

Rep. Elder of Starksboro spoke for the Committee on Ways and Means.

House bill, entitled

An act relating to cannabis license fees

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up, read the second time, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered**H. 367**

Rep. Lefebvre of Orange, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to the management of perpetual care funds by cemetery associations

Reported in favor of its passage when amended as follows:

By striking out Sec. 1, 18 V.S.A. § 5437, in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 18 V.S.A. § 5437 is amended to read:

§ 5437. INVESTMENT

A cemetery association shall invest such trust funds and shall expend the income therefrom in accordance with the provisions of in the same manner as town cemeteries pursuant to section 5309 5384 of this title and may delegate the management and investment of cemetery association funds pursuant to subdivision (b)(3) of that section.

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

Pending the question, Shall the bill be read a third time?, **Rep. Lefebvre of Orange** moved to amend the bill as follows:

In Sec. 2 (effective date), immediately following “July 1,” by striking out the number “2021” and inserting in lieu thereof the number “2022”

Which was agreed to. Thereupon, third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered**H. 461**

Rep. Ode of Burlington, for the Committee on Ways and Means, to which had been referred House bill, entitled

An act relating to excluding the income of asylum seekers and refugees from household income

Reported in favor of its passage when amended as follows:

By striking out Sec. 1, 32 V.S.A. § 6061(3), in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 32 V.S.A. § 6061(3) is amended to read:

(3)(A) “Household” means, for any individual and for any taxable year, the individual and such other persons as resided with the individual in the principal dwelling at any time during the taxable year.

(B) The following shall not be considered members of the household:

(i) A a person who is not related to any member of the household and who is residing in the household under a written homesharing agreement pursuant to a nonprofit homesharing program;

(ii) a person residing in the household who was granted humanitarian parole to enter the United States pursuant to 8 C.F.R. § 212.5, who is seeking or has been granted asylum pursuant to 8 U.S.C. § 1158, or who qualifies as a refugee pursuant to 8 U.S.C. § 1101(a)(42), provided the person is not eligible or required under the laws of the United States to apply for lawful permanent residency; or

(iii) a person residing in a household who is hired as a bona fide employee to provide personal care to a member of the household and who is not related to the person for whom the care is provided shall not be considered to be a member of the household.

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

Second Reading; Bill Amended; Third Reading Ordered

H. 489

Rep. Donahue of Northfield, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to miscellaneous provisions affecting health insurance regulation

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

Sec. 1. 8 V.S.A. § 4062c is amended to read:

§ 4062c. COMPLIANCE WITH FEDERAL LAW

(a) Except as otherwise provided in this title, health insurers, hospital ~~or~~ and medical service corporations, and health maintenance organizations that issue, sell, renew, or offer health insurance coverage in Vermont shall comply with the requirements of the Health Insurance Portability and Accountability

Act of 1996, as amended from time to time (42 U.S.C., Chapter 6A, Subchapter XXV), and the Patient Protection and Affordable Care Act of 2010, ~~Public Law~~ Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, ~~Public Law~~ Pub. L. No. 111-152. The Commissioner shall enforce such requirements pursuant to ~~his or her~~ the Commissioner's authority under this title.

(b)(1) Health insurers, hospital and medical service corporations, health maintenance organizations, and health care providers, as that term is defined in 18 V.S.A. § 9432, shall comply with the requirements of the No Surprises Act, Pub. L. No. 116-260, Division BB, Title I, as amended from time to time.

(2) The Commissioner shall enforce the requirements of the No Surprises Act as they apply to health insurers, hospital and medical service corporations, health maintenance organizations, and health care providers, to the extent permitted under federal law, pursuant to the Commissioner's authority under this title. The Commissioner may also refer cases of noncompliance to the U.S. Department of Health and Human Services under the terms of a collaborative enforcement agreement, or to the Office of the Vermont Attorney General.

Sec. 2. NO SURPRISES ACT; PROVIDER OUTREACH

The Department of Financial Regulation, in collaboration with the Departments of Health and of Vermont Health Access and professional organizations representing health care providers, shall inform health care providers of their responsibilities under the No Surprises Act.

Sec. 3. 8 V.S.A. § 4079 is amended to read:

§ 4079. GROUP INSURANCE POLICIES; DEFINITIONS

Group health insurance is hereby declared to be that form of health insurance covering one or more persons, with or without their dependents, and issued upon the following basis:

(1)(A) Under a policy issued to an employer, who shall be deemed the policyholder, insuring at least one employee of such employer, for the benefit of persons other than the employer. The term "employees," as used ~~herein~~ in this section, shall be deemed to include the officers, managers, and employees of the employer;; the partners, if the employer is a partnership;; the officers, managers, and employees of subsidiary or affiliated corporations of a corporation employer;; and the individual proprietors, partners, and employees of individuals and firms, the business of which is controlled by the insured employer through stock ownership, contract, or otherwise. The term "employer," as used ~~herein~~ in this section, may be deemed to include any municipal or governmental ~~corporation, unit, agency, or department thereof~~

~~and the proper officers as such, of any unincorporated municipality or department thereof entity or officer, or the appropriate officer for an unincorporated town or gore or for the Unified Towns and Gores of Essex County, as well as private individuals, partnerships, and corporations.~~

(B) In accordance with section 3368 of this title, an employer domiciled in ~~another~~ a jurisdiction other than Vermont that has more than 25 certificate-holder employees whose principal worksite and domicile is in Vermont and that is defined as a large group in its own jurisdiction and under the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, § 1304, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, may purchase insurance in the large group health insurance market for its Vermont-domiciled certificate-holder employees.

(2)(A) A Under a policy issued:

(i) to an association, a trust, or one or more trustees of a fund established, created, or maintained by one or more associations otherwise eligible for the issuance of a policy under this subdivision (2) and maintained, directly or indirectly, by one or more associations for the benefit of its members of one or more associations, or a contract or plan issued by such an association or trust; or

(ii) by a multiple employer welfare arrangement as defined in the Employee Retirement Income Security Act of 1974, as amended.

(B)(i) The association or associations shall have:

(A)(I) ~~shall have~~ a minimum of 100 persons at the time of incorporation or formation ~~if it has been incorporated or formed outside this State, and a minimum of 25 persons at the time of incorporation or formation if it has been incorporated or formed in this State;~~

(B)(II) ~~shall have~~ been organized and maintained in good faith for purposes other than that of obtaining insurance;

(C)(III) ~~shall have~~ been in active existence for at least one year; and

(D)(IV) ~~shall have~~ a constitution and bylaws ~~which~~ that provide that:

(i)(aa) the association or associations hold regular meetings not less than annually to further purposes of the members;

(ii)(bb) except for credit unions, the association or associations collect dues or solicit contributions from members; and

(iii)(cc) ~~the members have voting privileges and constitute a majority of the voting power of the association for all purposes and have representation on the governing board and committees.~~

(ii)(I) The association or associations shall not be controlled by an insurer, as evidenced by the operation of the association or associations.

(II) The following factors may be used as evidence to determine whether an association is an insurer-operated association; provided, however, that the presence or absence of one or more of these factors shall not serve to limit or be dispositive of such a determination:

(aa) common board members, officers, executives, or employees;

(bb) common ownership of the insurer and the association, or of the association and another eligible group; and

(cc) common use of office space or equipment used by the insurer to transact insurance.

(C) An association's members shall have a shared or common purpose that is not primarily a business or customer relationship.

(D)(i) A policy issued by an association shall not insure persons other than the members or employees of the association or associations, or employees of members, or all of any class or classes of employees of the association, associations, or members, together, in each case, with the employees' or members' dependents, as applicable, for the benefit of persons other than the employee's employer.

(ii) A policy issued by an association shall insure all eligible persons, except those who reject coverage in writing.

(E) An association shall not use the solicitation of insurance as the primary method of obtaining new members.

(F) If an insurer collects membership fees or dues on behalf of an association, the insurer shall disclose to the members of the association that the insurer is billing and collecting membership fees and dues on behalf of the association.

(3)(A) A Under a policy issued to a trust, or to one or more trustees of a fund established or adopted and maintained, directly or indirectly, by:

(i) two or more employers;

(ii) one or more labor unions or similar employee organizations;

or

(iii) one or more employers and one or more labor unions or similar employee organizations.

(B)(i) A policy under this subdivision must be issued to the trust or trustees for the purpose of insuring all of the employees of the employers or all of the members of the unions or organizations, or all of any class or classes of employees or members, together, in each case, with the employees' or members' dependents, as applicable, for the benefit of persons other than the employers or the unions or organizations. ~~The trust or trustee shall be deemed the policyholder.~~

(ii) A policy issued to a trust shall insure all eligible persons, except those who reject coverage in writing.

(4) Under a policy issued to any other substantially similar group ~~which that~~, in the discretion of the Commissioner, may be subject to the issuance of a group accident and sickness policy or contract.

Sec. 4. 8 V.S.A. § 4089f is amended to read:

§ 4089f. INDEPENDENT EXTERNAL REVIEW OF HEALTH CARE
SERVICE DECISIONS

* * *

(b) An insured who has exhausted all applicable internal review procedures provided by the health benefit plan shall have the right to an independent external review of a decision under a health benefit plan to deny, reduce or terminate health care coverage or to deny payment for a health care service. The independent review shall be available when requested in writing by the affected insured, provided the decision to be reviewed requires the plan to expend at least \$100.00 for the service and the decision by the plan is based on one of the following reasons:

* * *

(5) The decision involves an adverse determination related to surprise medical billing, as established under Section 2799A-1 or 2799A-2 of the Public Health Service Act, including with respect to whether an item or service that is the subject of the adverse determination is an item or service to which Section 2799A-1 or 2799A-2 of the Public Health Service Act, or both, applies.

* * *

Sec. 5. 18 V.S.A. § 9374(h)(5)(A) is amended to read:

(5)(A) Annually on or before September 15, the Board ~~and the Department of Financial Regulation~~ shall report to the House and Senate Committees on Appropriations the total amount of all expenses eligible for allocation pursuant to this subsection (h) during the preceding State fiscal year

and the total amount actually billed back to the regulated entities during the same period. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 6. 18 V.S.A. § 9417(c) is amended to read:

(c) The Commissioner of Financial Regulation shall adopt rules pursuant to 3 V.S.A. chapter 25 to license and regulate, to the extent permitted under federal law, entities administering or proposing to administer one or more HRAs, HSAs, FSAs, or similar tax-advantaged accounts for health-related expenses, or a combination of these, in this State. The rules shall include:

(1) ~~annual~~ licensure or registration filing requirements; and

(2) such requirements and qualifications for such entities as the Commissioner determines necessary to protect Vermont consumers and employers and to help ensure that funds are disbursed appropriately.

Sec. 7. 18 V.S.A. § 9701 is amended to read:

§ 9701. DEFINITIONS

As used in this chapter:

* * *

(13) “Health care decision” means consent, refusal to consent, or withdrawal of consent to any health care and includes consent to receive out-of-network services.

* * *

Sec. 8. HEALTH INSURANCE PARITY IN RESIDENTIAL CARE FOR CHILDREN AND YOUTH WORKING GROUP; REPORT

(a) Creation. There is created the Insurance Parity in Residential Care for Children and Youth Working Group to increase access to appropriate residential treatment for children and youth who are enrolled in commercial health insurance.

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

(1) one or more representatives from the Department of Mental Health;

(2) one or more representatives from the Department for Children and Families;

(3) one or more representatives from the Department of Financial Regulation;

(4) one or more representatives from the Agency of Education;

(5) one or more representatives from the Department of Vermont Health Access;

(6) two or more representatives from residential treatment programs, including one funded as a private nonmedical institution for residential child care and one funded through a designated or specialized service agency bundled rate, selected by the Department of Mental Health in consultation with the Department for Children and Families;

(7) two or more representatives from commercial health insurance carriers, selected by the Department of Financial Regulation; and

(8) the Chief Health Advocate from the Office of the Health Care Advocate or designee.

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

(1) examine the barriers that make it difficult for children and youth to access medically necessary residential treatment;

(2) identify the reasons that Vermont residential treatment programs are resistant to becoming approved providers for private insurance;

(3) propose solutions to overcome the barriers and reasons identified pursuant to subdivisions (1) and (2) of this subsection, including the possibility of creating a common set of quality and utilization management criteria and processes for private insurance and Medicaid-funded residential treatment; and

(4) explore solutions to streamline funding options for State-placed private pay students by considering the provisions of 16 V.S.A. §§ 11 and 2950.

(d) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Department of Financial Regulation.

(e) Report. On or before December 15, 2022, the Working Group shall provide its findings and any recommendations for legislative action to the House Committees on Health Care, on Human Services, and on Education and the Senate Committees on Health and Welfare and on Education.

(f) Meetings.

(1) The Commissioner of Financial Regulation or designee shall be the Chair and shall call the first meeting of the Working Group to occur on or before June 15, 2022.

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

(3) The Working Group shall cease to exist on December 15, 2022.

Sec. 9. EFFECTIVE DATES

This act shall take effect on July 1, 2022, except that Sec. 8 (Health Insurance Parity in Residential Care for Children and Youth Working Group; report) and this section shall take effect on passage.

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

Adjournment

At four o'clock and twenty-two minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, February 3, 2022

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

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 2nd day of February, 2022, he signed a bill originating in the House of the following title:

H. 589 An act relating to reapportioning the initial districts of the House of Representatives

Bill Referred to Committee on Ways and Means**H. 559**

House bill, entitled

An act relating to workers' compensation

Appearing 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, was referred to the Committee on Ways and Means.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 367

House bill, entitled

An act relating to the management of perpetual care funds by cemetery associations

H. 461

House bill, entitled

An act relating to excluding the income of asylum seekers and refugees from household income

H. 489

House bill, entitled

An act relating to miscellaneous provisions affecting health insurance regulation

H. 701

House bill, entitled

An act relating to cannabis license fees

Joint Resolution Adopted**J.R.H. 14**

Joint House resolution, entitled

Joint resolution authorizing the 2022 Green Mountain Girls State educational program to use the State House;

Was taken up and adopted on the part of the House.

Joint Resolutions Adopted in Concurrence**J.R.S. 39**

Joint Senate resolution, entitled

Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation

Was taken up and adopted in concurrence.

J.R.S. 40

Joint Senate resolution, entitled

Joint resolution establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2022

Was taken up and adopted in concurrence.

Adjournment

At one o'clock and fourteen minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at ten o'clock and thirty minutes in the forenoon.

Friday, February 4, 2022

At ten o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Message from the Senate No. 18

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

Madam Speaker:

I am directed to inform the House that:

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

H. 693. An act relating to the annual budget vote of the Northeast Kingdom Waste Management District.

And has passed the same in concurrence.

**Proposed Amendment to the Constitution of the State of Vermont
Adopted in Concurrence****Proposal 2**

Rep. Colston of Winooski, for the Committee on Government Operations, to which had been referred Proposal 2, which is printed in full below, reported in favor of its adoption in concurrence.

Proposal 2, having appeared on the Calendar for five legislative days pursuant to House Rule 51a, was taken up.

PROPOSED AMENDMENT TO THE CONSTITUTION
OF THE STATE OF VERMONT

Subject: Declaration of rights; clarifying the prohibition on slavery and indentured servitude

PROPOSAL 2

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to clarify that slavery and indentured servitude in any form are prohibited.

Sec. 2. Article 1 of Chapter I of the Vermont Constitution is amended to read:

Article 1. [All persons born free; their natural rights; slavery and indentured servitude prohibited]

That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; therefore ~~no person born in this country, or brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, after arriving to the age of twenty-one years, unless bound by the person's own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like~~ slavery and indentured servitude in any form are prohibited.

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2022 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

Pending the question, Shall the House adopt the constitutional proposal in concurrence?, **Rep. Colston of Winooski** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House adopt the Constitutional proposal in concurrence?, was decided in the affirmative. Yeas, 139. Nays, 3.

Those who voted in the affirmative are:

Achey of Middletown
Springs

Graham of Williamstown
Gregoire of Fairfield

Ode of Burlington
Page of Newport City

Ancel of Calais	Hango of Berkshire	Pajala of Londonderry
Anthony of Barre City	Harrison of Chittenden	Palasik of Milton
Arrison of Weathersfield	Helm of Fair Haven	Parsons of Newbury
Austin of Colchester	Higley of Lowell	Partridge of Windham
Bartholomew of Hartland	Hooper of Montpelier	Patt of Worcester
Beck of St. Johnsbury	Hooper of Randolph	Pearl of Danville
Birong of Vergennes	Hooper of Burlington	Peterson of Clarendon
Black of Essex	Houghton of Essex	Pugh of South Burlington
Bluemle of Burlington	Howard of Rutland City	Rachelson of Burlington
Bock of Chester	James of Manchester	Rogers of Waterville
Bongartz of Manchester	Jerome of Brandon	Rosenquist of Georgia
Bos-Lun of Westminster	Jessup of Middlesex	Satowitz of Randolph
Brady of Williston	Killackey of South Burlington	Scheu of Middlebury
Brennan of Colchester	Kimbell of Woodstock	Scheuermann of Stowe
Briglin of Thetford	Kornheiser of Brattleboro	Shaw of Pittsford
Brown of Richmond	LaLonde of South	Sheldon of Middlebury
Brumsted of Shelburne	Burlington	Sibilia of Dover
Burke of Brattleboro	Lanpher of Vergennes	Sims of Craftsbury
Burrows of West Windsor *	Lefebvre of Newark	Small of Winooski
Campbell of St. Johnsbury	Lefebvre of Orange	Smith of New Haven
Canfield of Fair Haven	Leffler of Enosburgh	Squirrel of Underhill
Chase of Colchester	Lippert of Hinesburg	Stebbins of Burlington
Christie of Hartford *	Long of Newfane	Stevens of Waterbury
Cina of Burlington	Martel of Waterford	Strong of Albany
Coffey of Guilford	Martin of Franklin	Sullivan of Dorset
Colburn of Burlington	Masland of Thetford	Surprenant of Barnard
Colston of Winooski	Mattos of Milton	Taylor of Colchester
Conlon of Cornwall	McCarthy of St. Albans City	Till of Jericho
Copeland Hanzas of	McCormack of Burlington	Toleno of Brattleboro
Bradford	McCoy of Poultney	Toof of St. Albans Town
Corcoran of Bennington	McCullough of Williston	Townsend of South
Cordes of Lincoln	McFaun of Barre Town	Burlington
Cupoli of Rutland City	Morgan, L. of Milton	Troiano of Stannard
Dolan of Essex	Morgan, M. of Milton	Vyhovsky of Essex
Dolan of Waitsfield	Morris of Springfield	Walker of Swanton
Donahue of Northfield	Morrissey of Bennington	Walz of Barre City
Donnally of Hyde Park	Mrowicki of Putney	Webb of Shelburne
Durfee of Shaftsbury	Mulvaney-Stanak of	White of Bethel
Elder of Starksboro	Burlington	White of Hartford
Emmons of Springfield	Murphy of Fairfax	Whitman of Bennington
Fagan of Rutland City	Nicoll of Ludlow	Williams of Granby
Feltus of Lyndon	Nigro of Bennington	Wood of Waterbury
Gannon of Wilmington	Norris of Sheldon	Yacovone of Morristown
Garofano of Essex	Norris of Shoreham	Yantachka of Charlotte
Goldman of Rockingham	Notte of Rutland City	
Goslant of Northfield	Noyes of Wolcott	
Grad of Moretown	O'Brien of Tunbridge	

Those who voted in the negative are:

Labor of Morgan

LaClair of Barre Town

Smith of Derby

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

Brownell of Pownal
Burditt of West Rutland
Dickinson of St. Albans
Town

Kitzmiller of Montpelier
Marcotte of Coventry

Seymour of Sutton
Terenzini of Rutland Town

Rep. Burrows of West Windsor explained her vote as follows:

“Madam Speaker:

I am humbled to be able to vote yes, and I dedicate my vote to Dinah Mason, a human sold as property to Vermont Supreme Court Justice Stephen Jacob, of Windsor, Vermont, in 1783. Thank you.”

Rep. Christie of Hartford explained his vote as follows:

“Madam Speaker:

With a tear in my eye.

My vote is clearly stated in the lyrics of our State Song.

‘These Green Hills and silver waters are my home they belong to me and to ALL her sons and daughters may they be strong and forever free.’”

Action Postponed on Proposed Amendment to the Constitution of the State of Vermont

Proposal 5

Proposed Amendment to the Constitution of the State of Vermont

Subject: Declaration of rights; right to personal reproductive liberty

Was taken up, and pending the reading of the report of the Committee on Human Services, on motion of **Rep. Pugh of South Burlington**, action on Proposal 5 was postponed until February 8, 2022.

Adjournment

At eleven and fifteen minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, February 8, 2022, at ten o’clock in the forenoon, pursuant to the provisions of J.R.S. 38.

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. 96

House concurrent resolution recognizing July 2022 as Park and Recreation Month in Vermont and designating July 15, 2022, as Vermont Park and Recreation Professionals Day in Vermont.

H.C.R. 97

House concurrent resolution congratulating Alicia Dana on winning the Women's Road Race H1-4 cycling bronze medal at the 2020 Paralympics in Tokyo

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2022 Adjourned Session.]

Tuesday, February 8, 2022

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

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Pledge of Allegiance

Page Mia Dolan of Barre led the House in the Pledge of Allegiance.

Message from the Senate No. 19

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 113. An act relating to establishing a cause of action for medical monitoring expenses.

In the passage of which the concurrence of the House is requested.

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

S. 30. An act relating to prohibiting possession of firearms within hospital buildings.

And has concurred therein with an amendment in the passage of which the

concurrence of the House is requested.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 96. House concurrent resolution recognizing July 2022 as Park and Recreation Month in Vermont and designating July 15, 2022, as Vermont Park and Recreation Professionals Day in Vermont..

H.C.R. 97. House concurrent resolution congratulating Alicia Dana on winning the Women's Road Race H1-4 cycling bronze medal at the 2020 Paralympics in Tokyo.

House Bill Introduced

H. 706

By Reps. Mulvaney-Stanak of Burlington, Cina of Burlington, Colburn of Burlington, Donnally of Hyde Park, Lippert of Hinesburg, Small of Winooski, Surprenant of Barnard, and Vyhovsky of Essex,

House bill, entitled

An act relating to inclusive data collection policies for insurers and health care providers

Was read the first time and referred to the Committee on Commerce and Economic Development.

Senate Bill Referred

S. 113

Senate bill, entitled

An act relating to establishing a cause of action for medical monitoring expenses

Was read the first time and referred to the Committee on Judiciary.

Bill Referred to Committee on Ways and Means

H. 655

House bill, entitled

An act relating to establishing a telehealth licensure and registration system

Appearing 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, was referred to the Committee on Ways and Means.

**Proposed Amendment to the Constitution of the State of Vermont
Adopted in Concurrence**

Proposal 5

Rep. Pugh of South Burlington, for the Committee on Human Services, to which had been referred Proposal 5, which is printed in full below, reported in favor of its adoption in concurrence.

Proposal 5, having appeared on the Calendar for five legislative days pursuant to House Rule 51a, was taken up.

**PROPOSED AMENDMENT TO THE CONSTITUTION
OF THE STATE OF VERMONT**

Subject: Declaration of rights; right to personal reproductive liberty

PROPOSAL 5

Sec. 1. PURPOSE

(a) This proposal would amend the Constitution of the State of Vermont to ensure that every Vermonter is afforded personal reproductive liberty. The Constitution is our founding legal document stating the overarching values of our society. This amendment is in keeping with the values espoused by the current Vermont Constitution. Chapter I, Article 1 declares “That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights.” Chapter I, Article 7 states “That government is, or ought to be, instituted for the common benefit, protection, and security of the people.” The core value reflected in Article 7 is that all people should be afforded all the benefits and protections bestowed by the government, and that the government should not confer special advantages upon the privileged. This amendment would reassert the principles of equality and personal liberty reflected in Articles 1 and 7 and ensure that government does not create or perpetuate the legal, social, or economic inferiority of any class of people. This proposed constitutional amendment is not intended to limit the scope of rights and protections afforded by Article 7 or any other provision in the Vermont Constitution.

(b) The right to reproductive liberty is central to the exercise of personal autonomy and involves decisions people should be able to make free from compulsion of the State. Enshrining this right in the Constitution is critical to ensuring equal protection and treatment under the law and upholding the right of all people to health, dignity, independence, and freedom.

Sec. 2. Article 22 of Chapter I of the Vermont Constitution is added to read:

Article 22. [Personal reproductive liberty]

That an individual's right to personal reproductive autonomy is central to the liberty and dignity to determine one's own life course and shall not be denied or infringed unless justified by a compelling State interest achieved by the least restrictive means.

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2022 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

Pending the question, Shall the House adopt the Constitutional proposal in concurrence?, **Rep. Pugh of South Burlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House adopt the Constitutional proposal in concurrence?, was decided in the affirmative. Yeas, 107. Nays, 41.

Those who voted in the affirmative are:

Ancel of Calais	Garofano of Essex	Ode of Burlington
Anthony of Barre City	Goldman of Rockingham	Pajala of Londonderry
Arrison of Weathersfield	Grad of Moretown	Partridge of Windham
Austin of Colchester	Hooper of Montpelier	Patt of Worcester
Bartholomew of Hartland	Hooper of Randolph	Pearl of Danville
Beck of St. Johnsbury	Hooper of Burlington	Pugh of South Burlington
Birong of Vergennes	Houghton of Essex	Rachelson of Burlington
Black of Essex	Howard of Rutland City	Rogers of Waterville
Bluemle of Burlington	James of Manchester	Satcowitz of Randolph
Bock of Chester	Jerome of Brandon	Scheu of Middlebury
Bongartz of Manchester	Jessup of Middlesex	Scheuermann of Stowe
Bos-Lun of Westminster	Killacky of South Burlington	Sheldon of Middlebury
Brady of Williston	Kimbell of Woodstock	Sibilia of Dover
Briglin of Thetford	Kitzmiller of Montpelier	Sims of Craftsbury
Brown of Richmond	Kornheiser of Brattleboro	Small of Winooski
Brownell of Pownal	LaLonde of South	Squirrell of Underhill
Brumsted of Shelburne	Burlington	Stebbins of Burlington
Burke of Brattleboro	Lanpher of Vergennes	Stevens of Waterbury
Burrows of West Windsor	Lefebvre of Newark	Sullivan of Dorset
Campbell of St. Johnsbury	Leffler of Enosburgh	Surprenant of Barnard
Chase of Colchester	Lippert of Hinesburg	Taylor of Colchester
Christie of Hartford	Long of Newfane *	Till of Jericho
Cina of Burlington	Martin of Franklin	Toleno of Brattleboro
Coffey of Guilford	Masland of Thetford	Townsend of South
Colburn of Burlington	McCarthy of St. Albans City	Burlington
Colston of Winooski	McCormack of Burlington	Troiano of Stannard
Conlon of Cornwall	McCullough of Williston	Vyhovsky of Essex
Copeland Hanzas of	Morris of Springfield	Walker of Swanton
Bradford	Mrowicki of Putney	Walz of Barre City

Corcoran of Bennington	Mulvaney-Stanak of	Webb of Shelburne
Cordes of Lincoln	Burlington	White of Bethel
Dolan of Essex	Murphy of Fairfax	White of Hartford
Dolan of Waitsfield	Nicoll of Ludlow	Whitman of Bennington
Donnally of Hyde Park	Nigro of Bennington	Wood of Waterbury
Durfee of Shaftsbury	Norris of Shoreham	Yacovone of Morristown
Elder of Starksboro	Notte of Rutland City	
Emmons of Springfield	Noyes of Wolcott	
Gannon of Wilmington	O'Brien of Tunbridge	

Those who voted in the negative are:

Achey of Middletown	Harrison of Chittenden *	Page of Newport City
Springs	Helm of Fair Haven	Palasik of Milton
Brennan of Colchester	Higley of Lowell	Parsons of Newbury
Burditt of West Rutland	Labor of Morgan	Peterson of Clarendon
Canfield of Fair Haven	LaClair of Barre Town	Rosenquist of Georgia
Cupoli of Rutland City	Lefebvre of Orange	Shaw of Pittsford
Dickinson of St. Albans	Marcotte of Coventry	Smith of Derby
Town	Martel of Waterford	Smith of New Haven
Donahue of Northfield	Mattos of Milton	Strong of Albany
Fagan of Rutland City	McCoy of Poultney	Terenzini of Rutland Town
Feltus of Lyndon	McFaun of Barre Town	Toof of St. Albans Town
Goslant of Northfield	Morgan, L. of Milton	Williams of Granby
Graham of Williamstown	Morgan, M. of Milton	Yantachka of Charlotte
Gregoire of Fairfield	Morrissey of Bennington	
Hango of Berkshire	Norris of Sheldon	

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

Seymour of Sutton

Rep. Harrison of Chittenden explained his vote as follows:

“Madam Speaker:

The Vermont Constitution belongs to all Vermonters, and I would normally default to vote for the opportunity for everyone to make a decision on this amendment as I did in the last biennium. However, as we know, the constitution amendment process puts this body in an important gatekeeper role with passage in two successive bienniums. As I listened to the discussion and explanations today, there are perhaps more questions than answers on what this amendment means so I feel compelled to vote no.”

Rep. Long of Newfane explained her vote as follows:

“Madam Speaker:

Vermonters have valued the right to have access to personal reproductive freedom for nearly half a century. Today, we have taken a fundamental step in

ensure that reproductive liberty will be a guaranteed right for future generations. I voted in support of Proposition 5 to give Vermont voters a voice in preserving that right in our Constitution, for Vermonters today and for all who come after us.”

Recess

At twelve o'clock and two minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

Message from the Senate No. 20

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 184. An act relating to defense of others and justifiable homicide.

In the passage of which the concurrence of the House is requested.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 41. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

House Called to Order

At twelve o'clock and fifty-four minutes in the afternoon, the Speaker called the House to order.

Second Reading; Motion to Commit Disagreed to; Bill Amended; Third Reading Ordered

H. 510

Rep. Kornheiser of Brattleboro, for the Committee on Ways and Means, to which had been referred House bill, entitled

An act relating to creating a Vermont child tax credit

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

* * * Child Tax Credit * * *

Sec. 1. 32 V.S.A. § 5830f is added to read:

§ 5830f. VERMONT CHILD TAX CREDIT

(a) A resident individual or part-year resident individual who is entitled to a child tax credit under the laws of the United States shall be entitled to a refundable credit against the tax imposed by section 5822 of this title for the taxable year. The total credit per taxable year shall be in the amount of \$1,200.00 per qualifying child, as defined under 26 U.S.C. § 152(c), who is six years of age or younger as of the close of the calendar year in which the taxable year of the taxpayer begins. For a part-year resident individual, the amount of the credit shall be multiplied by the percentage that the individual's income that is earned or received during the period of the individual's residency in this State bears to the individual's total income.

(b) Notwithstanding subsection (a) of this section, the amount of the credit under this section shall be reduced, but not below zero, by \$50.00 for each \$1,000.00, or fraction thereof, by which the individual's adjusted gross income exceeds \$200,000.00, irrespective of the individual's filing status. For purposes of this subsection, spouses filing jointly shall be considered an individual.

(c) Notwithstanding any provision of law to the contrary, the refundable credit and its payment authorized under this section shall be treated in the same manner as the federal Earned Income Tax Credit and shall not be considered as assets, income, or resources to the same extent the credit and its payment would be disregarded pursuant to 26 U.S.C. § 6409 and the general welfare doctrine for purposes of determining eligibility for benefits or assistance, or the amount or extent of those benefits or assistance, under any State or local program, including programs established under 33 V.S.A. § 3512 and chapters 11, 17, 21, 25, and 26, for a period of 12 months from receipt. This subsection shall only apply to the extent that it does not conflict with federal law relating to the benefit or assistance program and that any required federal approval or waiver is first obtained for that program.

Sec. 2. 32 V.S.A. § 5830f(d) is added to read:

(d) The Commissioner shall determine and pay 50 percent of the credit allowed to each individual under this section on or before September 1 of the taxable year, unless the individual elects not to receive the payment. The remaining credit allowed to each individual under this section shall be determined at the time of filing a Vermont personal income tax return for the taxable year pursuant to section 5861 of this title.

Sec. 3. 32 V.S.A. § 5813(y) is added to read:

(y) The statutory purpose of the Vermont child tax credit in section 5830f of this title is to provide financial support to families with young children.

Sec. 4. REPORT ON MONTHLY CHILD TAX CREDIT PAYMENTS

On or before January 15, 2023, the Commissioner of Taxes, in consultation with the Commissioner for Children and Families, shall report to the House Committees on Human Services and on Ways and Means and the Senate Committees on Finance and on Health and Welfare recommendations and considerations for making advance monthly payments of the child tax credit under 32 V.S.A. § 5830f, including:

(1) options for administering advance monthly payments during the taxable year;

(2) structuring the advance monthly payments or requesting preliminary approvals or waivers from federal benefit and assistance programs in a manner that will exclude the advance monthly payments from income, assets, or resources used in making benefit and assistance determinations; and

(3) any proposed legislative action.

* * * Social Security Income Exclusion * * *

Sec. 5. 32 V.S.A. § 5830e is amended to read:

§ 5830e. SOCIAL SECURITY INCOME

The portion of federally taxable Social Security benefits excluded from taxable income under subdivision 5811(21)(B)(iv) of this chapter shall be as follows:

(1) For taxpayers whose filing status is single, married filing separately, head of household, or ~~qualifying widow or widower~~ surviving spouse:

(A) If the federal adjusted gross income of the taxpayer is less than or equal to ~~\$45,000.00~~ \$50,000.00, all federally taxable benefits received under the federal Social Security Act shall be excluded.

(B) If the federal adjusted gross income of the taxpayer is greater than ~~\$45,000.00~~ \$50,000.00 but less than ~~\$55,000.00~~ \$60,000.00, the percentage of federally taxable benefits received under the Social Security Act to be excluded shall be proportional to the amount of the taxpayer's federal adjusted gross income over ~~\$45,000.00~~ \$50,000.00, determined by:

(i) subtracting the federal adjusted gross income of the taxpayer from ~~\$55,000.00~~ \$60,000.00;

(ii) dividing the value under subdivision (i) of this subdivision (B) by \$10,000.00; and

(iii) multiplying the value under subdivision (ii) of this subdivision (B) by the federally taxable benefits received under the Social Security Act.

(C) If the federal adjusted gross income of the taxpayer is equal to or greater than ~~\$55,000.00~~ \$60,000.00, no amount of the federally taxable benefits received under the Social Security Act shall be excluded under this section.

(2) For taxpayers whose filing status is married filing jointly:

(A) If the federal adjusted gross income of the taxpayer is less than or equal to ~~\$60,000.00~~ \$65,000.00, all federally taxable benefits received under the Social Security Act shall be excluded.

(B) If the federal adjusted gross income of the taxpayer is greater than ~~\$60,000.00~~ \$65,000.00 but less than ~~\$70,000.00~~ \$75,000.00, the percentage of federally taxable benefits received under the Social Security Act to be excluded shall be proportional to the amount of the taxpayer's federal adjusted gross income over ~~\$60,000.00~~ \$65,000.00, determined by:

(i) subtracting the federal adjusted gross income of the taxpayer from ~~\$70,000.00~~ \$75,000.00;

(ii) dividing the value under subdivision (i) of this subdivision (B) by \$10,000.00; and

(iii) multiplying the value under subdivision (ii) of this subdivision (B) by the federally taxable benefits received under the Social Security Act.

(C) If the federal adjusted gross income of the taxpayer is equal to or greater than ~~\$70,000.00~~ \$75,000.00, no amount of the federally taxable benefits received under the Social Security Act shall be excluded under this section.

* * * Effective Dates * * *

Sec. 6. EFFECTIVE DATES

(a) This section and Sec. 4 (report on monthly child tax credit payments) shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Secs. 1 (child tax credit), 3 (child tax credit statutory purpose), and 5 (Social Security income exclusion) shall take effect retroactively on January 1, 2022 and shall apply to taxable years beginning on and after January 1, 2022.

(c) Sec. 2 (advance payment of child tax credit) shall take effect on January 1, 2023 and shall apply to taxable years beginning on and after January 1, 2023.

and that after passage the title of the bill be amended to read: “An act relating to a Vermont Child Tax Credit and the Vermont Social Security income exclusion”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Ways and Means was presented.

Pending the question, Shall the bill be amended as recommended by the Committee on Ways and Means?, **Rep. Toof of St. Albans Town** moved that the bill be committed to the Committee on Appropriations, which was disagreed to in a vote by division: Yeas, 54; Nays, 93.

Pending the question, Shall the bill be amended as recommended by the Committee on Ways and Means?, **Rep. Ancel of Calais** 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 amended as recommended by the Committee on Ways and Means?, was decided in the affirmative. Yeas, 102. Nays, 46.

Those who voted in the affirmative are:

Ancel of Calais	Elder of Starksboro	Nigro of Bennington
Anthony of Barre City	Emmons of Springfield	Norris of Shoreham
Arrison of Weathersfield	Gannon of Wilmington	Notte of Rutland City
Austin of Colchester	Garofano of Essex	O'Brien of Tunbridge
Bartholomew of Hartland	Goldman of Rockingham	Ode of Burlington
Beck of St. Johnsbury	Grad of Moretown	Partridge of Windham
Birong of Vergennes	Harrison of Chittenden	Patt of Worcester
Black of Essex	Hooper of Montpelier	Pearl of Danville
Bluemle of Burlington	Hooper of Randolph	Pugh of South Burlington
Bock of Chester	Hooper of Burlington	Rachelson of Burlington
Bongartz of Manchester	Houghton of Essex	Rogers of Waterville
Bos-Lun of Westminster	Howard of Rutland City	Satcowitz of Randolph
Brady of Williston	James of Manchester	Scheu of Middlebury
Briglin of Thetford	Jerome of Brandon	Sheldon of Middlebury
Brown of Richmond	Jessup of Middlesex	Sims of Craftsbury
Brownell of Pownal	Killacky of South Burlington	Squirrell of Underhill
Brumsted of Shelburne	Kimbell of Woodstock	Stebbins of Burlington
Burke of Brattleboro	Kitzmiller of Montpelier	Stevens of Waterbury
Burrows of West Windsor	Kornheiser of Brattleboro	Sullivan of Dorset
Campbell of St. Johnsbury	LaLonde of South	Surprenant of Barnard
Chase of Colchester	Burlington	Taylor of Colchester
Christie of Hartford	Lanpher of Vergennes	Till of Jericho
Cina of Burlington	Lefebvre of Newark	Toleno of Brattleboro

Coffey of Guilford	Lippert of Hinesburg	Townsend of South Burlington
Colburn of Burlington	Long of Newfane	Troiano of Stannard
Colston of Winooski	Marcotte of Coventry	Vyhovsky of Essex
Conlon of Cornwall	Masland of Thetford	Walz of Barre City
Copeland Hanzas of Bradford	McCarthy of St. Albans City	Webb of Shelburne
Corcoran of Bennington	McCormack of Burlington	White of Bethel
Cordes of Lincoln	McCullough of Williston	White of Hartford
Dolan of Essex	McFaun of Barre Town	Whitman of Bennington
Dolan of Waitsfield	Morris of Springfield	Yacovone of Morristown
Donahue of Northfield *	Mrowicki of Putney	Yantachka of Charlotte
Donnally of Hyde Park	Mulvaney-Stanak of Burlington	
Durfee of Shaftsbury	Nicoll of Ludlow	

Those who voted in the negative are:

Achey of Middletown Springs	Labor of Morgan	Palasik of Milton Parsons
Brennan of Colchester	LaClair of Barre Town	of Newbury Peterson of
Burditt of West Rutland	Lefebvre of Orange	Clarendon Rosenquist of
Canfield of Fair Haven	Leffler of Enosburgh	Georgia Scheuermann of
Cupoli of Rutland City	Martel of Waterford	Stowe Shaw of Pittsford
Dickinson of St. Albans Town	Martin of Franklin	Sibilia of Dover
Fagan of Rutland City	Mattos of Milton	Small of Winooski
Feltus of Lyndon	McCoy of Poultney	Smith of Derby
Goslant of Northfield *	Morgan, L. of Milton	Smith of New Haven
Graham of Williamstown	Morgan, M. of Milton	Strong of Albany
Gregoire of Fairfield	Morrissey of Bennington	Terenzini of Rutland Town
Hango of Berkshire	Murphy of Fairfax	Toof of St. Albans Town
Helm of Fair Haven	Norris of Sheldon	Walker of Swanton
Higley of Lowell	Noyes of Wolcott	Williams of Granby
	Page of Newport City	Wood of Waterbury
	Pajala of Londonderry	

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

Seymour of Sutton

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

I am voting yes at this point so that a tax relief initiative moves forward, because I believe we do need to return some of our added revenues to struggling Vermonters. I hope it will eventually include more balanced supports that focus on the greatest needs. If it does not, I will not support the final bill.”

Rep. Goslant of Northfield explained his vote as follows:

“Madam Speaker:

Today I voted against this bill, not because I am opposed to tax relief to young families and expanding the Social Security income tax exemption. In fact, I am thrilled that we are discussing returning nearly \$50M to Vermonters...and are FINALLY talking about ways to attract more people to the State.

However, I voted NO...because...I believe other tax relief proposals should be vetted and discussed before moving something of this magnitude. It is time that we pay attention to our seniors...and I believe that we can do much more on Social Security than a \$5000 increase.

I hope that we can continue the conversation on how to provide tax relief to as many Vermonters as possible...including military retirees...those with student loan debt...nurses...childcare workers...those with not just children but adult dependents...and more.”

Thereupon, third reading was ordered.

**Favorable Reports; Second Reading;
Third Reading Ordered**

H. 559

Rep. Mulvaney-Stanak of Burlington, for the Committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to workers’ compensation

Reported in favor of its passage.

Rep. Durfee of Shaftsbury, for the Committee on Ways and Means, reported in favor of its passage.

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

Adjournment

At two o'clock and seven minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Wednesday, February 9, 2022

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

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Message from the Senate No. 21

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

Madam Speaker:

I am directed to inform the House that:

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

H. 679. An act relating to fiscal year 2022 budget adjustments.

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

The Senate has considered joint resolution originating in the House of the following title:

J.R.H. 14. Joint resolution authorizing the 2022 Green Mountain Girls State educational program to use the State House.

And has adopted the same in concurrence.

The Governor has informed the Senate that on the 8th day of February, 2022, he approved and signed a bill originating in the Senate of the following title:

S. 78. An act relating to binding interest arbitration for employees of the Vermont Judiciary.

House Bill Introduced**H. 707**

By Rep. Austin of Colchester,

House bill, entitled

An act relating to requiring public schools to offer prekindergarten to children four years of age and to children five years of age who are not yet enrolled in kindergarten

Was read the first time and referred to the Committee on Education.

Senate Bill Referred

S. 184

Senate bill, entitled

An act relating to defense of others and justifiable homicide

Was read the first time and referred to the Committee on Judiciary.

Joint Resolution Adopted in Concurrence

J.R.S. 41

By Senator Balint,

J.R.S. 41. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 11, 2022, it be to meet again no later than Tuesday, February 15, 2022.

Was taken up, read, and adopted in concurrence.

**Amendment Offered Prior to Third Reading; Question Divided;
First Instance of Amendment Disagreed to; Second Instance of
Amendment Not Germane; Amendment Offered and Withdrawn;
Third Reading; Bill Passed**

H. 510

House bill, entitled

An act relating to creating a Vermont child tax credit

Was taken up and, pending third reading of the bill, **Rep. LaClair of Barre Town** moved to amend the bill as follows:

First: In Sec. 1, 32 V.S.A. § 5830f, in subsection (b), by striking out “\$200,000.00” and inserting in lieu thereof “\$100,000.00”

Second: By striking out Sec. 6, effective dates, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

* * * Nurse or Nursing Assistant Credit * * *

Sec. 6. 32 V.S.A. § 5830g is added to read:

§ 5830g. CREDIT FOR VERMONT NURSES OR NURSING ASSISTANTS

(a) A resident of this State who qualifies as a Vermont nurse or nursing assistant shall be eligible for a refundable credit equal to \$925.00 against the tax imposed under section 5822 of this title.

(b) As used in this section, “Vermont nurse or nursing assistant” means:

(A) a resident who is licensed under 26 V.S.A. § 1572(2), (3), or (4); 1641(2); or 1642 and received wages:

(i) directly from a Vermont health care provider for services constituting registered nursing, licensed practical nursing, advanced practice registered nursing; or

(ii) as a nursing assistant.

(B) “Vermont nurse or nursing assistant” also means nursing program faculty receiving wages from a Vermont nursing education program.

Sec. 7. 32 V.S.A. § 5813(z) is added to read:

(z) The statutory purpose of the Vermont nurse or nursing assistant credit in section 5830g of this title is to encourage and retain Vermonters who work as nurses or nursing assistants in this State.

* * * Effective Dates * * *

Sec. 8. EFFECTIVE DATES

(a) This section and Sec. 4 (report on monthly child tax credit payments) shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Secs. 1 (child tax credit), 3 (child tax credit statutory purpose), 5 (Social Security income exclusion), and 6–7 (nurse or nursing assistant credit) shall take effect retroactively on January 1, 2022 and shall apply to taxable years beginning on and after January 1, 2022.

(c) Sec. 2 (advance payment of child tax credit) shall take effect on January 1, 2023 and shall apply to taxable years beginning on and after January 1, 2023.

and that after passage the title of the bill be amended to read: “An act relating to the Vermont Child Tax Credit, the Vermont Social Security income exclusion, and the Vermont Nurse or Nursing Assistant Credit”

Thereupon, **Rep. McCormack of Burlington** asked that the question be divided by its two instances of amendment. The Speaker explained that the question can be divided into two, with the effective dates for the respective sections considered as part of each of the divided instances of amendment.

Pending the question, Shall the bill be amended as offered by Rep. LaClair in the first instance of amendment and its applicable effective dates?, **Rep. McCoy of Poultney** 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 amended as offered by Rep. LaClair in the first instance of amendment and its applicable effective dates?, was decided in the negative. Yeas, 55. Nays, 88.

Those who voted in the affirmative are:

Achey of Middletown	Lefebvre of Newark	Pearl of Danville
Springs	Lefebvre of Orange	Peterson of Clarendon
Brennan of Colchester	Marcotte of Coventry	Rogers of Waterville
Brownell of Pownal	Martel of Waterford	Rosenquist of Georgia
Burditt of West Rutland	Mattos of Milton	Scheuermann of Stowe
Canfield of Fair Haven	McCormack of Burlington	Shaw of Pittsford
Chase of Colchester	McCoy of Poultney	Sibilia of Dover
Cupoli of Rutland City	McFaun of Barre Town	Small of Winooski
Dickinson of St. Albans	Morgan, L. of Milton	Smith of Derby
Town	Morgan, M. of Milton	Smith of New Haven
Donahue of Northfield	Morrissey of Bennington	Strong of Albany
Feltus of Lyndon	Murphy of Fairfax	Surprenant of Barnard
Goslant of Northfield	Norris of Sheldon	Terenzini of Rutland Town
Graham of Williamstown	Norris of Shoreham	Toof of St. Albans Town
Gregoire of Fairfield	Noyes of Wolcott	Walker of Swanton
Hango of Berkshire	Page of Newport City	Whitman of Bennington
Harrison of Chittenden	Pajala of Londonderry	Williams of Granby
Higley of Lowell	Palasik of Milton	Wood of Waterbury
LaClair of Barre Town	Parsons of Newbury	Yacovone of Morristown

Those who voted in the negative are:

Ancel of Calais	Donnally of Hyde Park	Nicoll of Ludlow
Anthony of Barre City	Durfee of Shaftsbury	Nigro of Bennington
Arrison of Weathersfield	Elder of Starksboro	Notte of Rutland City
Austin of Colchester	Emmons of Springfield	O'Brien of Tunbridge
Bartholomew of Hartland	Gannon of Wilmington	Ode of Burlington
Beck of St. Johnsbury	Garofano of Essex	Partridge of Windham
Birong of Vergennes	Goldman of Rockingham	Patt of Worcester
Black of Essex	Grad of Moretown	Pugh of South Burlington
Bluemle of Burlington	Hooper of Randolph	Rachelson of Burlington
Bock of Chester	Hooper of Burlington	Satcowitz of Randolph
Bongartz of Manchester	Houghton of Essex	Scheu of Middlebury
Bos-Lun of Westminster	Howard of Rutland City	Sheldon of Middlebury
Brady of Williston	James of Manchester	Sims of Craftsbury
Briglin of Thetford	Jerome of Brandon	Squirrell of Underhill
Brown of Richmond	Jessup of Middlesex	Stebbins of Burlington
Brumsted of Shelburne	Killacky of South Burlington	Stevens of Waterbury
Burke of Brattleboro	Kimbell of Woodstock *	Sullivan of Dorset
Burrows of West Windsor	Kitzmiller of Montpelier	Taylor of Colchester

Campbell of St. Johnsbury	Kornheiser of Brattleboro	Till of Jericho
Christie of Hartford	Labor of Morgan	Toleno of Brattleboro
Cina of Burlington	LaLonde of South	Townsend of South
Coffey of Guilford	Burlington	Burlington
Colburn of Burlington	Lanpher of Vergennes	Troiano of Stannard
Colston of Winooski	Lippert of Hinesburg	Vyhovsky of Essex
Conlon of Cornwall	Long of Newfane	Walz of Barre City
Copeland Hanzas of	Masland of Thetford	Webb of Shelburne
Bradford	McCarthy of St. Albans City	White of Bethel
Corcoran of Bennington	McCullough of Williston	White of Hartford
Cordes of Lincoln	Morris of Springfield	Yantachka of Charlotte
Dolan of Essex	Mrowicki of Putney	
Dolan of Waitsfield	Mulvaney-Stanak of	
	Burlington	

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

Fagan of Rutland City	Hooper of Montpelier	Martin of Franklin
Helm of Fair Haven	Leffler of Enosburgh	Seymour of Sutton

Rep. Kimbell of Woodstock explained his vote as follows:

“Madam Speaker:

While I prefer the \$100,000 income limitation, I trust the work of the committee in creating a tax credit to benefit most of the young Children in Vermont, so I vote ‘No’.”

Thereupon, pending the question, Shall the bill be amended as offered by Rep. LaClair of Barre Town in the second instance of amendment and its applicable effective dates?, **Rep. Bartholomew of Hartland** raised a Point of Order that the second instance of amendment was not germane to the bill. The Speaker ruled that the Point of Order was well taken because the proposed amendment introduced an independent question and topic, and expanded the subject matter of the bill, therefore, the second instance of amendment may not be considered.

Thereafter, **Reps. Sibilia of Dover, Birong of Vergennes, and Hango of Berkshire** moved to amend the bill as follows:

By striking out Sec. 6, effective dates, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

* * * Military Retirement Pay Exemption * * *

Sec. 6. 32 V.S.A. § 5811(21)(B) is amended to read:

(B) decreased by the following items of income (to the extent such income is included in federal adjusted gross income):

* * *

(iv) the portion of federally taxable benefits received under the federal Social Security Act that is required to be excluded under section 5830e of this chapter; and

* * *

(vi) the first \$30,000.00 of federally taxable U.S. military retirement pay and federally taxable U.S. military survivor benefit income received by the surviving spouse of a deceased service member; and

Sec. 7. 32 V.S.A. § 5813(z) is added to read:

(z) The statutory purpose of the exemption for the first \$30,000.00 of federally taxable U.S. military retirement pay and federally taxable U.S. military survivor benefit income received by a surviving spouse in subdivision 5811(21)(B)(vi) of this title is to recognize the military service of Vermonters.

* * * Effective Dates * * *

Sec. 8. EFFECTIVE DATES

(a) This section and Sec. 4 (report on monthly child tax credit payments) shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Secs. 1 (child tax credit), 3 (child tax credit statutory purpose), 5 (Social Security income exclusion), and 6–7 (military retirement and survivor benefit income exemption) shall take effect retroactively on January 1, 2022 and shall apply to taxable years beginning on and after January 1, 2022.

(c) Sec. 2 (advance payment of child tax credit) shall take effect on January 1, 2023 and shall apply to taxable years beginning on and after January 1, 2023.

and that after passage the title of the bill be amended to read: “An act relating to the Vermont Child Tax Credit, the Vermont Social Security income exclusion, and the U.S. military retirement and survivor benefit income exemption”

Thereupon, **Rep. Sibilia of Dover** asked and was granted leave of the House to withdraw her amendment. Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed

H. 559

House bill, entitled

An act relating to workers’ compensation

Was taken up, read the third time, and passed.

Second Reading; Bill Amended; Third Reading Ordered

H. 477

Rep. Stevens of Waterbury, for the Committee on General, Housing, and Military Affairs, to which had been referred House bill, entitled

An act relating to leave for crime victims

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

Sec. 1. 21 V.S.A. § 472c is amended to read:

§ 472c. LEAVE; ALLEGED CRIME VICTIMS; RELIEF FROM STALKING OR ABUSE

(a) As used in this section:

(1)(A) “Alleged victim” means a person who is alleged in an affidavit filed by a law enforcement official with a prosecuting attorney of competent state or federal jurisdiction to have sustained physical, emotional, or financial injury or death as a direct result of the commission or attempted commission of a crime or act of delinquency. The term “alleged victim” also includes a family member of such a person if the person:

(i) is a minor;

(ii) has been found to be incompetent;

(iii) is alleged to have suffered physical or emotional injury as a result of the violent crime or act of delinquency; or

(iv) was killed as a result of the alleged crime or act of delinquency.

(B) As used in this subdivision (a)(1):

(i) “Family member” means an individual who is not identified in the affidavit as the defendant and is the alleged victim’s:

(I) child, foster child, or stepchild;

(II) ward who lives with the alleged victim;

(III) spouse, domestic partner, or civil union partner;

(IV) sibling;

(V) grandparent;

(VI) grandchild;

(VII) parent or a parent of the alleged victim's spouse, domestic partner, or civil union partner;

(VIII) legal guardian; or

(IX) an individual for whom the alleged victim stands in loco parentis or who stood in loco parentis for the alleged victim when the alleged victim was a child.

(ii) "Domestic partner" has the same meaning as in 17 V.S.A. § 2414.

(iii) "In loco parentis" means an individual for whom the alleged victim has day-to-day responsibilities to care for and financially support, or, in the case of the alleged victim, an individual who had such responsibility for the alleged victim when the alleged victim was a child.

(iv) "Violent crime" means a "listed crime" as that term is defined in 13 V.S.A. § 5301(7) and any comparable offense in another jurisdiction.

(2) "Employer" means an individual, organization, governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air, or express company doing business in or operating within this State.

(2)(3) "Employee" means a person who is a crime victim as defined in section 495d of this chapter and, in consideration of direct or indirect gain or profit, has been continuously employed by the same employer for a period of six months for an average of at least 20 hours per week.

(b) In addition to the leave provided in section 472 of this title, an employee shall be entitled to take unpaid leave from employment for the purpose of attending a deposition or court proceeding related to:

(1) a criminal proceeding, when the employee is a an alleged victim as ~~defined in 13 V.S.A. § 5301~~ and the employee has a right or obligation to appear at the proceeding;

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

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

Action on Bill Postponed**S. 30**

Senate bill, entitled

An act relating to prohibiting possession of firearms within hospital buildings

Was taken up, and pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment?, on motion of **Rep. Notte of Rutland City**, action on the bill was postponed until February 10, 2022.

Adjournment

At four o'clock and fourteen minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, February 10, 2022

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

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House of Representatives that on the 10th day of February, 2022, he returned without signature and *vetoed* a bill originating in the House of Representatives of the following title:

H. 157 An act relating to registration of construction contractors

Governor's Veto Letter

"February 10, 2022

The Honorable BetsyAnn Wrask
Clerk of the Vermont House of Representatives
115 State Street
Montpelier, VT 05633

Dear Ms. Wrask:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I am returning H. 157, *An act relating to registration of contractors*, without my signature because of my objections described herein.

As I have previously said, I strongly support protecting the interests of consumers, who are already facing a crisis of affordability. I also support policy that helps Vermont's small businesses succeed and grow. These small, local businesses are the heart and soul of our communities and the backbone of our economy.

The fact is the findings of the Legislature in support of this bill are flawed.

This bill has the potential to undermine and weaken a large number of Vermont's small businesses – small, local residential contractors – at a time when we all agree we must prioritize new and revitalized housing.

More specifically, this bill favors larger and more established businesses at the expense of small entry-level businesses by imposing, by law, specific contract and insurance requirements that many of the smaller businesses will not be able to meet. Such specific requirements are rarely, if ever imposed on other professions. Ultimately, these provisions harm small businesses – which could lead to closures – and they harm consumers through higher costs and fewer options for making needed repairs.

There are multiple ways of finding residential contractors in one's community and for holding contractors accountable without creating this new regulatory system. One can find directories maintained by trades associations, as well as commercial listings, social media, consumer sites, references, and, of course, word of mouth.

Importantly, there are existing avenues for determining and adjudicating complaints already, as well as an existing Home Improvement Fraud Registry. Current law clearly authorizes the Attorney General to pursue both civil and criminal complaints against contractors for unfair or deceptive acts or practices. The Criminal Law provisions relating to home improvement fraud apply to oral and written contracts for \$500 or more; convictions for home improvement fraud require notice to the Attorney General; and the Attorney General maintains the Home Improvement Fraud Registry (although it is important to note successfully completed deferred sentences will be expunged).

Finally, the Legislature concedes in its findings that registration confers no assurance of competence. Given this concession, we should not risk the economic harm of this legislation when we already have tools in the toolbox to protect consumers and perhaps those tools should be sharpened.

I would agree there is room to improve existing processes already designed to protect consumers, but not necessarily through Legislative action, and certainly not action that could advantage larger established entities over small, local mom-and-pop businesses; reduce our contracting workforce and increase costs for already over-burdened consumers – not to mention the \$250 fee that will be charged to get on this registry.

As legislators are well aware, I have been willing to work with you to find a path forward, but based on the objections outlined above, I cannot support this piece of legislation and must return it without my signature pursuant to Chapter II, Section 11 of the Vermont Constitution.

Sincerely,

/s/Philip B. Scott

Philip B. Scott
Governor
PBS/kp”

Communication from Rep. Paul Martin

Received February 9, 2022

“To:

House Speaker Jill Krowinski
115 State Street
Montpelier, VT 05633

Governor Phil Scott
109 State Street Pavilion
Montpelier, VT 05609

From:

Representative Paul Martin
172 Square Road
Franklin, VT 05457

Dear Governor Scott & House Speaker Krowinski,

It is with great sadness that I must tender this resignation of my seat in the Vermont House of Representatives. Serving the people of my district for the short time that I have been able to has been a great honor and an experience that I will never forget.

I pursued this position with great intentions of working to make Vermont a better place not only for my district but for all Vermonters. The workload and level of commitment required to effectively serve has proven to be far too

much for me to balance while running my real estate company in the beautiful City of St. Albans. It has occurred to me in recent weeks that I simply must prioritize my career and the 17 real estate professionals that I lead daily in their successes. I am proud to run a real estate office that employs 12 women and helps Vermonters buy and sell their own slice of our beautiful state. I must remain committed to them, my clients, and my community.

I appreciate the opportunity to serve in the House and hope one day in the future I can pursue a seat within the body when I am much better equipped to handle the commitments required.

Respectfully,

/s/ Paul Martin

Representative Paul Martin”

House Resolution Adopted

H.R. 17

House resolution, entitled

House resolution relating to extending the time-limited hybrid operation of the House of Representatives and House committees and to House Rules Committee meeting authority

Offered by: Committee on Rules

Whereas, 2022, H.R. 16 authorized through Tuesday, February 15, 2022 the hybrid operation of the House of Representatives and House committees and the remote operation of the House Rules Committee, and

Whereas, the ongoing COVID-19 pandemic continues to pose a risk to the health and safety of House members, legislative staff, and members of the public, and

Whereas, the House of Representatives wants to ensure a safe process in returning to in-person legislating, *now therefore be it*

Resolved by the House of Representatives:

That the House of Representatives shall continue to operate in a hybrid manner, whereby House members shall debate and vote in the House chamber but may do so through remote participation if the member must be absent from the chamber due to symptomatic illness or direct COVID-19-related circumstances, *and be it further*

Resolved: That House committees shall continue to operate in a hybrid manner, such that a member of a House committee may debate and vote

remotely in their committee if the member confirms with the member's committee chair that the member must be absent from committee due to symptomatic illness or direct COVID-19-related circumstances, *and be it further*

Resolved: That the Committee on Rules is authorized to meet remotely as necessary to address COVID-19-related matters that may impact the operation of the House and its committees, *and be it further*

Resolved: That the hybrid and remote authority set forth in this resolution shall remain in effect through Tuesday, March 8, 2022.

Was read and adopted.

Committee Relieved of Consideration and Bill Committed to Other Committee

H. 635

Rep. Grad of Moretown moved that the Committee on Judiciary be relieved of House bill, entitled

An act relating to secondary enforcement of minor traffic offenses

And that the bill be committed to the Committee on Government Operations, which was agreed to.

Senate Proposal of Amendment to House Proposal of Amendment Concurred in

S. 30

The Senate concurred in the House proposal of amendment with further amendment thereto on Senate bill, entitled

An act relating to prohibiting possession of firearms within hospital buildings

The Senate concurred in the House proposal of amendment with the following proposal of amendment thereto:

In Sec. 2, 13 V.S.A. § 4019, by striking out subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) A person shall not transfer a firearm to another person if:

(1) the transfer requires a background check under this section or under federal law; and

(2) the licensed dealer facilitating the transfer has not been provided with a unique identification number for the transfer by the National Instant Criminal Background Check System.

Which proposal of amendment was considered.

Pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment?, **Rep. Brennan of Colchester** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment?, was decided in the affirmative. Yeas, 91. Nays, 53.

Those who voted in the affirmative are:

Ancel of Calais	Elder of Starksboro	O'Brien of Tunbridge
Anthony of Barre City	Emmons of Springfield	Ode of Burlington
Arrison of Weathersfield	Fagan of Rutland City	Partridge of Windham
Austin of Colchester	Garofano of Essex	Patt of Worcester
Bartholomew of Hartland	Goldman of Rockingham	Pugh of South Burlington
Black of Essex *	Grad of Moretown	Rachelson of Burlington
Bluemle of Burlington	Hooper of Burlington	Rogers of Waterville
Bock of Chester	Houghton of Essex	Satcowitz of Randolph
Bongartz of Manchester	Howard of Rutland City	Scheu of Middlebury
Bos-Lun of Westminster	James of Manchester	Sheldon of Middlebury
Brady of Williston	Jerome of Brandon	Sims of Craftsbury
Briglin of Thetford	Jessup of Middlesex	Small of Winooski
Brown of Richmond	Killackey of South Burlington	Squirrell of Underhill
Brumsted of Shelburne	Kimbell of Woodstock	Stebbins of Burlington
Burke of Brattleboro	Kitzmiller of Montpelier	Stevens of Waterbury
Burrows of West Windsor	Kornheiser of Brattleboro	Sullivan of Dorset
Campbell of St. Johnsbury	LaLonde of South	Surprenant of Barnard
Chase of Colchester	Burlington	Taylor of Colchester
Christie of Hartford	Lanpher of Vergennes	Till of Jericho
Cina of Burlington	Lippert of Hinesburg	Toleno of Brattleboro
Coffey of Guilford	Long of Newfane	Townsend of South
Colburn of Burlington	Masland of Thetford	Burlington
Colston of Winooski	McCarthy of St. Albans City	Troiano of Stannard
Conlon of Cornwall	McCormack of Burlington	Walz of Barre City
Copeland Hanzas of	McCullough of Williston	Webb of Shelburne
Bradford	Morris of Springfield	White of Bethel
Corcoran of Bennington	Mrowicki of Putney	White of Hartford
Cordes of Lincoln	Mulvaney-Stanak of	Whitman of Bennington
Dolan of Essex	Burlington	Wood of Waterbury
Dolan of Waitsfield	Nicoll of Ludlow	Yacovone of Morristown
Donnally of Hyde Park	Nigro of Bennington	Yantachka of Charlotte
Durfee of Shaftsbury	Notte of Rutland City	

Those who voted in the negative are:

Achey of Middletown Springs	Higley of Lowell	Page of Newport City
Beck of St. Johnsbury	Hooper of Randolph	Pajala of Londonderry
Brennan of Colchester	Labor of Morgan	Palasik of Milton
Brownell of Pownal	LaClair of Barre Town	Parsons of Newbury
Burditt of West Rutland	Lefebvre of Newark	Pearl of Danville
Canfield of Fair Haven	Lefebvre of Orange	Peterson of Clarendon
Cupoli of Rutland City	Leffler of Enosburgh	Rosenquist of Georgia
Dickinson of St. Albans Town	Marcotte of Coventry	Scheuermann of Stowe
Donahue of Northfield	Martel of Waterford	Seymour of Sutton
Feltus of Lyndon	Mattos of Milton	Shaw of Pittsford
Gannon of Wilmington	McCoy of Poultney	Sibilia of Dover
Goslant of Northfield	McFaun of Barre Town	Smith of Derby
Graham of Williamstown	Morgan, L. of Milton	Smith of New Haven
Gregoire of Fairfield	Morgan, M. of Milton	Strong of Albany
Hango of Berkshire	Morrissey of Bennington	Toof of St. Albans Town
Harrison of Chittenden	Murphy of Fairfax	Walker of Swanton
Helm of Fair Haven	Norris of Sheldon	Williams of Granby
	Norris of Shoreham	
	Noyes of Wolcott	

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

Birong of Vergennes	Terenzini of Rutland Town
Hooper of Montpelier	Vyhovsky of Essex

Rep. Black of Essex explained her vote as follows:

“Madam Speaker:

Until it is established that you are not prohibited from possessing a firearm, you should not have one. There are some things that are far more important than the inconvenience of taking a little bit of extra time. And this amendment ensures that.”

Third Reading; Bill Passed

H. 477

House bill, entitled

An act relating to leave for crime victims

Was taken up, read the third time, and passed.

Message from the Senate No. 22

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 280. An act relating to miscellaneous changes to laws related to vehicles.

In the passage of which the concurrence of the House is requested.

Adjournment

At one o'clock and forty-seven minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, February 11, 2022

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Pages Honored

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

Camden Buckley of Montpelier
Mia Dolan of Barre
Abraham Dunne of Hartland
Amelia Farley of South Burlington
Grady Hagenbuch of Waterbury Center
Cecilia Marino of Williston
Emma Schaffer of Morristown

Senate Bill Referred

S. 280

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles

Was read the first time and referred to the Committee on Transportation.

Bill Referred to Committee on Ways and Means

H. 515

House bill, entitled

An act relating to banking, insurance, and securities

Appearing 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, was referred to the Committee on Ways and Means.

**Joint Resolution Adopted on the Part of the House; Rules Suspended;
Resolution Messaged to Senate Forthwith**

J.R.H. 15

Joint House resolution extending the application of temporary Joint Rule 22A through Tuesday, March 8, 2022

Offered by: Representatives Long of Newfane and McCoy of Poultney

Resolved by the Senate and House of Representatives:

That Temporary Joint Rule 22A is amended to read as follows:

Rule 22A. Temporary Rule Regarding Joint Committee Meetings

(a) A member of a joint committee may debate and vote remotely in that committee if the member confirms with the committee's chair or co-chairs, as applicable, that the member must be absent from committee due to symptomatic illness or direct COVID-19-related circumstances.

(b) The Joint Rules Committee is authorized to meet remotely as necessary to address COVID-19-related matters that may impact the operation of the General Assembly and joint committees.

(c) The remote authority set forth in this rule shall remain in effect through Tuesday, ~~February 15~~ March 8, 2022.

(d) Notwithstanding the provisions of subsection (c) of this rule, if the Governor thereafter reissues capacity restrictions at gatherings and events or requires masks and physical distancing in response to COVID-19, the Joint Rules Committee is authorized to meet remotely and to permit any joint committees of the Legislature to meet and vote electronically as the Joint Rules Committee determines appropriate.

Was taken up and adopted on the part of the House.

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

Action on Bill Postponed**H. 447**

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Springfield

Was taken up, and pending the reading of the report of the Committee on Government Operations, on motion of **Rep. Mrowicki of Putney**, action on the bill was postponed until February 15, 2022.

Action on Bill Postponed**H. 679**

House bill, entitled

An act relating to fiscal year 2022 budget adjustments

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Fagan of Rutland City**, action on the bill was postponed until February 15, 2022.

Adjournment

At nine o'clock and forty-seven minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, February 15, 2022, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 41.

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. 98

House concurrent resolution congratulating Mary L. Miner of Manchester on her 100th birthday

H.C.R. 99

House concurrent resolution congratulating the Town of Stowe on earning a three-year designation as a Quality Youth Development Community

H.C.R. 100

House concurrent resolution honoring Rebecca Buck for her superb service as a member of the Joint Fiscal Office staff

H.C.R. 101

House concurrent resolution in memory of former Representative Carl D. Powden of Johnson

H.C.R. 102

House concurrent resolution honoring Stephen A. Klein for his dedicated leadership as the General Assembly's Chief Fiscal Officer

H.C.R. 103

House concurrent resolution congratulating the 2021 class of Eagle Scouts in the State of Vermont

S.C.R. 12

Senate concurrent resolution memorializing the more than 500 Vermonters who have died due to COVID-19, extending sincere condolences to their families, and thanking those Vermonters whose frontline jobs have been especially challenging during the pandemic

S.C.R. 13

Senate concurrent resolution congratulating Kekla Magoon on her 2021 and 2022 literary honors as an author of young people's literature

S.C.R. 14

Senate concurrent resolution congratulating Jason Chin of Burlington on his winning of the 2022 Randolph Caldecott Medal

[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 2022 Adjourned Session.]

Tuesday, February 15, 2022

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

Devotional Exercises

Devotional exercises were conducted by Rep. Elder of Starksboro.

Pledge of Allegiance

Page Carver Maxwell of Coventry led the House in the Pledge of Allegiance.

Message from the Senate No. 23

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 210. An act relating to rental housing health and safety and affordable housing.

In the passage of which the concurrence of the House is requested.

The Senate has on its part adopted Senate concurrent resolutions of the following titles:

S.C.R. 12. Senate concurrent resolution memorializing the more than 500 Vermonters who have died due to COVID-19, extending sincere condolences to their families, and thanking those Vermonters whose frontline jobs have been especially challenging during the pandemic.

S.C.R. 13. Senate concurrent resolution congratulating Kekla Magoon on her 2021 and 2022 literary honors as an author of young people's literature.

S.C.R. 14. Senate concurrent resolution congratulating Jason Chin of Burlington on his winning of the 2022 Randolph Caldecott Medal.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 98. House concurrent resolution congratulating Mary L. Miner of Manchester on her 100th birthday.

H.C.R. 99. House concurrent resolution congratulating the Town of Stowe on earning a three-year designation as a Quality Youth Development Community.

H.C.R. 100. House concurrent resolution honoring Rebecca Buck for her superb service as a member of the Joint Fiscal Office staff.

H.C.R. 101. House concurrent resolution in memory of former Representative Carl D. Powden of Johnson.

H.C.R. 102. House concurrent resolution honoring Stephen A. Klein for his dedicated leadership as the General Assembly's Chief Fiscal Officer.

H.C.R. 103. House concurrent resolution congratulating the 2021 class of Eagle Scouts in the State of Vermont.

Communication from the Governor

February 14, 2022

The Honorable Jill Krowinski
Speaker of the House
115 State Street, Drawer 33
Montpelier, VT 05633-5301

Dear Speaker Krowinski:

I have the great honor to inform you that I have appointed Wayne A. Laroche of Franklin, Vermont to serve in the General Assembly representing House District Franklin-5.

Sincerely,
/s/ Philip B. Scott
Philip B. Scott
Governor

PBS/jz
CC: James Condos, Secretary of State
BetsyAnn Wrask, Clerk of the House

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the fourteenth day of February, 2022, he signed bills originating in the House of the following titles:

H. 454 An act relating to approval of an amendment to the charter of the City of Burlington

H. 693 An act relating to the annual budget vote of the Northeast Kingdom Waste Management District

New Member Announced and Appointed to Committee

Rep. Laroche of Franklin, who was recently appointed by the Governor to fill the vacancy in Franklin-5, having taken and subscribed the oath

administered by the Clerk, as required by the Constitution and laws of the State, was seated and then appointed by the Speaker to the Committee on Commerce and Economic Development.

Senate Bill Referred

S. 210

Senate bill, entitled

An act relating to rental housing health and safety and affordable housing

Was read the first time and referred to the Committee on General, Housing, and Military Affairs.

Second Reading; Bill Amended; Third Reading Ordered

H. 447

Rep. Mrowicki of Putney, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the Town of Springfield

Reported in favor of its passage when amended as follows:

By striking out Sec. 2, 24 App. V.S.A. chapter 149 (Town of Springfield) in its entirety and inserting in lieu thereof a new Sec. 2 and Sec. 3 to read as follows:

Sec. 2. 24 App. V.S.A. chapter 149 is amended to read:

CHAPTER 149. TOWN OF SPRINGFIELD

* * *

§ 2. APPLICATION OF GENERAL LAW; PROPOSED CHARTER

(a) Purpose. This document is drafted to ~~supersede~~ update and replace the existing charter.

(b) Application of general laws.

* * *

(2) In the event of any conflict or contradiction, either direct or implied, between the powers conferred ~~herein~~ in this charter and State statute, this charter shall prevail.

§ 3. POWERS OF THE TOWN

(a) The Town of ~~Springfield~~ shall have all the powers and functions conferred upon ~~towns and villages~~ municipalities by the Constitution and general laws of the State, ~~and shall also have all implied powers necessary to implement such those powers and functions, and any additional powers conferred by this charter that are consistent with the Constitution.~~ All powers and functions conferred or implied by the charter shall be in addition to the powers and functions conferred upon the Town by laws now in force or hereinafter later enacted.

(b) Without limiting any of the express or implied powers granted by this charter, the Town shall have the following additional specific authorities:

(1) To adopt and enforce ordinances relating to the cleaning and repair of any premises when in a condition that:

(A) impairs the general appearance of the Town;

(B) may physically injure other property in the vicinity; or

(C) is a health hazard.

(2) To control the removal of rubbish, waste, and objectionable material of any premises subject to subdivision (1) of this subsection.

(3) Not less than 30 days before any action taken under this subsection (b), the Town shall provide to the property owner and any lienholders a notice of the Town's intent to issue civil penalties, clean or repair the premises, or remove rubbish, waste, or objectionable material. The Town shall provide to the property owner and any lienholders reasonable opportunity and resources to appeal the proposed action or to clean or repair the premises before the Town takes any final action.

(c) Nothing in this charter shall be construed as a limitation of ~~such~~ the powers and functions incident to public and municipal corporations.

* * *

§ 5. ORDINANCES

(a) Town legislation. Town legislation shall be by ordinance. Ordinances and rules ~~promulgated adopted pursuant thereto~~ to ordinances shall have the full force of law embodied in this charter.

(b) Legislative body.

* * *

(2) Town ~~meeting meetings~~, annual or special, as constituted ~~herein~~ in this section, in addition to its their other functions, shall also serve as a legislative body and may adopt, amend, or repeal an ordinance.

* * *

(B) The entire text or an explanation of the nature and purpose of ordinances subject to Town meeting action must be posted on the Town's website and published in a newspaper or newspapers of general circulation as may be directed or designated by the Selectboard, at least 30 days before the meeting.

(C) Any ordinance to be considered by Town meeting shall be reviewed by the Town Attorney or other counsel engaged by the Selectboard prior to the official warning. ~~Said~~ The Attorney shall be charged with the duty to correct ~~such~~ the ordinance to avoid repetition, illegal, or unconstitutional provisions, and to ensure accuracy in the text and reference, along with clear and precise phraseology. The ordinance shall not be changed in its meaning and effect.

(D) The effect of Town meeting action on an ordinance shall take place upon passage unless otherwise provided ~~therein~~ in the body of the ordinance.

(E) ~~Ordinances acted upon by Town meeting shall not apply to any appointments of officers, members of boards and commissions to be made by the Board of Selectmen, or to the appointment or designation of the selectmen, or their rules of order. [Repealed.]~~

* * *

(c) Ordinance adoption procedure, other than zoning and subdivision bylaws.

* * *

(d) Procedure for drafting, adoption, rejection, major amendment, or repeal of ordinances.

(1) Drafting.

(A) ~~Ordinances or actions related thereto~~ The Selectboard may appoint an ordinance committee including not more than two Selectboard members.

(B) If the Selectboard appoints an ordinance committee, ordinances of all categories, with the exception of emergency ordinances, shall be drafted by or submitted in draft form to an the ordinance subcommittee consisting of no more than two Selectboard members committee.

(2) Reporting out.

(A) ~~The~~ If the Selectboard appoints an ordinance committee, the ordinance subcommittee committee shall review the any ordinance for form submitted to them by the Selectboard and report it out to the Board of Selectmen Selectboard for first review within 90 days following submission.

(B) Ordinances reported out for first review must be reviewed beforehand by the Town Attorney or other counsel engaged by the Selectboard, and signed by ~~him/her signifying proper legal form and constitutionality~~ the Town Attorney or other counsel.

* * *

(3) Introduction and first review.

(A) The proposed ordinance ~~or action, amendment, or repeal~~ shall be introduced at a ~~Board of Selectmen~~ Selectboard meeting by the ordinance ~~subcommittee~~ committee.

(B) During first review, the proposed ordinance ~~or action, amendment, or repeal~~ may be amended.

(C) ~~A final draft~~ The proposed ordinance including any amendments must be accepted or rejected at the completion of first review.

(D) Upon completion of first review, a date for second review and public hearing shall be fixed within ~~no not~~ not less than 14, ~~but not nor~~ not more than 28 40 days from first review.

* * *

(C) ~~At A public hearing shall be held at~~ the time and place specified in the notice, ~~a public hearing shall be held.~~

(5) Amendment during second review. Should the Selectboard decide after the public hearing to substantively amend the text of the proposed ordinance, the process and timetable shall revert back to second review with the new public hearing to be held in ~~no not~~ not less than 14, ~~but no nor~~ not more than 28 40 days and all notice requirements to be met in ~~subsection 4 above~~ subdivision (4) of this subsection.

(6) Final action.

* * *

(B) Failure to act ~~in 14~~ within 40 days following the final review shall constitute a rejection.

* * *

(e) Minor amendments. ~~An action-classed~~ Any proposed change to an existing ordinance that is classified by Selectboard vote as to constitute a minor amendment, ~~pursuant to subsection (e) of this section,~~ may be adopted by the Selectboard after the completion of the first review.

(f) Emergency ordinances.

~~(1) To meet a public emergency affecting life, health, property, or the public peace~~ Following a declaration of public emergency pursuant to section 10 of this charter, the Selectboard may adopt one or more emergency ordinances.

* * *

(4) An emergency ordinance must be clearly titled as such, and contain a clear declaration of the emergency, describing it in specific terms.

~~(5) An emergency ordinance may be adopted or rejected, with or without amendment, at the meeting at which it is introduced, but an affirmative vote of four Selectboard members is required for adoption, amended, or repealed upon a two-thirds vote, with at least three affirmative votes.~~

* * *

(7) Any emergency ordinance shall automatically stand repealed on the 61st day following adoption; ~~this shall not prevent reenactment of the ordinance if the emergency still exists~~ its effective date.

(8) In order for actions taken under an emergency ordinance to be binding beyond the time period of the emergency as determined by the Selectboard, the ordinance must be ratified in a manner similar to other ordinances; ~~this shall not prevent reenactment of the ordinance if the Selectboard determines that the emergency still exists.~~

(9) An emergency ordinance may also be repealed ~~by the adoption of a repealing ordinance~~ in the manner specified in this section for emergency ordinance.

~~(g) Changes in zoning and subdivision bylaws: Changes in zoning and subdivision bylaws shall be in accordance with Vermont statutes. [Repealed.]~~

(h) Standard codes of technical regulations.

(1) The Selectboard may adopt any standard code of technical regulations by ~~references thereto~~ reference in an ~~adopting~~ ordinance.

(2) The procedure and requirements governing ~~such an adopting ordinance~~ the adoption of an ordinance concerning standard codes of technical

~~regulations shall be the same as prescribed for ordinances generally except that the requirements of this charter for distribution and filing of copies of the ordinance shall include the adoption ordinance itself, but and shall not only include a citation to the entire set of technical regulations, and a copy of each adopted code of technical regulations shall be authenticated and recorded by the Town Clerk for distribution or for purchase at a reasonable price.~~

- (i) Authentication and recording, codification, printing and publication.

* * *

- (2) Printing Publication of ordinances and resolutions.

(A) The Selectboard shall cause each ordinance and resolution ~~having the force and effect of law~~ to be printed published.

(B) ~~Printed ordinances~~ Ordinances, resolutions, charters, and charter amendments shall be ~~distributed or sold~~ published electronically and made available in printed form for sale to the public at reasonable prices set by the Selectboard.

(C) All ~~printed~~ ordinances, codes, resolutions, and charter amendments should follow a uniform format or style ~~established by the initial codification following this charter adoption~~.

- (3) Codification.

(A) ~~Within one year after the adoption of this charter, and at At least every five 10 years thereafter,~~ the Selectboard shall provide for the uniform codification of all ordinances, zoning bylaws, subdivision bylaws, and resolutions ~~having the force of law~~.

(B) When completed, the updated codification ~~will be adopted by the Selectboard by ordinance,~~ shall be published in a form convenient for general use and shall be incorporated into the Town code.

- (j) Penalties.

* * *

(2) The Town may take actions necessary to prosecute any person who violates ordinances passed under this charter. ~~Said The~~ The prosecution may be through the courts ~~or the Town Grand Juror as may be established under this charter~~.

(3) The Town may also bring an action for injunctive relief seeking a court order to require compliance with any ordinance in addition to the penalty set forth in the ordinance.

* * *

§ 7. POTENTIAL OR ACTUAL CONFLICT OF INTEREST; PERSONAL
FINANCIAL INTEREST

~~(a) At a meeting, no elective or appointive officer, acting in an official capacity, or employee of the Town, while engaged in his or her duties, shall raise the issue of, place on the agenda, participate in a discussion of, or take part in a discussion concerning any business of the Town relating to his or her business or personal financial interests, or those of a spouse, be they direct or indirect, to the degree that said interests exceed those of taxpayers generally.~~

~~(b) Personal and business interests shall include direct or indirect ownership of land, stock, property, materials, supplies or services.~~

~~(c) Discussions of salary and benefits shall be exempt from this prohibition.~~

~~(d) Any officer or employee having such an interest shall immediately make said interest known publicly.~~

~~(e) Any officer who willfully conceals such an interest, or willfully violates any requirement of this section shall forfeit said office or position, as provided under subdivision 23(b)(8)(B) of this charter.~~

~~(f) Any contract, sale, or action taken in violation of this section shall be voidable by the Board of Selectmen.~~

~~(g) Officers of the Town may buy; sell goods and services from; to the Town subject to the restrictions above, provided said procurement is done competitively in accordance with the procurement ordinance.~~

~~(h) The Board of Selectmen may require public disclosure of assets or financial interest, in a form they may prescribe, of any elected or appointed official as part of an investigation into matters of conflict of interest, or for the purposes of general investigation. Failure to disclose or incomplete or falsified disclosure may be cause for removal as provided under subdivision 23(b)(8)(B) of this charter.~~

~~(i) No officer shall devote any Town property or labor to private use, except as may be provided by law or ordinance.~~

The Selectboard shall adopt and maintain a conflict of interest policy.

§ 8. LICENSES; FEES; CHARGES; USER FEES; FEES FOR SERVICE

(a) The Selectboard shall have the sole authority for the setting of all fees, charges, user fees, or fees for services, related to Town government, except those prescribed by State statute relating to the Office of the Town Clerk or

otherwise provided for in this charter. ~~All fees and charges set by the Selectboard shall be reasonably related to actual costs.~~

(b) ~~The Board of Selectmen shall have the authority to license or issue permits for any function or activity taking place or occurring within the boundaries of the Town over which jurisdiction is established by statute, ordinance or this charter. [Repealed.]~~

(c) ~~All licenses required by the Town shall be authorized by passage and/r amendment of a license ordinance. [Repealed.]~~

(d) ~~All fees, charges, user fees, or fees for service shall be implemented by passage of a comprehensive fee ordinance which shall be placed on the Board of Selectmen agenda for review and/or update, every three years from its date of passage. [Repealed.]~~

(e) ~~No officer of the Town shall collect fees or monetary prerequisites for his or her the Town officer's own use, and all fees or charges shall be accrued to the General Fund Town funds.~~

§ 9. ACQUISITION AND DISPOSITION OF TOWN PROPERTY

(a) ~~The Selectboard shall pass an ordinance~~ a policy governing the acquisition or disposition of Town property, which shall outline procedures for the handling of ~~such~~ these matters.

(b) ~~The Selectboard may acquire or dispose of real property in accordance with such ordinance policy.~~

§ 10. EMERGENCY POWERS

(a) Declaration of public emergency. The Selectboard may, upon ~~majority a two-thirds~~ vote with at least three members present, declare a state of public emergency ~~which that~~ threatens life, property, or the public health or welfare.

(b) Condemnation, eminent domain. In the event of a declared public emergency ~~which that~~ threatens life, property, the public health or welfare, duly declared by ~~unanimous~~ Selectboard duly warned meeting warned in accordance with State statute, the Selectboard, by a minimum of three affirmative votes and not more than one dissenting vote, may exercise powers of eminent domain and condemnation and take real property or personal property, after notice to the owner and the fixing of fair compensation. An aggrieved party may appeal to Superior Court.

(c) Civil preparedness. The Town Manager shall be the designated civil preparedness Chair and shall be duty bound to exercise the powers afforded by statute and any powers and functions outlined by the Selectboard in a declared emergency. On an annual basis, the Selectboard shall adopt an emergency

preparedness plan that shall go into effect upon declaration of a public emergency.

§ 11. PROCEDURES FOR CHARTER REVISION AND AMENDMENT

(a) The procedures and process for charter amendment ~~herein~~ in subsection (b) of this section may be initiated either by a ~~unanimous~~ vote of ~~four~~ members of the Selectboard or by a citizen initiative (petition) ~~equal to~~ of at least five percent of the voters registered at the time that the petition is submitted.

(b) The procedure for charter ~~revision~~ amendment shall be as follows:

(1) The Selectboard shall appoint a Charter Review Committee of not less than ~~ten (10)~~ 11 members, which shall include two representatives from the Selectboard, and two representatives from the administration, and the community at large ~~one of which must be the Town Clerk,~~ with the majority from the community at large.

* * *

(3) The Selectboard shall determine if the proposed amendments are a comprehensive revision and shall determine the format of the article. All provisions of 17 V.S.A. § 2645 that are not in conflict with this charter shall be adhered to.

(4) Any changes in the charter must be effected by a Town meeting vote ~~with at least 25 of voters participating.~~

(c) In addition to the procedure set forth above in subsections (a) and (b) of this section, the charter may be revised or amended by the submission of a citizen initiative (petition) specifying the amendments or revisions desired and signed by 10 percent of the registered voters. The petition and subsequent action shall conform to the requirements of State statutes relating to charter amendment procedures, ~~shall be subject to the determination of the Board of Selectmen as to whether or not they are comprehensive in nature,~~ and shall be approved by a an annual Town meeting vote with at least ~~25~~ 15 percent of voters participating. If a proposed amendment or revision under this subsection is voted down at the annual Town meeting, it or a substantially similar amendment may not be petitioned again for a period of one year.

(d) Any changes in the Town charter shall become effective immediately upon passage by the registered voters and approval by the Legislature General Assembly as prescribed by statute.

~~(e) Charter amendment revote shall be subject to the limits prescribed in section 22(b)(7) of this charter~~ A comprehensive revision of this charter, as determined by the Selectboard, may be voted only once in three years.

* * *

§ 13. USE OF STREETS BY PUBLIC UTILITIES AND PRIVATE INTERESTS

Every non-Springfield municipal public utility ~~and or~~ private interest that desires to ~~dig up~~ excavate in a public street or alley for the purpose of laying pipes or wires right-of-way shall first obtain from the Selectboard Town Manager or designee a written permit stating the place where and the time when ~~digging~~ excavation and repair may be done. Upon receipt of a permit, the ~~digging up and replacing of the street or alley~~ excavation and repair shall be done under the supervision of the Selectboard; ~~they may complete the work at the expense of the utility or private interest and recover that expense in an action of tort under 19 V.S.A. § 1525, in the name of the Town, with costs~~ Town Manager or designee.

§ 14. SEPARABILITY SEVERABILITY

The sections of this charter and the parts thereof are separable severable. If any portion of this charter, or application thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.

Subchapter 2. Elections and Local Officials

§ 21. FORM OF GOVERNMENT GOVERNMENTAL AUTHORITY

All governmental authority of the Town ~~of Springfield~~ rests ultimately with the citizens and registered voters of the Town, who shall exercise their power by Australian ballot at the annual Town meeting in determining:

* * *

(5) Any articles placed on the warning ~~which~~ that involve the expenditure of tax dollars or ~~in the provision of direction in the exercise of directing~~ the power vested in elected or appointed officials;

(6) Adoption, amendment, or repeal of ordinances provided by petition per section 5 of this charter; and

(7) charter amendments.

§ 22. TOWN MEETING; ELECTIONS

(a) ~~Applicability of general laws: Except as otherwise herein limited, provisions of the general laws of the State related to voter qualifications, warnings, methods of voting, duties of Town officers at Town meeting and elections, counting of votes, recount of votes, certification of results, and~~

~~nominations of candidates, so far as they may be applicable, shall govern all municipal elections and all annual and special Town meetings. [Repealed.]~~

(b) Meetings and Elections.

(1) Annual Town meeting.

(A) On the Monday preceding the first Tuesday in March, beginning at ~~7:30~~ 7:00 p.m. at a place designated by the Selectboard, the Town shall start its annual meeting and may transact at that time any business not involving Australian ballot. At this meeting, public discussion of ballot ~~issues~~ questions and all other issues appearing on the warning, other than the election of candidates, shall be permitted.

* * *

(C) The date of the annual Town meeting may be changed by a vote of the citizens at a an annual or a special Town meeting duly warned for that purpose.

* * *

(3) Warnings.

(A) Timetable and notice. Public notice of every annual or special Town meeting, or Town election, shall be given by a warning posted in ~~at least five~~ not less than four public places in the Town and on the Town's website, at ~~least not less than 30, but no~~ not less than 30, ~~but no~~ nor more than 40 days prior to the meeting, and published in a newspaper or newspapers of general circulation in the municipality as may be directed or designated by the Selectboard.

(B) Contents. The warning shall contain:

* * *

(ii) ~~specific indications of separate~~ separate articles which ~~reflect specifically indicating~~ the business to be ~~voted~~ transacted, in the language to be voted upon;

* * *

(C) Placing of articles on a warning for the annual Town meeting.

* * *

(ii) Articles submitted by petition must be filed ~~with the Town Clerk not less than 40 days before the date of the meeting pursuant to State statute as to form and process.~~

(4) Power of Selectboard on Australian ballot decree.

(A) The Selectboard may cause any question ~~not covered in section 21(1) of this charter~~ to be voted by Australian ballot at any annual or special Town meeting called on their action, or by petition, provided that the warning for such meeting specifies the question to be voted.

(B) ~~Any article~~ All articles to be voted by Australian ballot shall be preceded by a public informational hearing. The warning of the vote shall include the notice of the public informational hearing and set forth the time and place of ~~said the public informational~~ hearing.

(5) Presiding officials at Town meeting and elections.

* * *

(E) While the polls are open, the Town Clerk shall rule on all questions covering the conduct of Australian ballot elections, except the resolution of questions concerning the checklist ~~which that~~ shall be made by the majority of the Board of Civil Authority members present.

(F) In the absence ~~or disability~~ of the Town Clerk, should it occur before an election, the Board of Civil Authority shall, upon notice, immediately meet and designate an Acting Clerk for the duration of the election. Should ~~such the absence or disability~~ occur on election day, the Board of Civil Authority members present at the election shall designate an ~~on-site temporary officer~~ Acting Clerk to preside for the duration of the election.

(6) Postponing or continuing of Town meetings.

(A) The Selectboard may postpone ~~the a special Town meeting vote on any question to be voted at a special meeting to the later annual Town meeting~~ if the date of the special Town meeting would will fall within 75 days ~~prior to of~~ the annual Town meeting.

(B) If a special Town meeting called by petition falls within 45 days of a ~~later subsequent special or annual~~ Town meeting called by petition, the Selectboard may warn the questions to be voted at such Town meeting for the later Town meeting and may by resolution rescind the call of the earlier meeting.

(7) Citizen initiatives; revote; ~~recession~~ rescission of articles other than election of officers.

(A) Any question voted at an annual or special Town meeting, except ~~charter revision or amendment~~ the adoption, amendment, or repeal of ordinances or of the charter and the recall of elected officials, may be submitted for revote or ~~recession~~ rescission at a subsequent annual or special Town meeting, subject to the limits contained herein.

(B) Requests for revote or ~~reecision~~ rescission must be by resolution of at least four members of the Selectboard or by a petition filed with the Town Clerk and signed by at least five percent of the voters registered on the date of the action.

(C) Any ~~action~~ request for revote or ~~reecision~~ rescission must be taken or filed within 30 days ~~of~~ following the date the ~~action~~ question was first considered.

(D) The Town Clerk shall warn a special Town meeting to be held within 60 days of the date ~~of~~ following the ~~call~~ request for revote or ~~reecision~~ rescission.

(E) The Town budget shall be subject to a revote only if voted in the negative, ~~or if voted in the affirmative at an election having a turnout of less than 15 percent of the registered voters at the time of the Town meeting.~~

* * *

(G) Any question voted on or considered shall be subject to revote or ~~reecision~~ rescission only once in the 12 months following the initial vote, except for the Town budget, which shall be voted until passed, and except for charter amendments by citizen initiative that are governed by subsection 11(c) of this charter.

(H) A vote of a proposed amendment or revision of this charter by citizen initiative that is substantially similar in substance to a previous proposed amendment by citizen initiative ~~may be voted occur~~ only once in one year.

(8) Tie votes.

(A) A tie vote, other than for an elected office, at any Town meeting ~~shall be subject to require an immediate recount; the article or election shall be subject to immediate revote~~ If the tie vote is affirmed, then the articles must be revoted at a special Town meeting within the timetable prescribed by charter 60 days.

(B) Recount Recounts other than tie votes may be requested in accordance with State statute.

(9) Nonproductive elections. In the event that a legal election fails to produce a person to fill any elected Town office, the Selectboard shall, within 30 days ~~of~~ following the election, appoint a ~~qualified individual~~ registered voter to serve in the position until the next annual Town meeting at which an election will occur for the term of office or remaining balance of the unexpired term, whichever is applicable.

* * *

§ 23. LOCAL ELECTED OFFICIALS

(a) Local elective offices to be filled by the registered voters of the Town of ~~Springfield~~ shall be only those articulated by this charter and shall include:

* * *

(2) ~~Listers; [Repealed.]~~

* * *

(4) ~~First Constable~~ Library Trustees;

* * *

(b) Provisions related generally to all elected local offices.

(1) Term.

(A) Terms for elective offices shall begin officially ~~at the point which~~ when the Town Clerk and Board of Civil Authority certify election returns as final.

(B) In the event of a recount, or unresolved irregularities in election returns, should ~~emergency~~ action be required, it shall be taken by the ~~elective~~ officials sitting at the time of the election.

(2) Oath of office.

(A) ~~Before taking any official action, an~~ An elected official shall take the oath of office prescribed by statute, if applicable, prior to taking any official action.

* * *

(4) Recall of elected officials.

* * *

(B) If the Town votes for removal of an elected officer, the office shall thereupon become vacant, and the Selectboard shall call a special meeting, to be held within 45 days of following the vote for removal, to fill the vacancy ~~until the term of the officer so removed expires~~ for the remainder of the unexpired term. The office shall remain vacant until the next annual Town meeting if ~~such~~ the special Town meeting would fall within 75 calendar days prior to the annual Town meeting.

(5) Attendance. ~~Any~~ All elected ~~official shall be required~~ officials are expected to regularly attend all meetings of the public bodies of which they are members.

(6) Holding of more than one office.

(A) Elective offices. Nothing ~~herein~~ in this section shall be interpreted as limiting any person from holding a State or federal elective office at the same time ~~he/she~~ that person holds local office, provided ~~such~~ the service does not interfere or conflict with the proper attendance at meetings and execution of the duties of the office.

* * *

(7) Qualification to run for ~~and~~ or hold local office.

(A) No person shall be qualified to run for or be elected to hold an elective office unless ~~he/she~~ the person is a ~~duly qualified~~ registered voter in the Town of Springfield ~~and a resident~~.

(B) Should an elected holder of local office establish residence in some place other than ~~Springfield~~ the Town, the office shall be declared immediately vacant by the Selectboard and said vacancy shall be filled in accordance with the provisions of ~~the~~ this charter.

* * *

(8) Vacancy of elected office.

(A) In addition to the requirement of subdivision (7) of this subsection ~~(b)~~, a vacancy shall be deemed to exist in any local office where an officer dies; ~~resigns;~~ is removed or recalled from office; ~~is convicted of a felony;~~ is convicted of a misdemeanor involving a breach of public trust; ~~or;~~ is judicially declared to be mentally incompetent; ~~or is no longer a resident~~ resides in the Town.

(B) The declaration of ~~a condition for forfeiture of office~~ vacancy shall be made by ~~the unanimous~~ a majority vote of the Selectboard, or in the case of a Selectboard member, by the other members of the Selectboard, ~~and shall be according to procedures established in 3 V.S.A. chapter 25, as they pertain to contested cases, and may be appealed to the Superior Court as contested cases are appealed~~ Selectboard.

(c) Elected officers, duties, responsibilities, and conduct.

(1) Selectboard.

(A) Number and term. Unless altered by the procedures provided herein, the policy making body for the Town shall be a five member Selectboard, elected at large, on a nonpartisan basis, to ~~rotating, three-year~~ staggered three-year terms.

* * *

(E) Meetings. All meetings shall be conducted in accordance with Vermont's Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2.

(i) Organizational meeting.

(I) Within seven days after the annual Town meeting, the Selectboard, ~~duly certified~~, shall meet for the purpose of taking the oath of office, organizing, electing a Chair chair and Vice-Chair vice chair, and the ~~adoption of~~ adopting rules for the transaction of business.

(II) The Town Clerk or designee shall preside at the organizational meeting of the Selectboard prior to the election of the Board Chair.

* * *

(ii) Regular meetings.

* * *

(II) ~~The time and place of regular Selectboard meetings shall be publicly announced to the media.~~ [Repealed.]

(iii) Agenda.

(I) ~~The Chair or Vice Chair shall, with the Town Manager, prepare a written agenda for each regular meeting of the Selectboard.~~ [Repealed.]

(II) Any Selectboard member, citizen in attendance, or the Manager may request at the start of the meeting that items be added to the agenda, ~~provided all Selectboard members present so vote to add the item.~~ Items may be added to the agenda subject to Selectboard approval.

(iv) Quorums; votes.

* * *

(III) No action of the Board shall be valid or binding unless acted upon by ~~the affirmative vote of three or more members of the board~~ a majority of the members present unless otherwise provided for by this charter.

(v) Clerk; ~~minutes~~ Minutes.

(I) The Town Clerk or the Selectboard's designee shall be the official Clerk of the ~~Board~~ Selectboard and shall be responsible for minutes in a form prescribed by ~~the Board~~ Vermont's Open Meeting Law.

(II) ~~The Selectboard may employ a stenographer to assist the Town Clerk in the discharge of duties related to minutes.~~ [Repealed.]

(vi) Special meetings and workshops.

(F) Special meetings may be called at any time by the Chair, or the Vice Chair in the absence of the Chair, or by written request, signed by three Board members.

~~(H) Notice of a special meeting shall be served, in a reasonable manner, on all members of the Selectboard.~~

~~(H) Notice of the special meeting shall be released to the local news media.~~

~~(IV) Whenever practical, an agenda shall be issued at a special meeting, with additions to be handled in the same manner as regular meetings.~~

~~(V) If an emergency meeting of the Selectboard is required, on very short notice, every possible effort shall be made to notify the media.~~

(vii) Public meetings; citizen input; executive Executive session.

~~(I) All meetings of the Selectboard shall be open to the public and shall comply with all the pertinent provisions of this charter.~~

~~(H) Allowances should be made informally or on the agenda for citizen comment unless it interferes with regular business.~~

~~(H) The Board Selectboard may, upon a vote of four (4) members hold an executive session to discuss any action in accordance with the provisions of section 6 of this charter Vermont's Open Meeting Law.~~

~~(viii) Correction of irregularities. Any irregularities or defects in the notice of or conduct of any meeting of the Selectboard may be cured at any subsequent regular meeting, provided that such resolution is included on the agenda of a regular or special meeting and is adopted by a majority of the Board. [Repealed.]~~

(ix) Vacancies. A vacancy on the Selectboard shall may be filled by a majority vote of the remaining Board Selectboard, said the appointment to run until the next annual Town meeting at which an election can shall be warned to fill the any unexpired term.

(2) Listers.

~~(A) There shall be two elected listers elected on a nonpartisan basis for three-year terms that shall not coincide.~~

~~(B) The Chief Assessor shall serve as a third lister.~~

~~(C) Duties and responsibilities of the listers shall be in accordance with State statute and herein limited.~~

~~(D) Vacancies on the Board of Listers shall be filled by a majority vote of the Selectboard, said appointment to run until the next annual Town~~

~~meeting at which an election can be warned to fill the unexpired term.~~
~~[Repealed.]~~

(3) Moderator.

* * *

(B) Should a vacancy occur in the office of Moderator, it shall may be filled by a majority vote of the Selectboard ~~for the, the appointment to run until the next annual Town meeting at which an election shall be warned to fill any unexpired term.~~

(4) ~~Town Constable~~ Library Trustees.

(A) ~~There shall be elected a Town Constable, who shall serve a one-year term.~~

(B) ~~The Constable shall be responsible for assisting the Town Clerk in the regulation and licensing of dogs.~~

(C) ~~The Constable shall be in attendance at all Town meetings thereby serving as a Sergeant at Arms to assist the Moderator as necessary in the maintenance of order.~~

(D) ~~The constables shall have powers of service equal to a deputy sheriff under Vermont Statutes.~~

(E) ~~The Constable may exercise the law enforcement duties vested in the position only upon completion of certifiable training and being subject to the supervision of the Chief of Police.~~

(F) ~~A vacancy in the Office of Constable shall be filled by a majority vote of the Selectboard.~~

(A) The Library Board of Trustees shall consist of seven members to be elected at large.

(B) Library Trustees shall serve staggered terms of three years.

(C) Should a vacancy occur in the Office of Library Trustee, it may be filled by a majority vote of the Selectboard, the appointment to run until the next annual Town meeting at which an election shall be warned to fill any unexpired term.

(5) Cemetery ~~commissioners~~ Commissioners.

(A) There shall be elected five Cemetery ~~commissioners~~ Commissioners for a term of five years on a rotating basis Commissioners each to serve staggered five-year terms.

(B) The Town Clerk shall be a ~~sixth cemetery commissioner, but shall not vote~~ nonvoting ex-officio member of the Cemetery Commission.

* * *

(F) ~~Vacancies~~ Should a vacancy occur in the office of ~~cemetery commissioner shall Cemetery Commissioner,~~ it may be filled by a majority vote of the Selectboard, ~~said the~~ appointment to run until the next annual Town meeting at which an election can shall be warned to fill the unexpired term.

(6) Trustees of public funds. Public funds are funds received from private outside sources for specific long-term purposes and are maintained separately from the general operating fund. The Town has a fiduciary responsibility to maintain these funds in accordance with any restrictions placed on the funds at the time the funds were received.

(A) There shall be elected three trustees of public funds, each to serve a staggered three-year term terms.

(B) ~~The Town Treasurer shall serve the trustees of public funds in an advisory capacity in connection with fund management and shall attend all meetings. [Repealed.]~~

* * *

(D) The trustees shall be charged with maximizing the return on all invested funds while maintaining their security, which shall include the preservation of principal. In service of this goal, they shall file with the Selectboard an annual plan outlining the program of investments for the year.

* * *

(F) ~~Vacancies on the trustees~~ Should a vacancy occur in the office of trustee of public funds, ~~shall it may~~ be filled by a majority vote of the Selectboard, ~~said the~~ appointment to run until the next annual Town meeting at which an election can shall be warned to fill the unexpired term.

§ 24. APPOINTED NONADMINISTRATIVE OFFICIALS

(a) General provisions applying to all appointed positions.

* * *

(3) All appointees shall be administered the oath of office in the form as provided for by statute, if applicable.

* * *

(5) ~~For the purposes of the administrative code, within one year after the adoption of this charter, all appointees, positions, boards, and commissions shall be required to submit a proposed ordinance to the Selectboard outlining~~

~~duties and responsibilities, which the Selectboard shall amend and adopt.~~
[Repealed.]

* * *

(7) Although operating independently, all appointive boards and commissions shall be required to cooperate with the Selectboard in the exercise of their duties in the pursuit of the public good. They shall be required to file an annual report for inclusion in the Town report, and also to file any other reports requested by the Selectboard, and ~~be in attendance at~~ attend any meeting so requested by the Selectboard.

(8) If an appointed official misses three consecutive ~~regular~~ regularly scheduled meetings of the appointed body ~~for reasons other than health or personal emergency, that office may be declared immediately vacant by the Selectboard, the chair of that board or commission shall report to the Selectboard, who may then declare that position vacant.~~ The official shall be entitled to a hearing before the Board prior to a final determination.

* * *

(10) ~~Members of the administrative service~~ Town employees may serve in appointive positions as limited by charter, but may not vote on any issue directly affecting their position or conditions of employment.

(b) Appointed positions.

(1) ~~The functions of the following positions are created by this charter, their functions to be governed by the applicable State statute, as limited by charter or ordinance:~~

(A) ~~Weigher of Coal;~~ [Repealed.]

(B) ~~Fence-viewers;~~ [Repealed.]

* * *

(D) ~~Surveyor of Wood and Lumber;~~ [Repealed.]

* * *

(I) ~~Grand Juror;~~ [Repealed.]

(J) ~~Delinquent Tax Collector;~~

(K) Town Constable.

(i) The Selectboard shall appoint the Town Constable, who shall serve a one-year term.

(ii) The Constable shall be responsible for assisting the Town Clerk in the regulation and licensing of dogs.

(iii) The Constable shall be in attendance at all Town meetings and shall serve as sergeant at arms to assist the moderator as necessary in the maintenance of order.

(iv) The Selectboard may assign additional responsibilities to the Constable as necessary or convenient.

(v) A vacancy in the Office of the Constable shall be filled by a majority vote of the Selectboard.

(c) Appointed boards and commissions established by charter.

(1) Planning Commission.

(A) The Selectboard shall appoint the members of the Planning Commission in accordance with State statute. All members shall be registered voters of the Town.

~~(B) The duties and responsibilities of the Planning Commission shall be in accordance with State statute as limited herein. [Repealed.]~~

(2) ~~Zoning Board of Adjustment~~ Development Review Board.

(A) The Selectboard shall appoint the members of the ~~Zoning Board of Adjustment~~ Development Review Board in accordance with State statute. All members shall be registered voters of the Town.

~~(B) Duties and responsibilities of the Zoning Board of Adjustment shall be in accordance with State statute as limited herein. [Repealed.]~~

(3) Housing Authority.

(A) The Selectboard shall appoint members of the Housing Authority established pursuant to 24 V.S.A. chapter 113.

~~(B) The Housing Authority shall be the agency responsible for dealing with all publicly owned housing, and subsidized housing issues in the Town of Springfield. [Repealed.]~~

* * *

(4) Airport Commission.

(A) ~~So long as~~ Provided that there is ~~an~~ a regional, State-owned airport in ~~Springfield the Town,~~ the Selectboard shall appoint an Airport Commission, the number of members to be decided by the Selectboard.

* * *

(d) Boards, commissions, committees created by Selectboard action.

* * *

(3) Any body created under this ~~section~~ subsection shall not have an effective life of more than three years. At the end of that period, the mandate creating the committee shall terminate and the Selectboard shall be required to review the reason for the body's existence and may act to reconstitute the body.

Subchapter 3. The Administrative Service

§ 31. THE TOWN MANAGER

* * *

(b) Qualifications. The Town Manager shall be appointed solely on the basis of ~~his or her~~ the person's executive and administrative skills, based on education, training, and experience relative to the duties of the Town Manager, and without reference to political belief or personal relationships.

(c) Term of appointment. The Manager may be appointed for ~~an indefinite~~ a term of not less than two years and not more than five years and may be removed at the pleasure of the Selectboard.

(d) Residency. The person appointed as Town Manager ~~need not be a resident of the Town or State at the time of appointment, but must assume residence within a period judged reasonable by the Selectboard, but not to exceed six months~~ must become a resident of Vermont within six months of appointment and may be required to become a resident of the Town within a period of time judged reasonable by the Selectboard at the time of appointment.

(e) ~~Conditions~~ Terms and conditions of employment; compensation. The conditions of employment and compensation shall be a matter to be determined at the time of appointment, and annually thereafter by the Selectboard ~~on the Manager's anniversary date~~ on a date convenient for the annual budgeting process, after negotiations that may be held in executive session between the Town Manager (candidate) and the Selectboard.

(f) Town Manager; evaluation. Before the Selectboard determines the subsequent annual compensation of the Manager, the Board and Town Manager shall be required to hold an evaluation session in executive session, at which the Town Manager shall present management goals for the coming year based on townwide goals articulated by the Selectboard, and shall be evaluated by the Selectboard regarding performance in relation to such goals set out for the previous year, and the Selectboard may also employ commonly used evaluation practices in the town management profession.

(g) Oath and bond. Before entering into the duties of office, the Town Manager shall be sworn to the impartial and faithful performance thereof, with

a certificate to that effect to be filed with the Town Clerk. The Town Manager shall execute a bond in favor of the Town for the faithful performance of ~~his or~~ her the Town Manager's duties in a sum determined by the Selectboard, or shall purchase comparable insurance coverage. The premium for said surety shall be paid by the Town.

(h) Town Manager nonrenewal or removal. The Town Manager Manager's term of employment may be not renewed without explanation or reason. The Town Manager may be removed at the discretion of for cause by the Selectboard, with no written reasons presented to the Town Manager and an opportunity for a public hearing before the Selectboard with not less than four affirmative votes, after the following procedure is followed:

(1) The ~~Board~~ Selectboard shall draft, in executive session, a resolution stating its intent to remove the Town Manager. ~~Said~~ The resolution must state the reasons for removal and must be served upon the Town Manager personally, not more than five days from the date of drafting.

(2) ~~Within five working days from the date of service of the resolution, the Manager must file with the Selectboard a written request for a public hearing. Failure to file said notice shall constitute waiver of the right to a hearing.~~

(3) ~~No less than 15 days but no more than 45 days from the deadline prescribed in subdivision (2) of this subsection, the Selectboard shall schedule a meeting or public hearing for the purpose of considering the resolution.~~

(4) ~~Final action on the resolution shall be taken within five days of the hearing in subdivision (3) of this subsection.~~

(5) ~~During the period in which the above proceedings transpire, the Manager shall be on administrative leave and accrue full salary until official date of action on the resolution.~~

(6) Action by the Selectboard in the removal of a Town Manager shall be final.

(7) ~~In the event of the removal of a Manager for reasons other than poor performance or wrongful conduct, the Selectboard may negotiate severance pay to the maximum of six months.~~

(i) Acting Town Manager; vacancy in the office.

(1) In the event that the Town Manager shall be absent from the Town for a period exceeding two consecutive weeks, ~~he or she~~ the Town Manager shall designate an acting Town Manager, subject to the advice and consent of the Selectboard, who shall exercise the duties of Town Manager. ~~The Manager may overrule the actions of the Acting Manager.~~

(2) In the event that illness or injury renders a Town Manager unable to discharge ~~his or her~~ the Town Manager's duties for a period exceeding two consecutive weeks, or in the event that the Town Manager is suspended or placed on administrative leave, the Selectboard shall declare a vacancy in the office and appoint an acting Town Manager to serve until such time as the Town Manager is able to assume regular duties or a new Town Manager is selected appointed.

(3) An acting Town Manager appointed to fill a declared vacancy in the office shall have all the powers and perform all the duties of the Town Manager and shall be compensated at a rate ~~of pay not inconsistent with the responsibilities of the position~~ as determined by the Selectboard. An acting Town Manager shall not serve for more than 180 calendar days unless the Selectboard determines there are extenuating circumstances that warrant an extension of that time period.

* * *

(j) Responsibilities and authority of the Town Manager ~~and authority~~.

(1) In general. The Town Manager shall be the chief administrative officer of the Town. ~~He or she~~ The Town Manager shall be responsible accountable to the Selectboard for the administration and general supervision of all business affairs and property placed in ~~his or her~~ the Town Manager's charge pursuant to this charter, State statute, or otherwise.

(2) Limits to authority in general.

(A) ~~The~~ In addition to the limits on authority enumerated in State statutes, authority of the Town Manager shall in no way extend to:

* * *

(iii) ~~judicial or legislative functions of the Selectboard or other legal bodies, boards, and commissions~~ Town public bodies;

* * *

(B) The Town Manager may, upon request, advise or counsel officials in the performance of the ~~above~~ duties in subdivision (A) of this subdivision (2).

(C) The Town Manager may not serve in any elective position in the Town of Springfield. ~~He or she~~ The Town Manager may, however, serve on ~~appointed boards and commissions~~ public bodies relevant to Town functions in an ex officio status, as may be determined by the Selectboard.

(3) Authority and duties in particular. ~~The~~ In addition to the authority conferred by State statute, the Town Manager shall be charged with full authority to, and be responsible for the following:

(A) ~~To organize, reorganize, continue, or discontinue such Town Departments as the Board may determine. [Repealed.]~~

* * *

(D) To institute and maintain an appropriate budget and financial internal control system systems.

(E) To keep the Selectboard informed on the financial condition of the Town, including monthly and year end reports showing in detail all ~~receipts~~ revenues and expenditures for Town functions

* * *

(G) To make such reports as the Selectboard may require, or the Manager deems appropriate, or may be required by law ~~or ordinance~~ regarding any and all functions under ~~his or her~~ the Town Manager's supervision.

(H) To keep full and complete records of the actions of the Town Manager's office.

(I) To be present at all regular Selectboard meetings unless excused by the Board and to have the right to attend and ~~take part~~ participate in all special meetings of the Selectboard and subcommittees thereof, except when the removal of the Town Manager is being discussed. ~~Nothing herein shall deny the Manager any rights outlined in subsection (h) of this section, Town Manager removal.~~

(J) To appoint, upon merit ~~and fitness alone~~, and, when the Town Manager deems necessary for the good of the ~~service~~ Town, suspend or remove any subordinate official, employee, or agent under the Town Manager's supervision as provided for in this charter. Notwithstanding appeals of Town Manager decisions to the Selectboard, the Town Manager shall have the exclusive authority to hold subordinate employees, officers, or agents responsible for the faithful discharge of their duties. All such appointments may be without definite terms unless for provisional, temporary, or emergency service, in which case, terms shall not exceed the maximum periods prescribed by the ~~personnel rules and regulations~~ employee handbook. The Town Manager may authorize the head of a department, or of an office responsible to the Town Manager, to appoint and remove subordinates in ~~such~~ the office or department.

(K) To ensure the proper and equitable administration of the Town's ~~personnel system~~ human resources function.

(L) To ~~fix the compensation of~~ make recommendations to the Selectboard as to the compensation for Town employees as provided in this charter.

(M) To remain ultimately responsible to the Selectboard for all administrative actions under ~~his or her~~ the Town Manager's jurisdiction although ~~he or she may hold subordinate employees offices or agents responsible for the faithful discharge of their duties.~~

* * *

(O) To examine, or cause to be examined, with or without notice, the affairs of any department under ~~his or her~~ the Town Manager's control, or the conduct of any officer or employee thereof of a department under the Town Manager's control. For this purpose, the Town Manager shall have access to all books, papers, files, reports, or records of all departments that may be necessary for the proper performance of ~~his or her~~ the Town Manager's duties.

(P) To ensure the preservation of the public peace, health, and safety of persons and property; ~~and; to~~ see to the enforcement of this charter; and ordinances; and to ensure the Town's compliance with State and federal laws as applicable.

* * *

(R) To have charge and supervision of all Town buildings, properties, and facilities, all repairs thereon, and all construction by the Town ~~unless otherwise voted.~~

(S) To ~~supervise and~~ expend all special appropriations of the Town as if they were a separate Town department; ~~unless otherwise voted by the town or provided in this charter.~~

(T) To cause to be collected ~~by the Town Treasurer, or to collect,~~ all taxes due the Town, except as otherwise provided by statute.

* * *

(V) To perform such other duties consistent with ~~his or her~~ the Town Manager's office as may be required by a vote of the Selectboard, by law, ordinance, or mandate not inconsistent with this charter.

(4) Accountability, ~~noninterference,~~ and appointive power. The Town Manager shall be responsible to the Selectboard for the proper and efficient administration of the departments under ~~his or her~~ the Town Manager's charge as outlined above in this charter. Neither the Selectboard, any individual member of the Selectboard, nor any of its committees or committee members shall dictate the appointment or discharge of any Town employee by the Town

Manager, or in any manner interfere with ~~his or her~~ the Town Manager's exercising of judgment in the appointment and discharge of employees in the administration.

(5) Noninterference with administrative discretion and supervision: Except for the purposes of formal inquiries ~~or~~, investigations, suspensions, and terminations made under this charter, the Selectboard and its members shall deal with the ~~administration~~, Town officers, and employees, who are subject to the Town Manager's direction and supervision, solely through the Town Manager. Neither the Selectboard ~~or~~ nor any of its members shall give orders to, or request any action publicly or privately of any Town employee. Communications for the purposes of information and background shall be considered proper when approved by the Town Manager.

§ 32. ADMINISTRATIVE DEPARTMENTS

(a) ~~Plan of administrative organization. Within one year after the adoption of this charter, the Town Manager shall submit to the Selectboard a plan of organization for the administration, dividing the administrative service into departments and divisions and defining the functions of each. Said plan shall be reviewed and acted on within 30 days from submission. [Repealed.]~~

(b) Department heads. Each Town department shall have a designated department head appointed by the Town Manager who shall supervise and control the department and employees ~~therein of the department~~. The Town Manager may, at any time, assume the duties of a department head.

* * *

(d) Creation, reorganization, consolidation, or abolition of administrative departments. Departments within the ~~administrative—service~~ Town administration can only be created, reorganized, consolidated, or abolished by formal action of the Selectboard.

§ 33. ADMINISTRATIVE CODE

(a) ~~Submission and adoption. On a timetable prescribed by the Selectboard, but not to exceed two years in length, the Town Manager shall assemble an administrative code for review and approval by the Selectboard, which shall consist of~~ The administrative code shall include the following:

* * *

(3) a copy of the Town's ~~personnel rules and regulations~~ employee handbook, classification, and pay plan;

(4) a copy of the Town's financial and purchasing and procurement ~~regulations~~ policies;

* * *

(6) enabling Town legislation, ordinances, and resolutions for all Town boards, commissions, and committees public bodies, accompanying an updated list of all elected and appointed officers;

(7) ~~A copy of the plan of administrative organization.~~

(b) Distribution and availability.

(1) ~~Copies of the~~ The administrative code ~~and its components~~ shall be considered an official document documents to which a person may refer for up-to-date information on the Town.

(2) ~~The document shall be placed in the Town Hall and Library for free public access and sufficient copies made for sale to citizens at a cost of production fixed by the Selectboard~~ A current administrative code shall be made available in the Town Clerk's office for public access at no charge.

(c) ~~Administrative Code update. The Town Clerk shall be responsible for the accurate maintenance and update of the administrative code.~~

§ 34. ADMINISTRATIVE AND POLICY FUNCTIONS PRESCRIBED BY CHARTER

(a) Department of Assessment.

(1) There shall be a the Department of Assessment ~~to consist of a Chief Assessor, the elected listers, as prescribed by charter and State statute, and such assistants and support~~ with any staff as may be recommended by the Town Manager and approved by the Selectboard.

(2) The Chief Assessor head of the Department of Assessment shall be appointed or removed by the Town Manager with the advice and consent of the Selectboard.

* * *

(4) The Department of Assessment shall have the same powers, discharge the same duties, proceed in the discharge ~~thereof~~ of those duties, and in the same manner be subject to the same liabilities as are prescribed for assessors, listers, or boards of listers under the laws of the State of Vermont, except as ~~herein~~ provided in this section. Tax grievances shall be appealed to the Department of Assessment. Appeals from the Department of Assessment will be to the Board of Civil Authority.

(5) ~~The Department of Assessment on January 1 of each year shall proceed to take up such inventories and make such personal examination of the~~

property, both real and personal, which they are required to appraise as will enable them to appraise it at its fair market value.

(6) ~~The Department shall review, or cause to be reviewed, their appraisals of all real property in the Town which is subject to taxation in accordance with the standards of appraising established by the laws of the State of Vermont, except as herein provided.~~

(7) All employees in the Department of Assessment shall be governed by applicable rules and regulations promulgated under this charter.

(b) Town Clerk, ~~Grand Juror~~, Town Treasurer, Town Attorney.

* * *

(2) The duties of the Town Clerk and Town Treasurer shall be as prescribed by statute, except as provided herein.

* * *

(4) ~~The term of the Grand Juror shall not exceed three years. He or she shall be responsible for the prosecution of violations of local ordinances. The salary of the Grand Juror shall be fixed by the Selectboard and he or she shall be responsible to the Board in the performance of his or her duties. The Grand Juror shall be duty bound to work in cooperation with the Town Manager and administrative service. The Grand Juror may recommend to the Selectboard the appointment of staff who shall be part of the administrative service. [Repealed.]~~

(5) ~~Appointments of the Town Clerk, Grand Juror, Treasurer, and Town Attorney shall be validated by the voters at the next annual town meeting following the appointment. Until validation, all appointments shall be temporary. [Repealed.]~~

(6) Removal of a the Town Clerk, ~~Grand Juror~~, Town Treasurer, and Town Attorney shall be by a process identical to removal of the Town Manager as outlined in section subsection 31(h) of this charter.

* * *

(8) Support personnel, supplies, material, and equipment for the Town Clerk and Town Treasurer shall may be provided by the Selectboard upon recommendation by the Town Manager.

* * *

(10) All staff provided to the Town Clerk, ~~Grand Juror~~, and Town Treasurer shall be part of the administrative service Town administration and be subject to all rules and regulations ~~promulgated~~ adopted under this charter.

* * *

(c) ~~Personnel system~~ Human Resources Department.

(1) Merit principle outlined. All employment actions relating to Town officers and employees shall be made solely on the basis of merit, ~~and fitness except for employees subject to collective bargaining agreements.~~

(2) ~~Personnel Director~~ Human Resources Manager.

(A) There shall be a ~~Personnel Director~~ Human Resources Manager who shall be responsible for the ongoing administration of the Town's ~~personnel system~~ human resources system. The ~~Personnel Director~~ Human Resources Manager shall be the ~~Town Manager or his or her~~ Town Manager's designated agent, but must be a member of the ~~administrative service~~ Town administration.

(B) The authority of the ~~Personnel Director~~ Human Resources Manager in relation to all Town department heads shall be prescribed by the Town Manager.

(3) ~~Personnel merit system ordinance.~~

(A) ~~There shall be adopted, within six months of the passage of this charter, a new personnel and merit system ordinance which shall carry the full force of law embodied in this charter.~~

(B) The personnel ordinance shall enable the enactment of rules and regulations which shall include the following provisions:

(i) ~~a classification and pay plan for all Town employees with uniform procedures for reclassification;~~

(ii) ~~a system of evaluation for fitness or merit for appointment and promotion;~~

(iii) ~~a system of discipline and removal for cause or unfitness for duty;~~

(iv) ~~a system for the reduction in the work force, layoff, and recall;~~

(v) ~~a system dictating hours of work and attendance policies;~~

(vi) ~~allowances for provisional and part time appointments;~~

(vii) ~~a program for in-service training and employee development;~~

(viii) ~~a system for the hearing, processing, and resolution of employee grievances;~~

(ix) ~~provisions for relations with employee organizations and/or unions;~~

(x) ~~a uniform system regulating benefits, sick time, and vacations;~~

(xi) ~~opportunities for employee input related to safety, the quality of the work environment, and increased productivity;~~

(xii) ~~other practices, procedures, and issues as may be necessary to the ongoing administration of the personnel system. [Repealed.]~~

(4) ~~Personnel rules and regulations employee~~ Employee handbook.

(A) The ~~Personnel Director~~ Human Resources Manager shall issue and maintain ~~in updated status a set of comprehensive rules and regulations an~~ employee handbook governing the ongoing administration of the Town ~~personnel~~ human resources system.

(B) ~~The personnel rules shall be adopted and amended by a procedure established by the Selectboard and shall carry the full force of law of this charter.~~

(C) ~~Copies~~ A copy of the ~~personnel rules~~ employee handbook shall be provided to each Town employee.

(5) Town charter and collective bargaining agreements.

(A) ~~The Selectboard may not commit the Town to any collective bargaining agreement which shall contradict, violate, or circumvent any provision of this charter or ordinances passed pursuant to this charter shall have the sole authority to enter into collective bargaining agreements and may commit the Town to collective bargaining agreements that shall control over conflicting rules and regulations adopted pursuant to this charter.~~

(B) ~~Selectboard may commit the Town to bargaining agreements which shall act as a substitute for rules and regulations promulgated pursuant to this charter. [Repealed.]~~

(6) Service of Town employees in elective or appointive office.

(A) ~~A Town employee may not, other than membership in the General Assembly, hold a local, State, or federal elective office, other than membership in the General Assembly, which that makes policy that shall directly or indirectly affect his or her the employee's department or any Town functions while employed by the Town of Springfield.~~

* * *

(C) ~~A Town employee may not be disciplined in any way for failing refusing to electioneer on behalf of~~ campaign for or against any candidate for

any local Town elective office, contribute financially to a local candidate's campaign, or take or advocate a position on referendum questions.

(D) Nothing herein shall limit the right of an employee to express his ~~or her~~ the employee's opinion on a matter of public concern, belong to a political party, or exercise his ~~or her~~ the employee's right to vote, ~~except as limited in subsection (c) above.~~

(E) Nothing ~~herein~~ shall limit the right of employees to participate in the elective process for State and federal offices, except as otherwise stated in this section.

(7) Surety bonds. Any Town officer and employee, as required by the Selectboard, shall annually give surety bonds or shall purchase comparable coverage to the satisfaction of the Selectboard for the faithful discharge of his ~~or her~~ the officer or employee's duties. In the event any officer or employee neglects to give a bond, is unable to obtain a bond, or obtain comparable coverage as herein specified in this section, after 10 calendar days' notice from the ~~Board~~ Selectboard that ~~he or she~~ the officer or employee is required to do so, his ~~or her~~ the officer or employee's office or position shall ~~thereupon~~ become vacant and the vacancy shall be filled as provided in this charter. ~~Each bond must be approved by the Town Attorney.~~ All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the Town. Such bonds shall be filed with the Town Clerk.

Subchapter 4. Budgets and Finance

§ 41. FISCAL YEAR OF THE TOWN GOVERNMENT

The fiscal year ~~for~~ of the Town government shall be fixed by the Selectboard, ~~in a manner to maximize efficiency in Town financial matters.~~

§ 42. OPERATING TOWN MANAGER'S PROPOSED BUDGET

TIMETABLE AND PREPARATION

(a) Submission of timetable. At least five months before the scheduled date of Town meeting, the Town Manager shall prepare and present to the Selectboard and Budget Advisory Committee a proposed timetable ~~which~~ that shall project the progress of events leading to the adoption of the Town budget.

(b) Statement by the Selectboard regarding budget policy. Upon receipt of the Town Manager's timetable, the Selectboard shall issue an annual budget policy statement, outlining the direction the Town Manager shall take in the drafting or assembly of the budget document.

(c) Departmental submissions. In following the timetable submitted to the Selectboard, all department heads, and elected or appointed officials with

budget responsibility shall submit ~~operating~~ budget requests to the Town Manager in a ~~uniform~~ the format to be established by the Town Manager.

(d) Drafting of ~~administration's~~ proposed annual budget.

(1) Unified administrative request. The Town Manager shall, ~~upon~~ after consultation with department heads, ~~draft a unified, proposed operating budget for submission~~ submit to the Selectboard, ~~reflecting a single budget request from the administration for each department~~ all departments.

(2) ~~Manager's budget~~ Budget message. The Town Manager's ~~administration's~~ proposed budget shall be ~~preceded~~ introduced by a budget message ~~which that~~ shall explain the budget in both fiscal terms and in terms of work programs. It shall outline the ~~proposed financial policies~~ budget of the Town for the coming year, describe important features of the budget, indicate any major changes from the current year in terms of ~~financial policies~~, revenues, and expenditures, indicating the reasons for ~~the change~~ any changes. The message shall summarize the Town's debt position, include a profile of the capital expenditure program for the year, and also include any other material ~~which that~~ the Town Manager deems appropriate.

(3) Budget; contents, and format.

(A) The ~~proposed~~ budget shall provide a complete financial plan for all Town funded activities for the ensuing fiscal year, and except as required by law, or charter, shall be in a form the Town Manager deems appropriate or the Selectboard may ~~require~~ prescribe.

(B) ~~In organizing the budget, the~~ The Town Manager shall ~~utilize~~ organize the budget by utilizing the most feasible combination of expenditure classifications by fund, organizational units, work ~~program~~ programs, purposes, ~~action~~ actions, and objects.

(C) The budget shall begin with a clear, general summary of its contents and shall show, ~~in detail, all proposed revenues, income,~~ expected revenue and all proposed expenditures.

(D) The budget should be arranged so as to show comparative figures for actual and ~~estimated~~ budgeted revenues, ~~income,~~ and expenditures for the preceding year, and for the year covered by the ~~proposed~~ budget.

(E) The budget shall include ~~in separate sections~~:

(i) ~~proposed~~ expenditures for ~~current~~ operations during the ensuing fiscal year, detailed by offices, departments, and agencies, detailed in terms of respective work programs, and the method of financing such expenditures;

* * *

(iv) proposed estimated ~~monies~~ revenues to be raised from all ~~sources~~ each source to be collected, levied, or raised by taxation to defray the expenses of the Town.

(e) Subsidiary budgets for utilities.

* * *

(2) Cross subsidy in areas other than fund management between Town government operations and utility operations shall be limited to legitimate services and support provided as approved by the Selectboard.

§ 43. CAPITAL EXPENDITURE PROGRAM

(a) Preparation and submission. The Town Manager, after consultation with department heads, shall submit a proposed five-year capital expenditure program to the Selectboard, with a copy provided to the Budget Advisory Committee, at least three months prior to Town meeting.

(b) Contents.

(1) The capital expenditure program shall include:

(A) ~~a clear~~ narrative summary of needs requests;

* * *

(C) ~~Actual-cost~~ cost estimates, proposed methods of financing, and necessary time schedules for each improvement; or asset

~~(D) Estimated annual cost of operating and maintaining the facilities to be constructed or acquired.~~

(c) Revision and update. The above program shall be revised and extended each year to reflect progress or projects still pending or assets to be acquired.

(d) Inclusion in ~~annual~~ budget. A summary of the capital expenditure program shall be included in the ~~annual~~ budget with special emphasis on the expenditures for the particular year.

§ 44. CAPITAL RESERVE FUNDS AND EQUIPMENT FUNDS

(a) The Selectboard may raise and appropriate money for the establishment of capital reserve or equipment reserve funds for the financing of all or part of:

* * *

~~(3) the size and regulation of capital reserve funds shall be determined by Selectboard action~~ other purposes to meet specific obligations and needs of the Town so as to ensure efficient operations.

(b) The size and regulation of reserve funds shall be determined by the Selectboard.

§ 45. SELECTBOARD ACTION ON THE BUDGET

Board review and final action.

(1) The Selectboard shall schedule ~~public~~ one or more meetings, as it deems appropriate, for the review and discussion of the ~~administration's proposed budget proposal and comments from the Budget Advisory Committee.~~

* * *

(3) ~~The Board~~ Selectboard shall then schedule a public hearing prior to Town meeting, warned as such.

(4) Following the public hearing, the Selectboard shall act to officially ~~fix~~ finalize the budget to be finalized or proposed at Town meeting.

(5) The Selectboard, in ~~fixing~~ finalizing the budget, shall place it on the warning as a gross appropriation.

§ 46. SPECIAL APPROPRIATIONS

In response to a request, or upon its own initiative, should the Selectboard so judge, the appropriation relative to a special element of Town business may be placed on the warning as a special appropriation by a majority vote of the Board Selectboard. In taking action, the Selectboard shall maintain the right to reject, alter, or reduce a request. This section does not apply to articles placed on the warning by petition, as described in subdivision 22(b)(3)(C)(i)(II) of this charter.

§ 47. ~~CITIZEN INPUT; CITIZEN PARTICIPATION IN THE~~ BUDGET ADVISORY COMMITTEE; BUDGET PROCESS

~~Citizen participation plan; public notice.~~

(1) ~~Timetable. Before the sixth month of a fiscal year, the Selectboard shall draft and adopt a citizen participation plan, which shall provide for a committee of not more than 18 citizens, for the upcoming budget cycle.~~

~~(2) Contents.~~

~~(A) The citizen participation plan shall outline, in specific terms, the manner by which the Selectboard intends to provide for citizen input and public notice of the budget and its contents.~~

~~(B) The citizen participation plan must provide for, but shall not be limited to formal budget workshops before Town meeting; along with the~~

publication of a budget summary in the Town report indicating budgeted and actual expenditures for the current year and proposed expenditures for the coming year.

~~(C) The citizen participation plan shall make proper allowances for review of all special appropriations~~ The Selectboard shall appoint a Budget Advisory Committee that shall be composed of not less than five and not more than nine registered voters of the Town at least six months before the scheduled date of the annual Town meeting. The Budget Advisory Committee shall be governed by operating procedures established by the Selectboard.

§ 48. APPROPRIATION-TOWN; BUDGET

(a) Gross appropriation fixed and levy.

~~(1) The vote of Town meeting or other action finalizing the Town budget shall make a gross appropriation for the coming fiscal year. The Town meeting may not make any budget~~ No appropriation not recommended by the selectmen, may be voted unless such action was duly warned.

* * *

(3) Nothing herein shall limit the authorizing of payments or making of capital expenditures to be financed, ~~wholly or partly~~ whether in whole or in part, by the issuance of bonds except as provided in section 52 of this charter.

~~(4) Any officer~~ The Town Manager or the Town Manager's designee may, upon approval of the Selectboard, make a contract or lease for payments beyond the end of the fiscal year.

(5) Every appropriation, except an appropriation for a capital expenditure and multiyear contracts for which Town monies have been obligated, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it has been made has been accomplished or abandoned.

~~(6) The money raised by taxation, and other lawful sources, shall constitute the entire sum from which appropriations and payments are to be made by or under the authority of the Selectboard.~~

(b) Overruns on gross appropriations, emergency appropriations.

(1) The gross appropriation may not be exceeded, except by consent of the Selectboard, as ~~herein limited~~ in this charter.

* * *

(3) Any amount in excess of five percent of the gross appropriation shall be warned and voted by special or regular Town meeting.

(c) Under expenditures; excess revenues.

(1) Under expenditures. If during the fiscal year, the Board, upon recommendation and certification of the Town Manager, determines that there are funds available due to under expenditure of the funds or revenue returns exceeding projections proposed in the budget, the Board may make supplemental appropriations for the fiscal year up to the amount of such excess, not to exceed five percent of the gross appropriation.

* * *

(d) Surplus. Any surplus created, subject to the provisions of subsection (d) of this section, ~~shall~~ may be carried over to the next fiscal year's budget and counted as a fixed receipt on the calculation of the ensuing tax rate, or, by action of the Selectboard, may be placed in a capital reserve fund as provided for in this charter.

* * *

(f) Ongoing appropriation; in the event of a budget revote.

* * *

(2) ~~Expenditures~~ In the event that the budget is not adopted before the beginning of the fiscal year, expenditures during the budget revote shall be limited on a monthly basis to an allotment based on the prior year's appropriation until such time as the budget is adopted.

§ 49. FINANCIAL ADMINISTRATION AND TOWN BUDGET

(a) ~~Financial officer~~ Finance Director.

(1) The Town Manager may appoint, ~~on the basis of education, training, experience, and performance, an officer upon merit alone, a person~~ who shall serve as ~~financial officer~~ the Finance Director.

(2) The ~~financial officer~~ Finance Director shall be a member of the ~~administrative service~~ Town administration and be subject to all rules and regulations ~~therein of the Town administration~~, and may be the Town Treasurer or ~~other administrative officer~~ a Selectboard member.

(3) The ~~financial officer~~ Finance Director shall perform such duties as the job description submitted by the Town Manager and approved by the Selectboard shall indicate.

(b) Depository of Town funds; cash and fund management.

* * *

(3) The officer responsible for each fund ~~management~~ shall issue a ~~regular~~ report of investments and yields to the ~~manager~~ Town Manager and the Selectboard at least annually and when requested by either the Town Manager or the Selectboard.

(c) Independent audit; ~~Town Auditor.~~

* * *

(2) ~~Such~~ The audits shall be made by the ~~Town Auditor who shall be a CPA~~ certified public accountant or firm of such accountants who have no personal interest, direct or indirect, with Town government, its fiscal affairs, or its officers.

(3) The ~~Board~~ Town Manager shall appoint such accountant or firm annually at a time proper to the scheduling of the audit itself.

(4) Should the State of Vermont make such an audit at the request of the ~~Board~~ Selectboard, it shall meet the requirements of this section.

(5) At the conclusion of the audit, the auditors shall present their report and findings to the Selectboard in open session.

(d) Authorization for expenditure of Town funds.

(1) Money shall not be paid out of the Town Treasury unless it is authorized by a payroll or payment authorization signed by at least three members of the Selectboard, or in accordance with the provisions of 24 V.S.A. § 1623.

(2) No payment of money on account of any department of which the Town Manager has supervision shall be made except upon vouchers approved by the Town Manager or ~~his or her~~ the Town Manager's designated agent.

(3) In the event of the absence, ~~disability~~ termination, or suspension of the Town Manager, the Selectboard may approve ~~such~~ the vouchers or authorize their approval by ~~some other person~~ a Town employee or other Town officer.

(4) The Town Manager may provide for periodic or quarterly allotments of the appropriations to departments, funds, or agencies under such rules as ~~he or she~~ the Town Manager may prescribe and as may be agreeable to the Selectboard.

(e) ~~Budget~~ Financial reports, ~~books,~~ and records.

(1) Regular reporting. The Town Manager shall submit, on a schedule prescribed by the Selectboard, but ~~no~~ not less often than quarterly, a budget

report indicating the relationship between actual and estimated ~~receipts~~ revenues and expenditures to date.

(2) All ~~books of account~~ accounting records, in relation to the receipt, holding, or disbursement of money of the Town kept by any official of the Town, shall be paid for by the Town, shall remain the property of the Town, and shall be turned over to the Town Clerk whenever the keeper of the ~~books of account~~ accounting records retires from office. All ~~books~~ records pertaining to Town affairs kept by the Town Manager, Town Clerk, or other elective or appointive officer of the Town shall be kept in the Town buildings in their proper places and shall not be removed therefrom without an order of a court or a vote of the Selectboard.

(f) Purchasing and procurement.

(1) All purchasing and procurement for the Town shall be the responsibility of the Town Manager, who may delegate purchasing authority to within the limits allowed by charter.

(2) All purchasing and procurement shall be by competitive bid or quote wherever practical or as required.

(3) The Town Manager shall ~~establish~~ maintain purchasing and procurement ~~guidelines~~ policies approved by the Selectboard as part of the Town code.

§ 50. TRUST FUNDS

(a) Trust funds of the Town ~~of Springfield~~ shall ~~continue to be~~ accounted for separately and kept separate and apart from other Town funds.

(b) Trust funds shall be ~~in the hands~~ the responsibility of the trustees of public funds in accordance with this charter and State law, unless the trust document specifies otherwise.

§ 51. TAXATION AND COLLECTION

(a) ~~Authority for taxation.~~

~~(1) The Town shall retain rights of taxation as afforded by State statute related to real estate and personal property.~~

~~(2) The Selectboard shall be the tax authority for all Town and school functions and shall fix all rates of taxation as limited by charter and statute. [Repealed.]~~

(b) Responsibility for taxation and collection.

* * *

(2) ~~The Selectboard shall designate the Collector of Delinquent Taxes.~~
[Repealed.]

(3) The Collector of Taxes or Delinquent Taxes may charge and collect such fees and interest as may be fixed by the Selectboard and shall deposit them in into the General Fund. Fees and interest established shall not exceed those provided by statute.

(c) Manner of collection.

(1) The timetable of tax collection in terms of due dates and installments shall be fixed by the Town Treasurer, subject to the approval of the Selectboard.

(2) ~~Delinquent taxes shall be administered in accordance with State statute.~~ [Repealed.]

(d) Tax abatement. Tax abatement shall be administered in accordance with State statute. [Repealed.]

(e) Tax stabilization.

(1) ~~Authority~~ The authority to negotiate and grant tax stabilization agreements shall be granted and revoked by the voters.

(2) The Selectboard shall negotiate all stabilization agreements when so authorized by the voters.

(3) Under this section, the Selectboard shall ~~draft~~ maintain uniform guidelines outlining the scope and nature of tax stabilization agreements.

(4) The Selectboard shall ~~confer with the School Board on stabilization related matters but~~ retain final authority on stabilization agreements.

* * *

(g) ~~Tax classification; special nonresidential property tax; repeal of inventory tax:~~

(1) ~~For purposes of this section:~~

(A) ~~All real and personal property, other than inventory, that is not classified in the grand list as residential property, a farm, or vacant land shall be classified as commercial, industrial, utilities (electric), utilities (other), or equipment, and shall be collectively classified as “special nonresidential property.” Special nonresidential property does not include property used for dwelling or farm purposes or accessory property which is subordinate to or customarily incidental to the main residential or farm use, such as garages and out buildings.~~

(B) ~~“1996 minimum grand list value” means the aggregate grand list value of special nonresidential property and inventory on January 1, 1996.~~

(C) ~~“Special tax” means the additional tax on special nonresidential property and inventory authorized by this section.~~

(2) ~~Beginning with the January 1, 1997 grand list, the inventory tax shall be phased-out over a period of five years and real and personal property shall be taxed as provided in this section.~~

(3) ~~For purposes of calculating the property tax rate, the aggregate grand list value of special nonresidential property and inventory shall be the aggregate grand list value of such property and inventory as calculated below or the 1996 minimum grand list value, whichever is greater.~~

(4) ~~Beginning with the January 1, 1997 grand list, special nonresidential property and inventory shall be subject to a special tax. The special tax shall be imposed in any tax year in which the aggregate grand list value of special nonresidential property and inventory is less than the 1996 minimum grand list value. The special tax shall be in addition to taxes imposed on real and personal property generally. The special tax rate shall be sufficient to generate the tax revenues necessary to fully offset the decrease in tax revenues that would result from basing the property tax rate on the 1996 minimum grand list value rather than the actual aggregate grand list value of special nonresidential property and inventory.~~

(5) ~~Inventory shall be valued on the grand list as follows:~~

(A) ~~80% percent of fair market value as of January 1, 1997.~~

(B) ~~60% percent of fair market value as of January 1, 1998.~~

(C) ~~40% percent of the fair market value as of January 1, 1999.~~

(D) ~~20% percent of the fair market value as of January 1, 2000.~~

(E) ~~Zero percent of the fair market value for the year 2001 and thereafter.~~

(6) ~~Properties upon which payments are made in lieu of taxes pursuant to a contractual agreement with the Town shall be classified according to their grand list classification and assessed for the purposes of such payments.~~

(7) ~~If a property is used for both residential and nonresidential purposes for both farm and nonfarm purposes, the value of the property shall be apportioned according to such uses and classified and assessed as in this section. [Repealed.]~~

§ 52. DEBT; AND BONDED DEBT FOR TOWN AND SCHOOL
IMPROVEMENTS

(a) Authorization for any long-term ~~bonded~~ debt shall be granted by the voters at an annual or special Town meeting duly authorized for that purpose. As used in this section, “long-term” means a period of indebtedness greater than five years.

(b) An article requesting authorization to incur long-term debt can only be placed on the warning by a vote of four Selectboard members, ~~which indicates that the cost of the improvement will be too great to be paid out of the annual income or revenues of the Town.~~

(c) ~~Any vote authorizing long-term debt shall only be valid if voted at a Town meeting at which the total number of votes casting ballots exceeds 10 percent of the total number of names on the checklist on the date of the last annual Town meeting. [Repealed.]~~

(d) Articles requesting authorization for long-term debt shall be warned in accordance with ~~section 22(b)(3) of this charter related to Town warnings generally~~ State statute.

(e) The Town Treasurer shall be authorized, subject to the approval of the Selectboard, to incur short-term debt in anticipation of taxes for ~~Town and school~~ funding.

Sec. 3. REPEAL

24 App. V.S.A. chapter 149, § 6 (open meetings; freedom of information) is repealed.

and by renumbering the remaining sections to be numerically correct.

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

**Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed;
Rules Suspended; Bill Messaged to Senate Forthwith**

H. 679

House bill, entitled

An act relating to fiscal year 2022 budget adjustments

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

Sec. 1. 2021 Acts and Resolves No. 74, Sec. B.126 is amended to read:

Sec. B.126 Legislature

Personal services	5,033,474	5,138,474
Operating expenses	<u>3,768,163</u>	<u>3,768,163</u>
Total	8,801,637	8,906,637
Source of funds		
General fund	<u>8,801,637</u>	<u>8,906,637</u>
Total	8,801,637	8,906,637

Sec. 2. 2021 Acts and Resolves No. 74, Sec. B.127 is amended to read:

Sec. B.127 Joint fiscal committee

Personal services	2,288,387	2,478,387
Operating expenses	<u>158,873</u>	<u>158,873</u>
Total	2,447,260	2,637,260
Source of funds		
General fund	2,322,260	2,512,260
Interdepartmental transfers	<u>125,000</u>	<u>125,000</u>
Total	2,447,260	2,637,260

Sec. 3. 2021 Acts and Resolves No. 74, Sec. B.145 is amended to read:

Sec. B.145 Total general government

Source of funds

General fund	98,982,912	99,277,912
Transportation fund	3,911,594	3,911,594
Special funds	16,446,601	16,446,601
Federal funds	1,150,041	1,150,041
Internal service funds	138,310,838	138,310,838
Interdepartmental transfers	7,551,641	7,551,641
Enterprise funds	6,840	6,840
Pension trust funds	7,169,079	7,169,079
Private purpose trust funds	<u>1,135,286</u>	<u>1,135,286</u>
Total	274,664,832	274,959,832

Sec. 4. 2021 Acts and Resolves No. 74, Sec. B.225.2 is amended to read:

Sec. B.225.2 Agriculture, Food and Markets - Clean Water

Personal services	3,249,011	3,249,011
Operating expenses	486,344	486,344
Grants	<u>4,060,891</u>	<u>5,503,348</u>
Total	7,796,246	9,238,703
Source of funds		

General fund	1,087,080	1,087,080
Special funds	<u>6,089,920</u>	<u>7,532,377</u>
Federal funds	133,534	133,534
Interdepartmental transfers	<u>485,712</u>	<u>485,712</u>
Total	<u>7,796,246</u>	<u>9,238,703</u>

Sec. 5. 2021 Acts and Resolves No. 74, Sec. B.240 is amended to read:

Sec. B.240 Cannabis Control Board

Personal services	<u>650,000</u>	<u>850,000</u>
Total	<u>650,000</u>	<u>850,000</u>
Source of funds		
Special funds	<u>650,000</u>	<u>850,000</u>
Total	<u>650,000</u>	<u>850,000</u>

Sec. 6. 2021 Acts and Resolves No. 74, Sec. B.241 is amended to read:

Sec. B.241 Total protection to persons and property

Source of funds		
General fund	171,360,524	171,360,524
Transportation fund	20,250,000	20,250,000
Special funds	<u>91,319,879</u>	<u>92,962,336</u>
Tobacco fund	561,843	561,843
Federal funds	70,315,412	70,315,412
ARRA funds	520,000	520,000
Interdepartmental transfers	14,457,347	14,457,347
Enterprise funds	<u>12,785,618</u>	<u>12,785,618</u>
Total	<u>381,570,623</u>	<u>383,213,080</u>

Sec. 7. 2021 Acts and Resolves No. 74, Sec. B.300 is amended to read:

Sec. B.300 Human services - agency of human services - secretary's office

Personal services	<u>11,427,819</u>	<u>11,346,910</u>
Operating expenses	5,214,621	5,214,621
Grants	<u>2,895,202</u>	<u>2,895,202</u>
Total	<u>19,537,642</u>	<u>19,456,733</u>
Source of funds		
General fund	<u>8,430,401</u>	<u>8,802,492</u>
Special funds	135,517	135,517
Federal funds	9,959,398	9,959,398
Global Commitment fund	453,000	0
Interdepartmental transfers	<u>559,326</u>	<u>559,326</u>
Total	<u>19,537,642</u>	<u>19,456,733</u>

Sec. 8. 2021 Acts and Resolves No. 74, Sec. B.301 is amended to read:

Sec. B.301 Secretary's office - global commitment

Grants	<u>1,680,637,999</u>	<u>1,839,201,185</u>
Total	<u>1,680,637,999</u>	<u>1,839,201,185</u>
Source of funds		
General fund	559,592,034	585,702,238
Special funds	33,370,086	33,228,937
Tobacco fund	21,049,373	21,049,373
State health care resources fund	17,078,501	16,023,501
Federal funds	1,044,929,568	1,179,162,966
Interdepartmental transfers	<u>4,618,437</u>	<u>4,034,170</u>
Total	<u>1,680,637,999</u>	<u>1,839,201,185</u>

Sec. 9. 2021 Acts and Resolves No. 74, Sec. B.306 is amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	130,163,425	130,170,447
Operating expenses	26,394,423	26,444,423
Grants	<u>3,192,301</u>	<u>2,912,301</u>
Total	<u>159,750,149</u>	<u>159,527,171</u>
Source of funds		
General fund	32,776,219	33,116,885
Special funds	3,363,758	5,678,861
Federal funds	114,469,002	111,590,255
Global Commitment fund	4,314,039	4,314,039
Interdepartmental transfers	<u>4,827,131</u>	<u>4,827,131</u>
Total	<u>159,750,149</u>	<u>159,527,171</u>

Sec. 10. 2021 Acts and Resolves No. 74, Sec. B.307 is amended to read:

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Personal services	547,983	547,983
Grants	<u>757,772,233</u>	<u>855,581,847</u>
Total	<u>758,320,216</u>	<u>856,129,830</u>
Source of funds		
Global Commitment fund	<u>758,320,216</u>	<u>856,129,830</u>
Total	<u>758,320,216</u>	<u>856,129,830</u>

Sec. 11. 2021 Acts and Resolves No. 74, Sec. B.309 is amended to read:

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>42,367,754</u>	<u>50,029,823</u>
Total	42,367,754	50,029,823
Source of funds		
General fund	42,315,703	40,459,853
Global Commitment fund	<u>52,051</u>	<u>9,569,970</u>
Total	42,367,754	50,029,823

Sec. 12. 2021 Acts and Resolves No. 74, Sec. B.310 is amended to read:

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>32,842,006</u>	<u>34,768,604</u>
Total	32,842,006	34,768,604
Source of funds		
General fund	12,664,602	12,817,789
Federal funds	<u>20,177,404</u>	<u>21,950,815</u>
Total	32,842,006	34,768,604

Sec. 13. 2021 Acts and Resolves No. 74, Sec. B.311 is amended to read:

Sec. B.311 Health - administration and support

Personal services	5,753,602	5,753,602
Operating expenses	6,567,686	5,946,041
Grants	<u>6,313,608</u>	<u>6,313,608</u>
Total	18,634,896	18,013,251
Source of funds		
General fund	2,982,217	2,360,572
Special funds	2,061,857	2,061,857
Federal funds	7,777,658	7,777,658
Global Commitment fund	5,748,858	5,748,858
Interdepartmental transfers	<u>64,306</u>	<u>64,306</u>
Total	18,634,896	18,013,251

Sec. 14. 2021 Acts and Resolves No. 74, Sec. B.314 is amended to read:

Sec. B.314 Mental health - mental health

Personal services	32,985,332	34,712,990
Operating expenses	4,700,264	4,850,264
Grants	<u>246,498,959</u>	<u>234,392,478</u>
Total	284,184,555	273,955,732
Source of funds		
General fund	10,281,092	10,850,067
Special funds	1,685,284	1,685,284
Federal funds	9,398,134	9,377,108

Global Commitment fund	262,745,408	251,968,636
Interdepartmental transfers	<u>74,637</u>	<u>74,637</u>
Total	284,184,555	273,955,732

Sec. 15. 2021 Acts and Resolves No. 74, Sec. B.316 is amended to read:

Sec. B.316 Department for children and families - administration & support services

Personal services	38,362,798	39,823,024
Operating expenses	17,035,520	19,109,020
Grants	<u>3,819,106</u>	<u>3,819,106</u>
Total	59,217,424	62,751,150
Source of funds		
General fund	33,091,620	34,739,860
Special funds	2,711,682	2,761,682
Federal funds	21,062,298	23,494,784
Global Commitment fund	2,000,936	1,403,936
Interdepartmental transfers	<u>350,888</u>	<u>350,888</u>
Total	59,217,424	62,751,150

Sec. 16. 2021 Acts and Resolves No. 74, Sec. B.317 is amended to read:

Sec. B.317 Department for children and families - family services

Personal services	39,332,995	39,636,555
Operating expenses	4,997,338	4,997,338
Grants	<u>81,171,012</u>	<u>83,187,102</u>
Total	125,501,345	127,820,995
Source of funds		
General fund	49,047,462	49,543,086
Special funds	729,587	729,587
Federal funds	31,365,138	32,373,091
Global Commitment fund	44,344,158	45,137,731
Interdepartmental transfers	<u>15,000</u>	<u>37,500</u>
Total	125,501,345	127,820,995

Sec. 17. 2021 Acts and Resolves No. 74, Sec. B.318 is amended to read:

Sec. B.318 Department for children and families - child development

Personal services	5,020,429	5,624,306
Operating expenses	848,079	921,579
Grants	<u>100,111,841</u>	<u>97,958,128</u>
Total	105,980,349	104,504,013
Source of funds		
General fund	27,348,614	25,996,178

Special funds	16,820,000	16,820,000
Federal funds	50,874,814	50,623,626
Global Commitment fund	10,914,421	11,064,209
Interdepartmental transfers	<u>22,500</u>	<u>0</u>
Total	105,980,349	104,504,013

Sec. 18. 2021 Acts and Resolves No. 74, Sec. B.321 is amended to read:

Sec. B.321 Department for children and families - general assistance

Personal services	15,000	15,000
Grants	<u>2,823,574</u>	<u>2,823,574</u>
Total	2,838,574	2,838,574

Source of funds

General fund	2,441,239	2,541,239
Federal funds	111,320	11,320
Global Commitment fund	<u>286,015</u>	<u>286,015</u>
Total	2,838,574	2,838,574

Sec. 19. 2021 Acts and Resolves No. 74, Sec. B.323 is amended to read:

Sec. B.323 Department for children and families - reach up

Operating expenses	29,119	29,119
Grants	<u>31,842,843</u>	<u>31,842,843</u>
Total	31,871,962	31,871,962

Source of funds

General fund	19,904,694	19,704,694
Special funds	5,854,320	5,954,320
Federal funds	3,431,330	3,531,330
Global Commitment fund	<u>2,681,618</u>	<u>2,681,618</u>
Total	31,871,962	31,871,962

Sec. 20. 2021 Acts and Resolves No. 74, Sec. B.325 is amended to read:

Sec. B.325 Department for children and families - office of economic opportunity

Personal services	636,177	636,177
Operating expenses	43,488	43,488
Grants	<u>19,383,262</u>	<u>25,483,262</u>
Total	20,062,927	26,162,927

Source of funds

General fund	14,225,798	20,325,798
Special funds	57,990	57,990
Federal funds	4,423,154	4,423,154
Global Commitment fund	<u>1,355,985</u>	<u>1,355,985</u>

Total	20,062,927	26,162,927

Sec. 21. 2021 Acts and Resolves No. 74, Sec. B.327 is amended to read:

Sec. B.327 Department for Children and Families - Secure Residential Treatment

Personal services	258,100	258,100
Operating expenses	650,463	650,463
Grants	<u>3,476,862</u>	<u>3,773,834</u>
Total	4,385,425	4,682,397
Source of funds		
General fund	4,355,425	4,652,397
Global Commitment fund	<u>30,000</u>	<u>30,000</u>
Total	4,385,425	4,682,397

Sec. 22. 2021 Acts and Resolves No. 74, Sec. B.328 is amended to read:

Sec. B.328 Department for children and families - disability determination services

Personal services	7,139,139	6,991,600
Operating expenses	<u>460,858</u>	<u>460,858</u>
Total	7,599,997	7,452,458
Source of funds		
General fund	111,120	111,120
Federal funds	<u>7,488,877</u>	<u>7,341,338</u>
Total	7,599,997	7,452,458

Sec. 23. 2021 Acts and Resolves No. 74, Sec. B.329 is amended to read:

Sec. B.329 Disabilities, aging, and independent living - administration & support

Personal services	33,906,585	35,498,760
Operating expenses	<u>5,953,426</u>	<u>5,953,426</u>
Total	39,860,011	41,452,186
Source of funds		
General fund	17,731,954	19,174,129
Special funds	1,390,457	1,390,457
Federal funds	<u>19,671,316</u>	<u>19,821,316</u>
Interdepartmental transfers	<u>1,066,284</u>	<u>1,066,284</u>
Total	39,860,011	41,452,186

Sec. 24. 2021 Acts and Resolves No. 74, Sec. B.330 is amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>19,352,893</u>	<u>19,921,075</u>
Total	19,352,893	19,921,075
Source of funds		
General fund	7,644,654	7,644,654
Federal funds	7,148,466	7,148,466
Global Commitment fund	<u>4,559,773</u>	<u>5,127,955</u>
Total	19,352,893	19,921,075

Sec. 25. 2021 Acts and Resolves No. 74, Sec. B.334 is amended to read:

Sec. B.334 Disabilities, aging, and independent living - Brain injury home and community-based waiver

Grants	<u>5,564,689</u>	<u>5,714,689</u>
Total	5,564,689	5,714,689
Source of funds		
Global Commitment fund	<u>5,564,689</u>	<u>5,714,689</u>
Total	5,564,689	5,714,689

Sec. 26. 2021 Acts and Resolves No. 74, Sec. B.334.1 is amended to read:

Sec. B.334.1 Disabilities, aging and independent living - Long Term Care

Grants	<u>230,505,916</u>	<u>238,018,868</u>
Total	230,505,916	238,018,868
Source of funds		
General fund	498,579	498,579
Federal funds	2,083,333	2,083,333
Global Commitment fund	<u>227,924,004</u>	<u>235,436,956</u>
Total	230,505,916	238,018,868

Sec. 27. 2021 Acts and Resolves No. 74, Sec. B.339 is amended to read:

Sec. B.339 Corrections - Correctional services-out of state beds

Personal services	<u>5,640,604</u>	<u>5,223,574</u>
Total	5,640,604	5,223,574
Source of funds		
General fund	<u>5,640,604</u>	<u>5,223,574</u>
Total	5,640,604	5,223,574

Sec. 28. 2021 Acts and Resolves No. 74, Sec. B.342 is amended to read:

Sec. B.342 Vermont veterans' home - care and support services

Personal services	19,020,560	20,520,560
Operating expenses	<u>5,426,960</u>	<u>5,899,095</u>
Total	24,447,520	26,419,655
Source of funds		

General fund	2,843,321	4,025,456
Special funds	11,868,942	12,658,942
Federal funds	<u>9,735,257</u>	<u>9,735,257</u>
Total	24,447,520	26,419,655

Sec. 29. 2021 Acts and Resolves No. 74, Sec. B.346 is amended to read:

Sec. B.346 Total human services

Source of funds

General fund	~~1,022,527,917~~	1,056,891,225
Special funds	~~116,659,874~~	119,773,828
Tobacco fund	23,088,208	23,088,208
State health care resources fund	~~17,078,501~~	16,023,501
Federal Coronavirus Relief Fund	15,000,000	15,000,000
Federal funds	~~1,497,837,906~~	1,634,136,654
Global Commitment fund	~~1,641,496,441~~	1,746,171,697
Internal service funds	1,951,982	1,951,982
Interdepartmental transfers	~~25,329,631~~	24,745,364
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	4,360,995,460	4,637,807,459

Sec. 30. [Deleted.]

Sec. 31. 2021 Acts and Resolves No. 74, Sec. B.400 is amended to read:

Sec. B.400 Labor - programs

Personal services	~~31,359,103~~	30,259,103
Operating expenses	7,701,210	7,701,210
Grants	<u>1,822,409</u>	<u>1,822,409</u>
Total	~~40,882,722~~	39,782,722

Source of funds

General fund	5,394,154	5,394,154
Special funds	6,422,539	6,422,539
Federal funds	~~28,658,417~~	27,558,417
Interdepartmental transfers	<u>407,612</u>	<u>407,612</u>
Total	~~40,882,722~~	39,782,722

Sec. 32. 2021 Acts and Resolves No. 74, Sec. B.401 is amended to read:

Sec. B.401 Total labor

Source of funds

General fund	5,394,154	5,394,154
Special funds	6,422,539	6,422,539
Federal funds	~~28,658,417~~	27,558,417
Interdepartmental transfers	<u>407,612</u>	<u>407,612</u>

Total	40,882,722	39,782,722

Sec. 33. [Deleted.]

Sec. 34. [Deleted.]

Sec. 35. 2021 Acts and Resolves No. 74, Sec. B.605 is amended to read:

Sec. B.605 Vermont student assistance corporation

Grants	<u>22,251,315</u>	19,978,588
Total	22,251,315	19,978,588
Source of funds		
General fund	19,978,588	19,978,588
Interdepartmental transfers	<u>2,272,727</u>	0
Total	22,251,315	19,978,588

Sec. 36. 2021 Acts and Resolves No. 74, Sec. B.608 is amended to read:

Sec. B.608 Total higher education

Source of funds

General fund	98,861,685	98,861,685
Education fund	41,225	41,225
Global Commitment fund	409,461	409,461
Interdepartmental transfers	<u>2,272,727</u>	0
Total	101,585,098	99,312,371

Sec. 37. 2021 Acts and Resolves No. 74, Sec. B.702 is amended to read:

Sec. B.702 Fish and wildlife - support and field services

Personal services	18,654,752	18,754,752
Operating expenses	6,717,480	7,617,480
Grants	<u>670,446</u>	<u>670,446</u>
Total	26,042,678	27,042,678
Source of funds		
General fund	6,403,816	6,403,816
Special funds	<u>239,657</u>	1,239,657
Fish and wildlife fund	9,561,364	9,561,364
Federal funds	8,504,410	8,504,410
Interdepartmental transfers	1,322,431	1,322,431
Permanent trust funds	<u>11,000</u>	<u>11,000</u>
Total	26,042,678	27,042,678

Sec. 38. 2021 Acts and Resolves No. 74, Sec. B.711 is amended to read:

Sec. B.711 Environmental conservation - office of water programs

Personal services	28,652,311	28,652,311

Operating expenses	6,722,953	6,722,953
Grants	<u>31,819,350</u>	<u>29,319,350</u>
Total	67,194,614	64,694,614
Source of funds		
General fund	7,926,170	7,926,170
Special funds	<u>22,601,929</u>	<u>20,101,929</u>
Federal funds	36,003,082	36,003,082
Interdepartmental transfers	<u>663,433</u>	<u>663,433</u>
Total	67,194,614	64,694,614

Sec. 39. 2021 Acts and Resolves No. 74, Sec. B.713 is amended to read:

Sec. B.713 Natural resources board

Personal services	2,597,208	2,747,096
Operating expenses	<u>545,630</u>	<u>395,742</u>
Total	3,142,838	3,142,838
Source of funds		
General fund	631,629	631,629
Special funds	<u>2,511,209</u>	<u>2,511,209</u>
Total	3,142,838	3,142,838

Sec. 40. 2021 Acts and Resolves No. 74, Sec. B.714 is amended to read:

Sec. B.714 Total natural resources

Source of funds		
General fund	31,693,115	31,693,115
Special funds	<u>78,151,968</u>	<u>76,651,968</u>
Fish and wildlife fund	9,561,364	9,561,364
Federal funds	54,981,735	54,981,735
Interdepartmental transfers	11,534,344	11,534,344
Permanent trust funds	<u>11,000</u>	<u>11,000</u>
Total	185,933,526	184,433,526

Sec. 41. 2021 Acts and Resolves No. 74, Sec. B.900 is amended to read:

Sec. B.900 Transportation - finance and administration

Personal services	13,654,880	13,558,021
Operating expenses	2,507,103	2,507,103
Grants	<u>50,000</u>	<u>50,000</u>
Total	16,211,983	16,115,124
Source of funds		
Transportation fund	<u>15,815,083</u>	<u>15,718,224</u>
Federal funds	<u>396,900</u>	<u>396,900</u>
Total	16,211,983	16,115,124

Sec. 42. 2021 Acts and Resolves No. 74, Sec. B.903 is amended to read:

Sec. B.903 Transportation - program development

Personal services	58,611,534	58,092,913
Operating expenses	227,109,245	226,965,577
Grants	<u>28,813,660</u>	<u>28,813,660</u>
Total	314,534,439	313,872,150
Source of funds		
Transportation fund	48,717,849	48,055,560
TIB fund	10,597,637	10,597,637
Federal funds	254,737,875	254,737,875
Local match	<u>481,078</u>	<u>481,078</u>
Total	314,534,439	313,872,150

Sec. 43. 2021 Acts and Resolves No. 74, Sec. B.905 is amended to read:

Sec. B.905 Transportation - maintenance state system

Personal services	45,339,790	45,955,270
Operating expenses	57,902,709	58,046,377
Grants	<u>277,000</u>	<u>277,000</u>
Total	103,519,499	104,278,647
Source of funds		
Transportation fund	87,191,712	87,950,860
Federal funds	16,227,787	16,227,787
Interdepartmental transfers	<u>100,000</u>	<u>100,000</u>
Total	103,519,499	104,278,647

Sec. 44. 2021 Acts and Resolves No. 74, Sec. B.919 is amended to read:

Sec. B.919 Transportation - municipal mitigation assistance program

Operating expenses	265,000	265,000
Grants	<u>5,845,000</u>	<u>8,020,150</u>
Total	6,110,000	8,285,150
Source of funds		
Transportation fund	705,000	705,000
Special funds	3,977,000	6,152,150
Federal funds	<u>1,428,000</u>	<u>1,428,000</u>
Total	6,110,000	8,285,150

Sec. 45. 2021 Acts and Resolves No. 74, Sec. B.922 is amended to read:

Sec. B.922 Total transportation

Source of funds

Transportation fund	271,865,668	271,865,668

TIB fund	11,397,637	11,397,637
Special funds	4,027,000	6,202,150
Federal funds	361,546,034	361,546,034
Internal service funds	22,202,720	22,202,720
Interdepartmental transfers	2,888,052	2,888,052
Local match	<u>1,833,316</u>	<u>1,833,316</u>
Total	675,760,427	677,935,577

Sec. 46. 2021 Acts and Resolves No. 74, Sec. B.1106 is amended to read:

Sec. B.1106 FISCAL YEAR 2022 ONE-TIME GENERAL FUND
APPROPRIATIONS

(a) In fiscal year 2022, funds are appropriated from the General Fund for new and ongoing initiatives as follows:

(1) ~~\$38,430,000~~ \$39,460,000 to the Agency of Administration for the following:

(A) ~~\$11,580,000~~ \$12,420,000 for distribution to departments to fund the fiscal year 2022 53rd week of Medicaid.

(B) ~~\$12,450,000~~ \$12,640,000 for distribution to departments to fund the fiscal year 2022 27th payroll pay period.

* * *

(12) ~~\$126,000 to the Agency of Human Services Secretary's Office Department for Children and Families – administration and support services to maintain the 211-call center.~~

* * *

(21) \$25,000,000 to the Agency of Human Services – Central Office to address emergent and exigent circumstances following the COVID-19 pandemic.

(A) On or before March 1, 2022, the Agency of Human Services shall report to the House and Senate Committees on Appropriations on a plan to address costs associated with contract staffing for nursing homes. The plan shall include a methodology for addressing costs incurred for state fiscal year 2022, as well as a timeline for implementation. The plan shall include a timeline to address the rate setting process for future ongoing base costs starting in state fiscal year 2023.

(B) Funds appropriated in the subsection may be included among the Global Commitment appropriations referenced in 2021 Acts and Resolves No. 74, Sec. E.301.2 as available for transfers if it is determined that grants made

under this provision can be included and matched in the Global Commitment waiver.

(22) \$3,300,000 to the Agency of Digital Services for a cyber security initiative as follows:

(A) \$2,300,000 for purchase and implementation of Security Information and Event Management software.

(B) \$1,000,000 to prepay the fiscal year 2023 annual licensing/maintenance costs for the system.

(23) \$350,000 to the Department of Environmental Conservation to evaluate and provide an analysis of the capital and ongoing operations and maintenance costs of the Green River Dam. Any unspent funds shall be directed to State-owned dams to evaluate the capital and ongoing operations and maintenance costs.

(24) \$33,000 to the Joint Fiscal Office for the expense of a consultant for the Health Reform Oversight Committee.

(25) \$350,000 to the Agency of Education to provide support for the four statewide nonprofit organizations in the Adult Education and Literacy (AEL) network to address budget shortfalls resulting from the effects of COVID-19.

(26) \$300,000 to the Public Service Department to support the continuity of statewide public, educational, and governmental (PEG) access services.

(27) \$166,667 to the Department of Health, Alcohol and Drug Abuse Programs, to support four statewide syringe services programs.

(28) \$250,000 to the Agency of Commerce and Community Development, Housing and Community Development, to make grants to municipal planning organizations.

(29) \$112,000 to the Center for Crime Victim Services for legal services for victims.

(30) \$150,000 to the Agency of Education for the vaccine incentive program for recognized and approved Independent Schools that are not eligible to receive Elementary and Secondary School Emergency Relief (ESSER) funds.

(31) \$150,000 to the Agency of Commerce and Community Development for a grant to the Town of New Haven for expenses related to the relocation of the railroad station. These funds are in addition to other funding

provided to the town for the same purpose from other state entities and other sources.

(32) \$500,000 to the Green Mountain Care Board for a consultant to perform per capita benchmarking analyses with comparisons to national, peers and better performers. This shall include an analysis of avoidable utilization and low value care.

(33) \$1,000,000 to the Agency of Commerce of Community Development to provide state match for U.S. Economic Development Administration funding to be allocated equally between the Build to Scale and the Good Jobs Challenge proposals to be submitted for funding.

Sec. 47. FISCAL YEAR 2022; VERMONT STATE EMPLOYEES' RETIREMENT SYSTEM; RECOMMENDATIONS; DEPARTMENT OF CORRECTIONS EMPLOYEES; LONGEVITY INCENTIVE

(a) On or before April 15, 2022, the State Treasurer and the Board of Trustees for the Vermont State Employees Retirement System shall recommend to the House and Senate Committees on Appropriations and on Government Operations a plan for the following:

(1) the creation of a new pension benefit group for Department of Corrections employees that is actuarially neutral to the pension system and results in no additional employer pension costs; and

(2) the development of a longevity incentive that encourages Group F members who are eligible for a normal retirement a longevity incentive to continue working past their retirement date, provided that the incentive is designed to result in actuarial savings to the pension system and reduce employer pension expenses.

Sec. 48. 2021 Acts and Resolves No. 74, Sec. D.101 is amended to read:

Sec. D.101 FUND TRANSFERS, REVERSIONS AND RESERVES

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

* * *

(6) From the Clean Water Fund (21932) established by 10 V.S.A. § 1388 to the Agricultural Water Quality Special Fund (21933) created under 6 V.S.A. § 4803: \$4,521,393 \$5,963,850.

* * *

(9) From the Transportation Infrastructure Bond Fund established by 19 V.S.A. § 11f to the Transportation Infrastructure Bonds Debt Service Fund (35200) established by 32 V.S.A. § 951a for funding fiscal year 2023 transportation infrastructure bonds debt service the redemption of transportation infrastructure bonds prior to maturity: \$2,502,363.

(10) From the Transportation FHWA Fund (20135) to the Transportation Infrastructure Bonds Debt Service Fund (35200) established by 32 V.S.A. § 951a for funding the redemption of transportation infrastructure bonds prior to maturity: \$12,554,768.

(11) From the Transportation Fund – Non-Dedicated (20105) to the Transportation Infrastructure Bonds Debt Service Fund (35200) established by 32 V.S.A. § 951a for funding the redemption of transportation infrastructure bonds prior to maturity: \$4,863,957.

(12) From the General Fund to the Property Management Fund (58700) established by 29 V.S.A. § 160: \$5,000,000.

(13) From the General Fund to the State Liability Self-Insurance Fund (56200): \$6,700,000.

(14) From the General Fund to the Victims Compensation Special Fund (21145) established by 13 V.S.A. § 5359: \$1,300,000.

(15) From the General Fund to the Domestic and Sexual Violence Special Fund (21926) established by 13 V.S.A. § 5360: \$250,000.

(16) From the General Fund to the Correctional Industries Internal Services Fund (59100): \$1,877,092.

(17) From the General Fund to the Cannabis Regulation Fund (21998): \$850,000.

(b) Notwithstanding any provisions of law to the contrary, in fiscal year 2022:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

* * *

21500	<u>Interdepartmental Transfer Fund – 7100000022</u>	<u>\$125,000.00</u>

* * *

(d) Notwithstanding any provision of law to the contrary, in fiscal year 2022, the following amounts shall revert to the General Fund from the accounts indicated:

2150010000	Military – administration	~~\$200,000.00~~ <u>\$316,556.00</u>

1210002000	Legislature	~~\$140,000.00~~ <u>\$435,000.00</u>
1215001000	Legislative Counsel	\$50,000.00
1220000000	Joint Fiscal Office	\$50,000.00
1225001000	Legislative IT	\$60,000.00
<u>1100010000</u>	<u>Secretary of Administration</u>	<u>\$50,000.00</u>
<u>1110003000</u>	<u>Budget & Management</u>	<u>\$117,075.64</u>
<u>1110006000</u>	<u>University of Vermont</u>	<u>\$1.00</u>
<u>1110007000</u>	<u>UVM– Morgan Horse Farm</u>	<u>\$1.00</u>
<u>1110009100</u>	<u>Vermont State Colleges</u>	<u>\$3.00</u>
<u>1130030000</u>	<u>Libraries</u>	<u>\$26,000.38</u>
<u>1140010000</u>	<u>Tax Operation Costs</u>	<u>\$200,000.00</u>
<u>1140040000</u>	<u>Homeowner Rebates</u>	<u>\$333,503.02</u>
<u>1140330000</u>	<u>Renter Rebates</u>	<u>\$1,712,964.82</u>
<u>1240001000</u>	<u>Lieutenant Governor's Office</u>	<u>\$20,672.89</u>
<u>2130200000</u>	<u>Sheriffs</u>	<u>\$542,914.55</u>
<u>2140010000</u>	<u>DPS – State Police</u>	<u>\$13,666,973.39</u>
<u>2170010000</u>	<u>Criminal Justice Trng Council</u>	<u>\$62,049.00</u>
<u>2280001000</u>	<u>Human Rights Commission</u>	<u>\$9,101.68</u>
<u>3150891901</u>	<u>Copeland Center</u>	<u>\$5,803.03</u>
<u>3330010000</u>	<u>Green Mountain Care Board</u>	<u>\$0.44</u>
<u>3400001000</u>	<u>Secretary's Office Admin Costs</u>	<u>\$50,000.00</u>
<u>3400002000</u>	<u>RSVP Appropriation</u>	<u>\$1,035.00</u>
<u>3400891902</u>	<u>Elec Med/Health Records Syst</u>	<u>\$3,894.00</u>
<u>3410017000</u>	<u>DVHA-Programs-ST-Only Funded</u>	<u>\$76,450.02</u>
<u>3420010000</u>	<u>Administration</u>	<u>\$650,000.00</u>
<u>3420021000</u>	<u>Public Health</u>	<u>\$1,784,782.61</u>
<u>3420892110</u>	<u>VDH-Data Collection</u>	<u>\$134,000.00</u>
<u>3440060000</u>	<u>DCFS - General Assistance</u>	<u>\$4,374,450.77</u>
<u>3440891903</u>	<u>Parent Child Centers</u>	<u>\$18,089.40</u>
<u>3440891906</u>	<u>Incentivizing Child Care Profs</u>	<u>\$96,628.40</u>

<u>3440891908</u>	<u>Weatherization Assist Bridge</u>	<u>\$290,035.94</u>
<u>3460020000</u>	<u>Advocacy & Indep Living Grants</u>	<u>\$241,585.88</u>
<u>3480004000</u>	<u>Corrections-Correctional Services</u>	<u>\$6,361,238.22</u>
<u>5100010000</u>	<u>Administration</u>	<u>\$118,500.00</u>
<u>5100060000</u>	<u>Adult Basic Education</u>	<u>\$63,476.19</u>
<u>5100070000</u>	<u>Education Services</u>	<u>\$51,719.84</u>
<u>5100210000</u>	<u>Ed-Flexible Pathways</u>	<u>\$10,675.00</u>
<u>5100891807</u>	<u>Restorative Justice Grants</u>	<u>\$75,867.34</u>
<u>5100891901</u>	<u>AOE New Positions</u>	<u>\$214,729.59</u>
<u>6100040000</u>	<u>Property Tax Assessment Approp</u>	<u>\$0.93</u>
<u>6130010000</u>	<u>Administration</u>	<u>\$0.70</u>
<u>7100892107</u>	<u>ACCD-Public Access TV</u>	<u>\$30,450.10</u>
<u>7120892001</u>	<u>ThinkVermont Initiative</u>	<u>\$45,000.00</u>

(e) Notwithstanding any provision of law to the contrary, in fiscal year 2022, the following amounts shall revert to the Education Fund from the accounts indicated:

<u>1140060000</u>	<u>Reappraisal & Listing Payments</u>	<u>\$0.13</u>
<u>5100010000</u>	<u>Administration</u>	<u>\$950,949.54</u>
<u>5100040000</u>	<u>Special Education Formula</u>	<u>\$5,824,528.53</u>
<u>5100050000</u>	<u>State-Placed Students</u>	<u>\$880,000.00</u>
<u>5100090000</u>	<u>Education Grant</u>	<u>\$0.69</u>
<u>5100110000</u>	<u>Small School Grant</u>	<u>\$614,965.00</u>
<u>5100190000</u>	<u>Essential Early Educ Grant</u>	<u>\$41,295.67</u>
<u>5100200000</u>	<u>Education-Technical Education</u>	<u>\$1,841,126.00</u>
<u>5100210000</u>	<u>Ed-Flexible Pathways</u>	<u>\$1,579,282.05</u>

(f) Notwithstanding any provision of law to the contrary, in fiscal year 2022, the following amount shall revert to the Transportation Fund from the account indicated:

<u>2140010000</u>	<u>DPS-State Police</u>	<u>\$3,933,026.61</u>

(g) Notwithstanding any provision of law to the contrary, in fiscal year 2022, the following amount shall revert to the Clean Water Fund from the account indicated:

<u>6140040000</u>	<u>Environmental Conservation – Office of Water Programs</u>	
	<u>Office of Water Programs</u>	<u>\$675,149.73</u>

Sec. 49 2021 Acts and Resolves No. 74, Sec. D.102 is amended to read:

Sec. D.102 27/53 RESERVE; TRANSFER AND USE

(a) ~~\$3,740,000~~ \$4,770,000 from the General Fund shall be reserved in the 27/53 reserve in fiscal year 2022. This action is the fiscal year 2022 contribution to the reserve for the 53rd week of Medicaid as required by 32 V.S.A. § 308e and the 27th payroll reserve as required by 32 V.S.A. § 308e(b).

(b) ~~\$24,030,000~~ \$25,060,000 shall be unreserved from the 27/53 Reserve in in fiscal year 2022 to provide for the appropriations described in Secs. B.1106(a)(1)(A) and B.1106(a)(1)(B) of this act.

Sec. 50. 2021 Acts and Resolves No. 74, Sec. E.107 is amended to read:

Sec. E.107 CORONAVIRUS RELIEF FUND APPROPRIATIONS;
REVERSION AND REAL LOCATION; REPORTS

(a) The Commissioner of Finance and Management is authorized to revert all unobligated Coronavirus Relief Fund (CRF) appropriations prior to December 31, 2021. The total amount of CRF monies reverted in accordance with this subsection shall be allocated pursuant to 32 V.S.A. § 511 to any agency or department for CRF-eligible costs incurred from July 1, 2020 through December 31, 2021.

(b) If previously obligated CRF monies become unobligated after December 31, 2021, the Commissioner of Finance and Management is authorized to revert the unobligated CRF appropriations and allocate the monies for expenditure pursuant to 32 V.S.A. § 511 to any agency or department for CRF-eligible costs incurred from July 1, 2021 March 1, 2020 through December 31, 2021.

Sec. 51. CORONAVIRUS RELIEF FUND REALLOCATION

(a) Pursuant to 2021 Acts and Resolves No. 74, Sec. E.107 as amended by Sec. 50 of this act, the following amount is reallocated from the Coronavirus Relief Fund to the following eligible appropriation:

(1) To the Agency of Education for Local Educational Agency (LEA) grants: \$436,217.22

Sec. 52. [Deleted.]

Sec. 53. FISCAL YEAR 2022 UNALLOCATED RESERVE

(a) After satisfying the requirements of 32 V.S.A. § 308, and after other reserve requirements have been met, but prior to satisfying the requirements of 32 V.S.A. § 308c, the first \$81,000,000 of remaining unreserved and undesignated funds at the close of fiscal year 2022 shall remain in the General Fund and be carried forward to fiscal year 2023. These funds may be used to provide state match to the federal Infrastructure Investment and Jobs Act.

(b) After meeting the requirements of subsection (a) of this section, but prior to satisfying the requirements of 32 V.S.A. § 308c, the remaining unreserved and undesignated funds at the close of fiscal year 2022 shall be allocated as follows:

(1) \$5,000,000 shall be transferred to the Property Management Fund (58700) established by 29 V.S.A. § 160.

(2) \$20,000,000 is appropriated to the State Treasurer's Office to be used to redeem, prior to maturity, State of Vermont general obligation bonds that may become eligible for redemption in fiscal years 2022 and 2023. These funds shall carry forward into fiscal year 2023 and be used only for the purpose of redeeming State of Vermont general obligation bonds prior to maturity.

(3) \$25,114,179 is appropriated to the extent available and, in fiscal year 2022, the Commissioner of Finance and Management is authorized to replace American Rescue Plan Act – Coronavirus State Fiscal Recovery Funds appropriated in 2021 Acts and Resolves No. 74, Sec. G.300, as amended by Sec. 68 of this act, with General Fund dollars in the following amounts:

(A) \$6,000,000 to replace the fund source in the appropriation in Sec. G.300(a)(23) (Vermont Foodbank);

(B) \$1,001,913 to replace the fund source in the appropriation in Sec. G.300(a)(26) (adult day services);

(C) \$4,934,590 to replace the fund source in the appropriation in Sec. G.300(a)(27) (Department of Corrections);

(D) \$12,803,996 to replace the fund source in the appropriation in Sec. G.300(a)(28) (Department of Labor); and

(E) \$373,680 to replace the fund source in the appropriation in Sec. G.300(a)(29) (Vermont Veterans' Home).

(c) After meeting the requirements of subsections (a) and (b) of this section, but prior to satisfying the requirements of 32 V.S.A. § 308c, the

remaining unreserved and undesignated funds at the close of fiscal year 2022 shall remain in the General Fund and be carried forward to fiscal year 2023.

Sec. 53a. 32 V.S.A. § 902 is amended to read

§ 902. AUTHORIZATION TO BORROW MONEY

* * *

(c) Notwithstanding any other provision of law to the contrary, the State Treasurer shall have the authority to redeem any previously issued bonds or notes prior to their maturity, at a time and on terms consistent with the provisions of such bonds or notes, with funds specifically appropriated by the General Assembly for such redemption or in the case of any bonds maturing within a particular fiscal year, from funds appropriated or available for payment of debt service for the particular fiscal year.

Sec. 54. GENERAL ASSISTANCE EMERGENCY HOUSING;
TRANSITIONAL HOUSING; SOURCE OF FUNDS

(a) The Department for Children and Families shall continue to make emergency housing available through the General Assistance Emergency Housing program to individuals and families through June 30, 2022, using eligibility criteria in effect on January 1, 2022.

(b) The Adverse Weather Conditions policy in effect on November 22, 2021 shall continue in effect until March 31, 2022 using 100 percent FEMA funds and through the end of the fiscal year using either 100 percent FEMA funds or Emergency Rental Assistance Program (ERAP) funds.

(c)(1) The Commissioner for Children and Families shall reconvene the General Assistance working group described in 2021 Acts and Resolves No. 74, sections E.321 and E.321.2 for the purpose of assisting with the development of rules for a transitional housing program, which shall be funded by federal ERAP funds. The Department shall initiate emergency rulemaking as soon as practicable and shall be deemed to have met the emergency rulemaking criteria in 3 V.S.A. § 844. The Department shall file permanent rules pursuant to 3 V.S.A. chapter 25 concurrently with its emergency rule filing.

(2) Notwithstanding subsection (a) of this section, once emergency rules have been adopted for the ERAP-funded transitional housing program, and if the Department has located housing through facilitated occupancy agreements with motels and hotels or other housing providers on behalf of program participants, the Department shall begin transitioning participating individuals and families from the General Assistance emergency housing program funded

by 100 percent FEMA funds to the transitional housing program funded by ERAP funds prior to June 30, 2022.

(3) The Department is authorized to provide supplemental services as needed for the safety of program participants and providers to the extent that ERAP or 100 percent FEMA funds are available for this purpose.

Sec. 54a. 9 V.S.A. § 4452 is amended to read:

§ 4452. EXCLUSIONS

Unless created to avoid the application of this chapter, this chapter does not apply to any of the following:

* * *

(8) transient occupancy in a hotel, motel, or lodgings during the time the occupant is a recipient of General Assistance or Emergency Assistance temporary housing assistance, or occupancy in a hotel or motel funded by federal Emergency Rental Assistance administered by the Department for Children and Families through September 30, 2025, regardless of whether the occupancy is subject to a tax levied under 32 V.S.A. chapter 225;

* * *

Sec. 55. 2021 Acts and Resolves No. 74, Sec. E.126 is amended to read:

Sec. E.126 TRANSFER OF FUNDS WITHIN LEGISLATIVE BRANCH

(a) Notwithstanding 32 V.S.A. § 706, in fiscal year 2022, appropriations within the Legislative Branch may be transferred between respective offices to ensure a balanced close-out in the fiscal year.

(b) The Joint Fiscal Office shall be reimbursed by a transfer from the Legislative budget for any costs incurred in contracting with an economist or independent consulting entity for the study created in 2021 Acts and Resolves No. 45, Sec. 14.

Sec. 56. FISCAL YEAR 2022; STATE HOUSE EXPANSION; REQUEST FOR PROPOSAL; SERGEANT AT ARMS; DEPARTMENT OF BUILDINGS AND GENERAL SERVICES; GENERAL FUND CARRYFORWARD

(a) On or before May 1, 2022, the Department of Buildings and General Services, in collaboration with the Sergeant at Arms, shall develop and issue a request for proposal (RFP) for programming, schematic design, and the initial phase of design development documents for an expansion of the State House, including the infrastructure needs for any future phases of expansion.

(b) Upon approval and funding from the General Assembly, it is the intent of the General Assembly that the Sergeant at Arms and the Department of Buildings and General Services will extend the RFP for architectural and engineering services to finalize design development and construction and bid documents.

Sec. 57. 2021 Acts and Resolves No. 74, Sec. E.215 is amended to read:

Sec. E.215 Military – Administration

(a) The amount of ~~\$1,119,834~~ \$934,290 shall be disbursed to the Vermont Student Assistance Corporation for the National Guard educational assistance program established in 16 V.S.A. § 2856 and the National Guard Tuition Benefit Program established in 16 V.S.A. § 2857.

Sec. 58. [Deleted.]

Sec. 59. CANNABIS CONTROL BOARD

(a) The establishment of the following eight (8) new permanent classified positions are authorized in fiscal year 2022:

- (1) One (1) Licensing Director,
- (2) Two (2) Licensing Administrators,
- (3) One (1) Policy Enforcement Director,
- (4) Three (3) Compliance Officers; and
- (5) One (1) Financial Manager.

Sec. 59a. 2021 Acts and Resolves No. 62, Sec. 15 is amended to read:

Sec. 15. IMPLEMENTATION OF MEDICAL CANNABIS REGISTRY

(a) On January 1, 2022, the following shall transfer from the Department of Public Safety to the Cannabis Control Board:

- (1) the authority to administer the Medical Cannabis Registry and the regulation of cannabis dispensaries pursuant to 18 V.S.A. chapter 86;
- (2) the cannabis registration fee fund established pursuant to 18 V.S.A. chapter 86; and
- (3) the positions dedicated to administering 18 V.S.A. chapter 86.

(b) The Registry shall continue to be governed by 18 V.S.A. chapter 86 and the rules adopted pursuant to that chapter until 7 V.S.A. chapters 35 and 37 and the rules adopted by the Board pursuant to those chapters take effect on ~~March 1, 2022~~ July 1, 2022 as provided in 2019 Acts and Resolves No. 164.

Sec. 59b. 2019 Acts and Resolves No. 164, Sec. 33 is amended to read:

Sec. 33. EFFECTIVE DATES

* * *

(d) Secs. ~~9 (Medical Cannabis Registry chapter), except for 7 V.S.A. § 956 (rulemaking); 11 (Repeal); 12 (Medical Cannabis Dispensaries), except for 7 V.S.A. § 974 (rulemaking); 14 (creation of excise tax); 14a (tax license disclosure); 15 (sales tax exemption); 16 (tax exemption); 17 (tax expenditure); 17a (meals and rooms tax); 17b (meals and rooms tax expenditure); and 17c (dedicated use of sales and use tax revenue) shall take effect March 1, 2022.~~

(e) ~~See. Secs. 6d (Auditor of Accounts report); 9 (Medical Cannabis Registry chapter), except for 7 V.S.A. § 956 (rulemaking); 11 (Repeal); and 12 (Medical Cannabis Dispensaries), except for 7 V.S.A. § 974 (rulemaking), shall take effect on July 1, 2022.~~

* * *

Sec. 60. 2021 Acts and Resolves No. 74, Sec. E.301 is amended to read:

Sec. E.301 SECRETARY'S OFFICE – GLOBAL COMMITMENT:

* * *

(b) In addition to the State funds appropriated in this section, a total estimated sum of ~~\$24,993,731~~ \$25,220,180 is anticipated to be certified as State matching funds under the Global Commitment as follows:

* * *

(2) ~~\$2,773,731~~ \$3,000,180 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

(c) Up to ~~\$4,618,437~~ \$4,034,170 is transferred from the AHS Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with the amount appropriated in Sec. B.301 of this act – Secretary's Office – Global Commitment.

Sec. 60a. MEDICAID; POSTPARTUM COVERAGE; STATE PLAN
AMENDMENT

(a) The Agency of Human Services shall seek to amend Vermont's Medicaid state plan to extend Medicaid coverage to 12 months postpartum for eligible individuals, as permitted under Sec. 9812 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2, beginning on April 1, 2022.

Sec. 61. DEPARTMENT FOR CHILDREN AND FAMILIES

(a) \$2,000,000 of federal spending authority for the Department for Children and Families' administrative division, to be established pursuant to 32 V.S.A. § 511, shall be used for federal matching funds to implement the first phase of the Comprehensive Child Welfare Information System in Vermont in accordance with 45 CFR § 1355.55.

Sec. 62. 2021 Acts and Resolves No. 74, Sec. E.335 is amended to read:

Sec. E.335 CORRECTIONS APPROPRIATIONS; UNEXPENDED FUNDS TRANSFER; JUSTICE REINVESTMENT; REPORT

* * *

(b) In fiscal year 2022, any unexpended funds for correctional services out-of-state beds shall be carried forward to fiscal year 2023, and the amount reported to the Joint Legislative Justice Oversight Committee in September 2022, to ~~support~~ provide additional funding to community-based service programs in support of Justice Reinvestment II initiatives. Funds may only be expended on community-based service programs upon approval of the Joint Legislative Justice Oversight Committee. Prior to approval, the House Committees on Appropriations and on Corrections and Institutions and the Senate Committees on Appropriations and on Judiciary shall be notified of any proposed expenditures on community-based service programs.

Sec. 63. 2021 Acts and Resolves No. 74, Sec. E.501.1(a) is amended to read:

(a) ESSER I funds. The following sums are appropriated to the Agency of Education in fiscal year 2021 from the ESSER funds provided to the State pursuant to Section 18003 of Division B of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116–136 (CARES Act); a portion of the funds may be expended in fiscal year 2020 consistent with the terms of the grant acceptance, and any unexpended amounts may be carried forward to fiscal years 2022 and after:

(1) \$953,021 for software tools to assist with the response to the COVID-19 pandemic;

(2) ~~\$2,006,074~~ \$1,006,074 for learning management assistance, including remote learning supports and materials; and

(3) \$1,000,000 for emerging State-level needs; and

(4) \$155,741 for administrative and personnel costs.

Sec. 64. 2021 Acts and Resolves No. 74, Sec. E.501.2(b) is amended to read:

(b) ESSER III funds. The federal funds appropriated in Sec. B.501 of this act shall be allocated as follows:

(1) \$1,000,000 from the ESSER funds provided to the State pursuant to Sec. 2001(f) of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 ~~to address emerging State-level needs for learning management assistance, including remote learning supports and materials;~~ and

* * *

Sec. 65. 2020 Acts and Resolves No. 120, Sec. A.51, as amended by 2020 Acts and Resolves No. 154, Sec. B. 1113 is further amended to read:

Sec. A.51. SCHOOL INDOOR AIR QUALITY GRANT PROGRAM;
CORONAVIRUS RELIEF FUND; APPROPRIATION

* * *

(c) Definition. As used in this section, “covered school” means public schools, regional career technical center school districts as defined in 16 V.S.A. 1571, regional CTE centers as defined in 16 V.S.A. 1522, and approved independent schools as defined under 16 V.S.A. § 11.

* * *

Sec. 65a. ONETIME FISCAL YEAR 2022 TECHNICAL EDUCATION
SUPPLEMENTAL GRANT FUNDING

(a) In fiscal year 2022, \$1,725,000 is appropriated from the Education Fund to the Agency of Education to make supplemental grants to career technical education centers. The grants shall be made proportionally based on fiscal year 2019 through 2021 average headcount of attendees at each center.

Sec. 66. 2021 Acts and Resolves No. 74, Sec. E.311.3 to read:

Sec. E.311.3 EDUCATIONAL ASSISTANCE; MEDICAL STUDENT
INCENTIVE SCHOLARSHIP PROGRAM;
APPROPRIATION

* * *

(b) This funding shall remain available to VSAC until expended, and if needed, fiscally neutral adjustments to spending authority shall be included in future budget legislation.

Sec. 67. 2021 Acts and Resolves No. 74, Sec. E.602.2(c) is added to read:

(c) Vermont State College System (VSCS) shall use funds remaining with Vermont Technical College provided in 2019 Acts and Resolves No. 80 to continue to study a model for course delivery at Career and Technical Education (CTE) centers in Vermont and pilot up to two programs that offer

these degree programs in up to two CTE centers. On or before January 15, 2023, the VSCS shall submit a written supplemental report to the House and Senate Committees on Education and the State Board of Education with its findings and recommendations from the pilot programs.

Sec. 67a. REAFFIRMATION OF MULTIYEAR FUNDING PRIORITIES
FOR AMERICAN RESCUE PLAN ACT (ARPA) AND OTHER
FEDERAL AND STATE FUNDS

(a) In 2021 Acts and Resolves No. 74, Sec. G.100, the General Assembly recognized that ARPA State Fiscal Relief funds, along with other federal or State funds, offer the unprecedented opportunity to invest in Vermont's recovery and long-term future by supporting Vermonters' health and well-being and by strengthening Vermont's communities, businesses, environment, and climate.

(b) In November 2021, the federal Infrastructure Investment and Jobs Act (IIJA) was enacted. This federal law includes unprecedented levels of federal investments for broadband; water, transportation, and electricity infrastructure; environmental remediation; cybersecurity; and carbon reduction and climate resilience strategies. The law authorizes approximately \$1.2 trillion of funding over five years, of which approximately \$550 billion is newly authorized spending, for transformative investments in these critical infrastructure systems. The law provides for formula funding to states, as well as competitive grants that states may apply for to seek additional funding, with nearly 50 percent of the additional funding allocated for nontransportation investments. While match requirements vary by project and funding stream, the additional state match requirements necessary to draw down the nontransportation formula and competitive grant funding will be substantial.

(c) The General Assembly reaffirms the intention of 2021 Acts and Resolves No. 74, Sec. G.100 and will seek to make the budget and appropriations processes of the 2022 legislative session consistent with the need to create state fiscal capacity to maximize the federal funding opportunities in the IIJA for broadband, cybersecurity, water, energy, and climate initiatives.

Sec. 68. 2021 Acts and Resolves No. 74, Sec. G.300 is amended to read:

Sec. G.300 INVESTMENTS IN VERMONT'S ECONOMY,
WORKFORCE, AND COMMUNITIES

(a) ~~\$109,200,000~~ \$187,114,176 in fiscal year 2022 is appropriated from the American Rescue Plan Act (ARPA) - Coronavirus State Fiscal Recovery Funds as follows:

* * *

(7) ~~\$1,000,000~~ \$2,000,000 in fiscal year 2022 to the University of Vermont.

(A) \$1,000,000 for matching funds for research grant opportunities related to COVID-19.

(B) \$1,000,000 to provide up to two free classes in calendar year 2022 for any Vermont resident who is seeking to transition to a new career or to enhance the resident's job skills.

(8) ~~\$10,000,000~~ \$19,700,000 in fiscal year 2022 to the Vermont State Colleges for the following programs; funds shall be carried forward until expended:

(A) \$2,000,000 to provide funding for up to six credits or two courses in the 2022–2023 academic year, including wraparound services for Vermonters whose employment was impacted by the COVID-19 public health emergency since March 13, 2020. The wraparound services may also be provided to students who enroll in six credit hours or two courses in the summer or fall of 2021 and spring of 2022 pursuant to 2021 Acts and Resolves No. 9, Sec. 18.

(B) \$3,000,000 to provide degree completion scholarships for up to 30 credits towards a credential of value for adult learners who have earned at least 40 credits towards an undergraduate degree and have a gap in attendance of at least two years.

(C) ~~\$5,000,000~~ \$14,700,000 to provide free last dollar tuition for one year of undergraduate studies for critical occupation careers, including bookkeeping certificate, IT service desk specialist certificate, certified production technician, graphic design certificate, software and web development program, electrical and plumbing apprenticeships, dental hygiene, certificate in accounting, small business management, radiologic science, and respiratory therapy. \$540,000 of these funds shall be allocated for paramedic/EMS programs and any unexpended amount of this allocation shall be available for the broader purpose in this subdivision (C). Funds may be used for practical nursing, childcare, nursing, and mental health counseling programs only after available federal and State financial aid is applied to ensure no cost to the student. Of this amount, \$7,350,000 shall be carried forward for the 2022–2023 school year. If demand from undergraduates is met, then funds may be used to pay for tuition for the following graduate programs:

(i) Master in Education (all programs);

(ii) Master in Educational Leadership;

(iii) Master of Arts and Certificate of Advanced Graduate Studies in School Psychology;

(iv) Masters in Counseling; and

(v) Masters in Clinical Mental Health Counseling.

* * *

(22) \$2,320,000 to the Agency of Commerce and Community Development for Working Community Challenge grants.

(23) \$6,000,000 to the Department for Children and Families to be granted to the Vermont Foodbank.

(24) [Deleted.]

(25) \$2,000,000 to the Agency of Agriculture, Food and Markets for grants to be made to eligible projects in the Working Lands Enterprise Initiative.

(26) \$1,001,913 to the Department of Disabilities, Aging, and Independent Living to be granted to Adult Day service providers to maintain operations through June 30, 2022.

(27) \$4,934,590 to the Department of Corrections for costs associated with the collective bargaining unit related to retention and shift differential.

(28) \$12,803,996 to the Department of Labor to cover pandemic related operating costs in the Unemployment system and other programs.

(29) \$373,680 to the Vermont Veteran's Home for retention and personal protective equipment related expenses.

(30) \$6,000,000 to the Department for Children and Families to be granted to childcare providers to address emergent and exigent circumstances following the COVID-19 pandemic for workforce retention bonuses to retain early childhood educators. It is the intent of the General Assembly that the eligible employers awarded funds pursuant to this section shall use the funds to make retention payments to their employees. The employers shall be afforded flexibility in determining how best to provide the financial retention assistance to their employees and how best to encourage employment beyond the terms of this program.

(31) \$30,000,000 to the Agency of Human Services for a program to provide workforce recruitment and retention funding as specified in Sec. 72 of this act. These funds are combined with other funding provide in Sec. 72 for total \$60,000,000 retention payment program.

(32) \$1,500,000 to the Department of Buildings and General Services to develop and issue the request for proposal for the State House expansion planning design, provided that any funds remaining unobligated by October 1, 2023 shall be reverted and made available for reallocation.

(33) \$2,600,000.00 to the Agency of Agriculture, Food and Markets for purposes of implementing the Dairy Risk Management Assistance Program established under Sec. 77 of this act. Funds appropriated under this section that are unexpended in fiscal year 2022 shall carry forward for use by the Agency of Agriculture, Food and Markets in providing risk management assistance for dairy farmers in fiscal year 2023.

* * *

Sec. 69. 2021 Acts and Resolves No. 74, Sec. G.400 is amended to read:

Sec. G.400 HOUSING AND HOMELESSNESS INVESTMENTS

(a) ~~\$99,000,000~~ \$124,000,000 in fiscal year 2022 is appropriated from the American Rescue Plan Act (ARPA) - Coronavirus State Fiscal Recovery Funds as follows:

(1) ~~\$94,000,000~~ \$119,000,000 to the Vermont Housing and Conservation Board (VHCB) to provide housing and increase shelter capacity, with priority given to populations who may be displaced from the hotel/motel voucher problem or are currently without housing, including by providing permanent homes in mixed-income settings. VHCB shall distribute the funds in consultation with the Secretary of Human Services and may subgrant a portion to other entities, including the Department of Housing and Community Development, the Vermont Housing Finance Agency, and regional nonprofit housing organizations, for one or more of the following purposes:

(A) if necessary, to help ensure that households and areas impacted by the pandemic are served;

(B) to undertake additional housing initiatives, such as home ownership, to the extent permitted by ARPA and related regulations and guidance; or

(C) to provide for the efficient use of the funds.

* * *

(b) ~~\$91,000,000~~ \$121,000,000 is appropriated from other funds as follows:

(1) \$40,000,000 in fiscal year 2021 is appropriated from the General Fund to the Vermont Housing and Conservation Board (VHCB) for affordable housing initiatives. These funds shall carryforward into fiscal year 2022 and are in addition to funding provided to VHCB in 2021 Acts and Resolves No. 9

and \$30,000,000 in fiscal year 2022 is appropriated from the General Fund to the Vermont Housing and Conservation Board (VHCB) for affordable housing initiatives.

* * *

Sec. 70. 2021 Acts and Resolves No. 74, Sec. G.700(a)(4)(B)(i) is amended to read:

(i) \$1,000,000 to increase the funds available for grants and loan forgiveness to replace failed or inadequate residential on-site wastewater and water supply systems.

Sec. 71. 2021 Acts and Resolves No. 74, Sec. G.700(a)(5) is amended to read:

(5) \$10,000,000 to the Department of Environmental Conservation for allocation by the Clean Water Board established under 10 V.S.A. § 1389, as part of their budget process in fiscal year 2022 for water quality initiatives to be allocated as follows:

(A) \$6,500,000 to the Department of Environmental Conservation for municipal water control grants and storm water project delivery, planning, and implementation.

(B) \$3,500,000 to the Agency of Agriculture, Food and Markets for water quality grants to partners and farmers.

Sec. 71a. AMERICAN RESCUE PLAN ACT; PREVAILING WAGE REQUIREMENT

(a)(1) Except as provided in subsection (b) of this section, any contract awarded for a maintenance, construction, or improvement project that receives \$200,000.00 or more in American Rescue Plan Act (ARPA) funds shall provide that all construction employees working on the project shall be paid not less than the mean prevailing wage published periodically by the Vermont Department of Labor in its occupational employment and wage survey plus an additional fringe benefit of 42 and one-half percent of wage, as calculated by the current Vermont prevailing wage survey.

(2) As used in this subsection, “fringe benefits” has the same meaning as used in 29 V.S.A. § 161.

(b) The requirements of subsection (a) of this section shall not apply to any maintenance, construction, or improvement project that received \$200,000.00 or more in American Rescue Plan Act (ARPA) funds appropriated prior to the effective date of this act if any of the following apply as of the effective date of this act:

(1) the project has been invited or advertised for bid;

- (2) the project is under contract; or
- (3) the funds are obligated.

(c) Subsection (a) of this section shall not apply to contracts awarded for maintenance, construction, or improvements projects that are required by law to comply with the requirements of the federal Davis-Bacon Act.

Sec. 72. WORKFORCE RECRUITMENT AND RETENTION FUNDING
FOR EMPLOYEES OF ELIGIBLE HEALTH CARE AND
SOCIAL SERVICE EMPLOYERS

(a) The Secretary of Human Services shall establish a workforce recruitment and retention grant program for employees of eligible employers, as defined in this section. The Secretary shall develop a needs-based application process by which the Secretary shall invite eligible employers to apply by a date certain, assess the need across all employers following the application deadline, and disburse the funds appropriated in this section to eligible employers in a single round of grants. The total grant award amount for each eligible employer shall be based on the employer's demonstrated need, subject to available funds.

(b) As used in this section, "eligible employers" means providers of health care and social services in the following categories that are located in Vermont and deliver health care or social services, or both, in this State:

- (1) hospitals, including community hospitals and psychiatric hospitals;
- (2) health care professional services, including independent medical practices, hospital-owned medical practices, designated and specialized services agencies, federally qualified health centers, rural health clinics, ambulatory surgical centers, and laboratory and imaging centers;
- (3) dental services;
- (4) other professional services, including mental health providers, residential and nonresidential substance use disorder treatment providers, emergency medical service and ambulance service providers, advanced practice registered nurses, physical therapists, podiatrists, optometrists, chiropractors, naturopathic physicians, and other health care providers licensed by the Board of Medical Practice or the Office of Professional Regulation;
- (5) home health and hospice agencies;
- (6) pharmacy services;
- (7) facility- and community-based long-term care services, including skilled nursing facilities, nursing homes, residential care homes, assisted living facilities, and adult day service providers; and

(8) organizations recognized by the Agency of Human Services through their status as provider grant recipients providing health support services, including the area agencies on aging; organizations providing peer support services; organizations providing peer outreach services to individuals with intellectual disabilities; organizations providing children's integrated services; shared living providers; recovery centers; children, youth, and family-based support providers; and programs licensed by the Department for Children and Families as residential treatment programs.

(c) For the purpose of administering recruitment and retention payment amounts to independent direct support providers, ARIS Solutions, as the fiscal agent for the employers of independent direct support providers, is authorized to apply for a grant in the same manner as an eligible employer and to disburse recruitment and retention payments funded by the grant to eligible independent direct support providers in a manner consistent with ARIS Solutions' payroll practices, to the extent that making those awards is not inconsistent with the terms of the collective bargaining agreement between the Agency of Human Services and the independent direct support providers.

(d)(1) It is the intent of the General Assembly that the eligible employers awarded funds pursuant to this section shall use the funds to make recruitment and retention payments to their employees. The employers shall be afforded flexibility in determining how best to provide the financial recruitment and retention assistance to their employees and how best to encourage employment beyond the terms of this program, provided that each employee who receives a recruitment or retention payment under the program established in this section shall commit to continuing employment with the employer for not less than 12 months following receipt of the payment.

(2) Notwithstanding any provision of Vermont law to the contrary and to the extent permitted under federal law, the amount of a recruitment or retention payment received by an employee of an eligible employer under the program established in this section shall be disregarded for purposes of determining the employee's or employee's household's income eligibility for any benefit program.

(e) A total of \$60,000,000 is appropriated in fiscal year 2022 for the workforce recruitment and retention grant program established in this section. The Agency of Human Services may use up to 1.5 percent of these funds for administration of the program. This funding is from the following sources:

(1) \$25,000,000 as appropriated in Sec. 72a (c)(2) to the Agency of Human Services in fiscal year 2022 from the Global Commitment Fund. The Agency shall amend the American Rescue Plan Act Home and Community-

Based Services plan it submitted to the Centers for Medicare and Medicaid Services if needed to reflect this allocation.

(2) \$5,000,000 is appropriated to the Agency of Human Services in fiscal year 2022 from the General Fund, these funds may be included among the Global Commitment appropriations referenced in 2021 Acts and Resolves No. 74, Sec. E.301.2 as available for transfers if it is determined that grants made under this provision can be included and matched in the Global Commitment waiver. These funds shall carry forward if not fully expended in fiscal year 2022; and

(3) \$30,000,000 shall be made available for this purpose from the funds allocated to the Agency of Human Services from the American Rescue Plan Act of 2021 – Coronavirus State Fiscal Recovery Fund in 2021 Acts and Resolves No. 74, as amended by Sec. 68 of this act.

(f) On or before April 1, 2022, the Secretary of Human Services shall report to the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare regarding the status of program implementation. The Secretary shall require eligible employer applicants, and ARIS Solutions on behalf of employers of independent direct support providers, to report to the Agency the number of employees who received recruitment and retention payments under the program, including the maximum, minimum, and median employee payment amount and the status of those employees' continued employment in order to evaluate the program's effectiveness. The Agency shall also report on the total amount of funds allocated and expended for recruitment and the number of staff successfully recruited who did not come from active employment with another Vermont provider eligible for this program. On or before June 30, 2023, the Secretary shall provide a final report to the committees on the overall effectiveness of the program.

Sec. 72a. MEDICAID HOME- AND COMMUNITY-BASED SERVICES (HCBS) PLAN

(a) Pursuant to Sec. 9817 of the American Rescue Plan Act (ARPA), in October 2021, the State submitted a home- and community-based services (HCBS) spending plan to the Centers for Medicare and Medicaid Services. This plan currently totals \$146,600,000, consisting of the following major components:

(1) \$77,800,000 allocated to improve services;

(2) \$25,000,000 allocated to promote a high-performing and stable HCBS workforce; and

(3) \$43,800,000 allocated to improve HCBS care through data systems, value-based payment models, and oversight.

(b) The Agency of Human Services (AHS) is authorized to transfer General Fund appropriations made in fiscal year 2022 in the Global Commitment line to a new, one-time General Fund HCBS appropriation departmental ID. The amount transferred shall be not greater than the amount accounted for in fiscal year 2022 as a result of the 10 percent match rate allowed under ARPA Sec. 9817. The estimate of this transfer is between \$65,000,000 and \$69,000,000. Up to \$7,540,128 of the funds transferred and appropriated in this subsection may be used in fiscal year 2022 as State matching funds in 2021 Acts and Resolves No. 74, Sec. B.301 for the \$17,136,654 HCBS Global Commitment rate increases provided in 2021 Acts and Resolves No. 74. AHS shall report to the Joint Fiscal Committee in July 2022 on the actual amount transferred pursuant to this authority and the amount expended as the State match for all the HCBS plan expenditures in fiscal year 2022. Funds transferred and appropriated under this subsection shall carry forward until expended and may only be used as State matching funds for the HCBS plan.

(c) In fiscal year 2022, a total of \$59,457,740 is appropriated from the Global Commitment Fund to AHS to meet the objectives of the HCBS plan. This appropriation consists of \$17,136,654 as appropriated in 2021 Acts and Resolves No. 74 for a three percent rate increase to HCBS providers, including the assistive community care rates and children integrated services rates, and the following appropriations in distinct one-time departmental IDs:

(1) \$25,000,000 is appropriated for the retention and recruitment grant program for HCBS providers as specified in Sec. 72 of this act.

(2) \$3,447,500 is appropriated to the Agency of Human Services – Secretary’s Office.

(3) \$2,370,000 is appropriated to the Department of Disabilities, Aging, and Independent Living.

(4) \$6,171,000 is appropriated to the Department of Mental Health.

(5) \$390,000 is appropriated to the Department of Vermont Health Access.

(6) \$4,942,586 is appropriated to the Department of Health.

(d) The Global Commitment Fund appropriated in subsection (c) of this section may be obligated in fiscal year 2022 for the purposes of bringing HCBS plan spending authority forward into fiscal year 2023. The funds appropriated in subsections (b) and (c) of this section may be transferred on a

net-neutral basis in fiscal year 2022 in the same manner as the Global Commitment appropriations referenced in 2021 Acts and Resolves No. 74, Sec. E.301.2. The Agency shall report to the Joint Fiscal Committee in September 2022 on transfers of appropriations made and final amounts expended by each department in fiscal year 2022 and any obligated funds carried forward to be expended in fiscal year 2023.

Sec. 73. 2020 Acts and Resolves No. 136, Sec. 7, as amended by 2020 Acts and Resolves No. 154, Sec. B.1121, and 2021 Acts and Resolves No. 3, Sec. 50, is further amended to read:

Sec. 7. AGENCY OF HUMAN SERVICES; HEALTH CARE PROVIDER
STABILIZATION GRANT PROGRAM

* * *

(d) Specific allocations. Notwithstanding any provisions of this section to the contrary, of the funds appropriated in subsection (a) of this section, the Agency of Human Services shall make the following allocations for the following purposes:

* * *

(3) Up to \$3,000,000.00 for COVID-19-related expenses incurred by designated and specialized service agencies through ~~December 30, 2020~~ December 31, 2021.

* * *

Sec. 74. HEALTH CARE PROVIDER STABILIZATION GRANT
PROGRAM; ALTERNATIVE FUND DISTRIBUTION PROCESS

Notwithstanding any provision of 2020 Acts and Resolves No. 136, Sec. 7, as amended by 2020 Acts and Resolves No. 154, Sec. B.1121, 2021 Acts and Resolves No. 3, Sec. 50, and this act to the contrary, the Agency of Human Services may distribute funds from the Health Care Provider Stabilization Grant Program to eligible health care providers using an alternative process to that set forth in 2020 Acts and Resolves No. 136, Sec. 7, as amended, as deemed necessary by the Agency due to emergent and exigent circumstances attributable to the COVID-19 pandemic.

Sec. 75. 2019 Acts and Resolves No. 6, Sec. 105, as amended by 2019 Acts and Resolves No. 71, Sec. 19, is further amended to read:

Sec. 105. EFFECTIVE DATES

* * *

(b) Sec. 73 (further amending 32 V.S.A. § 10402) shall take effect on July 1, 2021 ~~2023~~.

* * *

Sec. 76. CARRYFORWARD AUTHORITY

(a) Notwithstanding any other provisions of law and subject to the approval of the Secretary of Administration, General, Transportation, Transportation Infrastructure Bond, Education Fund, Clean Water Fund (21932), and Agricultural Water Quality Fund (21933) appropriations remaining unexpended on June 30, 2022 in the Executive Branch of State government shall be carried forward and shall be designated for expenditure.

(b) Notwithstanding any other provisions of law, General Fund appropriations remaining unexpended on June 30, 2022 in the Legislative and Judicial Branches of State government shall be carried forward and shall be designated for expenditure.

Sec. 77. DAIRY MARGIN COVERAGE PROGRAM; PREMIUM ASSISTANCE

(a) As used in this section:

(1) “Dairy Margin Coverage Program” or “DMC” means a voluntary program authorized under the Farm Act that provides dairy operations with risk management coverage that will pay producers when the difference between the national price of milk and the average cost of feed falls below a certain level selected by the Program participants.

(2) “Farm Act” means the federal Agriculture Improvement Act of 2018, Pub. L. No. 115-334.

(3) “Good standing” means an applicant under this section that:

(A) does not have an active enforcement violation under any Agency of Agriculture, Food and Markets program that has reached a final order with the Secretary and is not subject to an ongoing enforcement action initiated by the Agency of Natural Resources; and

(B) is in compliance with all terms of a current grant agreement or contract with the Secretary.

(4) “Milk producer” or “producer” means a person, partnership, unincorporated association, or corporation who owns or controls one or more dairy cows, dairy goats, or dairy sheep and sells or offers for sale a part or all of the milk produced by the animals.

(5) “Secretary” means the Secretary of Agriculture, Food and Markets.

(b) The Secretary shall establish the Dairy Risk Management Assistance Program (Assistance Program) for the purpose of assisting milk producers that participate in the federal DMC management programs. A milk producer in Vermont that participates in the DMC at the first-tier coverage level may apply for reimbursement of premium payments from the Assistance Program. A milk producer shall be eligible for assistance if the producer:

(1) is in good standing with the Agency of Agriculture, Food and Markets and the Agency of Natural Resources; and

(2) provides proof of payment of an annual premium payment for participation in Tier 1 of DMC.

(c)(1) A milk producer shall apply to the Secretary on or before July 1, 2022 to participate.

(2) The Secretary shall reimburse eligible applicants in the order in which the Secretary receives administratively complete applications. The Secretary shall have the discretion to determine when an application is administratively complete.

(3) After funds are exhausted, applicants shall no longer be eligible for reimbursement from the Secretary unless or until additional funds are appropriated to the Assistance Program.

Sec. 78. EDUCATION FUND REFUND; CITY OF BARRE TIF DISTRICT;
TAX INCREMENT; FISCAL YEAR 2016 – 2019

Notwithstanding 16 V.S.A. chapter 133 and any other provision of law to the contrary, the sum of \$20,962 shall be transferred from the Education Fund to the City of Barre not later than fiscal year 2023 to compensate the City for overpayments of education property taxes in fiscal years 2016 to 2019 due to insufficient retention of tax increment from the City's Tax Increment Financing District Fund.

Sec. 79. 2021 Acts and Resolves No. 55, Sec. 20 is amended to read:

Sec. 20. MILEAGESMART

(a) The Agency is authorized to spend up to \$750,000.00 in one-time Transportation Fund monies in fiscal years 2021 and 2022 combined and up to \$500,000.00 in one-time General Fund monies in fiscal year 2022 on MileageSmart, which was established in 2019 Acts and Resolves No. 59, Sec. 34, as amended, with up to ~~40~~ 15 percent of the total amount that is distributed in incentives in fiscal year 2022, including incentive funding authorized by this section and incentive funding carried over from prior fiscal years pursuant to 2019 Acts and Resolves No. 59, Sec. 34, as amended, available for costs associated with administering MileageSmart.

Sec. 80. SEPARATE INDIVIDUAL AND SMALL GROUP HEALTH
INSURANCE MARKETS FOR PLAN YEAR 2023 IF FEDERAL
SUBSIDIES EXTENDED

(a) Purpose. The purpose of this section is to allow for separate individual and small group health insurance markets for plan year 2023 in the event that Congress extends increased opportunities for federal advanced premium tax credits to include plan year 2023 and that extension is enacted on or before September 1, 2022.

(b) Definitions. As used in this section, “health benefit plan,” “registered carrier,” and “small employer” have the same meanings as in 33 V.S.A. § 1811.

(c) Separate plans and community rating. Notwithstanding any provision of 33 V.S.A. § 1811 to the contrary, if the Department of Vermont Health Access, after consultation with interested stakeholders, determines on or before September 1, 2022 that Congress has extended the increased opportunities for federal premium assistance originally made available through the American Rescue Plan Act of 2021, Pub. L. No. 117-2 to eligible households purchasing qualified health benefit plans in the individual market to include plan year 2023, or has made substantially similar opportunities available, then for plan year 2023, a registered carrier shall:

(1) offer separate health benefit plans to individuals and families in the individual market and to small employers in the small group market;

(2) apply community rating in accordance with 33 V.S.A. § 1811(f) to determine the premiums for the carrier’s plan year 2023 individual market plans separately from the premiums for its small group market plans; and

(3) file premium rates with the Green Mountain Care Board pursuant to 8 V.S.A. § 4062 separately for the carrier’s individual market and small group market plans.

Sec. 81. EFFECTIVE DATES

(a) This act shall take effect on passage except, notwithstanding 1 V.S.A. § 214:

(1) Secs. 73 (designated and specialized service agencies; COVID-19-related expenses) and 74 (Health Care Provider Stabilization Grant Program; alternative fund distribution process) shall take effect retroactively on January 1, 2021; and

(2) Sec. 75 (health care claims tax) shall take effect retroactively on July 1, 2021.

Pending the question, Shall the House concur in the Senate proposal of amendment?, **Rep. Jessup of Middlesex** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Hooper of Montpelier

Rep. Fagan of Rutland City

Rep. Jessup of Middlesex

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

Second Reading; Bill Amended; Third Reading Ordered

H. 628

Rep. Small of Winooski, for the Committee on Human Services, to which had been referred House bill, entitled

An act relating to amending a birth certificate to reflect gender identity

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

Sec. 1. LEGISLATIVE INTENT AND PURPOSE

It is the intent of the General Assembly to promote equity by allowing all individuals, regardless of gender, to amend their vital records to accurately reflect and affirm their identities. There is a long history of discrimination and violence against the LGBTQIA+ community. This act serves to mitigate future harm through the creation of a simple and equitable system to provide for all gender marker changes on a Vermont birth certificate to be made through means such as self-attestation.

Sec. 2. 18 V.S.A. § 5112 is amended to read:

§ 5112. ISSUANCE OF NEW BIRTH CERTIFICATE; ~~CHANGE OF SEX~~

~~(a)(1) Upon receipt of an application for a new birth certificate and after receiving sufficient evidence to determine that an individual's sexual reassignment has been completed, the State Registrar shall update the Statewide Registration System and issue a new birth certificate to:~~

~~(A) show that the sex of the individual born in this State has been changed; and~~

~~(B) if the application is accompanied by a decree of the Probate Division authorizing a change of name associated with the change of sex, to reflect the change of name.~~

~~(2) The State Registrar shall record in the System the identity of the person requesting the new certificate, the nature and content of the change made, the person who made the change, and the date of the change.~~

~~(b)(1) An affidavit by a licensed physician who has treated or evaluated the individual stating that the individual has undergone surgical, hormonal, or other treatment appropriate for that individual for the purpose of gender transition shall constitute sufficient evidence to determine that sexual reassignment has been completed. The affidavit shall include the medical license number and signature of the physician.~~

~~(2) If the State Registrar denies an application under this section, the applicant may petition the Probate Division of the Superior Court, which shall review the application and relevant evidence de novo to determine if the issuance of a new birth certificate under this section is warranted. If the court issues a decree ordering the issuance of a new birth certificate under this section, the State Registrar shall update the Statewide Registration System and issue a new birth certificate in accordance with subsection (a) of this section.~~

~~(c) A new certificate issued pursuant to subsection (a) of this section shall be substituted for the original birth certificate in official records. The new certificate shall not show that a change in name or sex, or both, has been made. The original birth certificate, the Probate Division change of name decree, if any, and any other records relating to the issuance of the new birth certificate shall be confidential and shall be exempt from public inspection and copying under the Public Records Act; however an individual may have access to his or her own records and may authorize the State Registrar to confirm that he or she issued a new birth certificate to the individual that reflects a change in name or sex, or both.~~

~~(d) If an individual born in this State has an amended birth certificate showing that the sex of the individual has been changed, and the birth certificate is marked "Court Amended" or otherwise clearly shows that it has been amended, the individual may receive a new birth certificate from the State Registrar upon application.~~

(a) It is the policy of the State of Vermont to honor and acknowledge all gender identities and protect public health and dignity of all individuals in Vermont, irrespective of their gender. Accordingly, the State shall adopt a simple process by which an individual may amend the marker on a birth certificate to reflect the individual's gender identity, including a third nonbinary marker.

(b) Pursuant to 3 V.S.A. chapter 25, the Department shall adopt rules as necessary for the purposes of implementing, administering, or enforcing the requirements of this section.

(c) The Department may adopt rules to add gender pronouns to the list of markers on a birth certificate in order to foster a gender literate environment and reflect an individual's gender identity.

(d) Except as otherwise required by law, records relating to the amendment of a birth certificate pursuant to this chapter shall be confidential and shall be exempt from public inspection and copying under the Public Records Act.

Sec. 3. EMERGENCY RULEMAKING AUTHORITY

Notwithstanding any provision of 3 V.S.A. § 844 to the contrary, the Department of Health shall have the authority to adopt emergency rules for the purposes of implementing, administering, or enforcing the purposes of this act.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

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

Action on Bill Postponed

H. 157

House bill, entitled

An act relating to registration of construction contractors

Was taken up, and pending the question, Shall the bill pass, notwithstanding the Governor's refusal to approve the bill?, on motion of **Rep. Troiano of Stannard**, action on the bill was postponed until February 16, 2022.

Message from the Senate No. 24

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 42. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

The Senate has considered joint resolution originating in the House of the following title:

J.R.H. 15. Joint resolution extending the application of temporary Joint Rule 22A through Tuesday, March 8, 2022.

And has adopted the same in concurrence.

Adjournment

At eleven o'clock and nine minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock minutes in the afternoon.

Wednesday, February 16, 2022

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

Devotional Exercises

Devotional exercises were conducted by Marjorie Ryerson, Poet and former member of the House (2014; 2015-2016), Randolph, VT.

Message from the Senate No. 25

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 122. An act relating to the required votes of presidential electors.

In the passage of which the concurrence of the House is requested.

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

H. 361. An act relating to approval of amendments to the charter of the Town of Brattleboro.

And has passed the same in concurrence.

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill entitled:

H. 679. An act relating to fiscal year 2022 budget adjustments.

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Kitchel
Senator Sears
Senator Westman

Committee Bills Introduced

H. 708

By the Committee on Government Operations,
House bill, entitled

An act relating to the approval of an amendment to the charter of the City of Burlington

Was read, and pursuant to House Rule 48, placed on the Notice Calendar.

H. 709

By the Committee on Agriculture and Forestry,
House bill, entitled

An act relating to miscellaneous agricultural subjects

Was read, and pursuant to House Rule 48, placed on the Notice Calendar.

Senate Bill Referred

S. 122

Senate bill, entitled

An act relating to the required votes of presidential electors

Was read the first time and referred to the Committee on Government Operations.

Bill Referred to Committee on Ways and Means

H. 448

House bill, entitled

An act relating to approval of amendments to the charter of the City of Burlington

Appearing 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, was referred to the Committee on Ways and Means.

Bill Referred to Committee on Appropriations**H. 518**

House bill, entitled

An act relating to the creation of the Municipal Fuel Switching Grant Program

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

Joint Resolution Adopted in Concurrence**J.R.S. 42**

By Senator Balint,

J.R.S. 42. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 18, 2022, it be to meet again no later than Tuesday, February 22, 2022.

Was taken up, read, and adopted in concurrence.

Action on Bill Postponed**H. 157**

House bill, entitled

An act relating to registration of construction contractors

Was taken up, and pending the question, Shall the bill pass, notwithstanding the Governor's refusal to approve the bill?, on motion of **Rep. Stevens of Waterbury**, action on the bill was postponed until April 20, 2022.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 447

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Springfield

H. 628

House bill, entitled

An act relating to amending a birth certificate to reflect gender identity

Second Reading; Bill Amended; Third Reading Ordered**H. 556**

Rep. Brennan of Colchester, for the Committee on Ways and Means, to which had been referred House bill, entitled

An act relating to exempting property owned by Vermont-recognized Native American tribes from property tax

Reported in favor of its passage when amended as follows:

First: In Sec. 1, findings; statement of purpose, by striking out the second sentence in its entirety and inserting in lieu thereof “Stewardship of these lands was removed from the Abenaki by European governments and settlers.”

Second: In Sec. 3, 32 V.S.A. § 3802, in subdivision (21), after “organized for the tribe’s benefit” by inserting “and controlled by the tribe”

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

Adjournment

At three o'clock and thirty-five minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Thursday, February 17, 2022

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

Devotional Exercises

Devotional exercises were conducted by Rev. Peter Plagge, Waterbury Congregational Church, Waterbury, Vermont.

Message from the Senate No. 26

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 169. An act relating to education property tax overpayments by a municipality or school district.

In the passage of which the concurrence of the House is requested.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 377

Rep. Webb of Shelburne moved that the Committee on Education be relieved of House bill, entitled

An act relating to the creation of a public-private partnership with Advance Vermont to increase postsecondary attainment in Vermont

And that the bill be committed to the Committee on Commerce and Economic Development, which was agreed to.

Third Reading; Bill Passed

H. 556

House bill, entitled

An act relating to exempting property owned by Vermont-recognized Native American tribes from property tax

Was taken up, read the third time, and passed.

Second Reading; Bill Amended; Third Reading Ordered

H. 411

Rep. Sheldon of Middlebury, for the Committee on Natural Resources, Fish, and Wildlife, to which had been referred House bill, entitled

An act relating to the retrieval and disposal of wild animals

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

Sec. 1. 10 V.S.A. chapter 113, subchapter 7 is added to read:

Subchapter 7. Retrieval and Use of Covered Wild Animals

§ 4921. DEFINITION

As used in this subchapter:

(1) “Covered wild animal” means an animal that is a big game animal, game quadruped, game bird, fur-bearing animal, or crow.

(2) “Process” or “processed” means the act of slaughtering or butchering a covered wild animal for its edible meat or usable parts.

(3) “Unfit for consumption or use” means a part of the covered wild animal or the covered wild animal itself is decayed, rotting, diseased, or infected.

§ 4922. RETRIEVAL OF COVERED WILD ANIMALS

A person shall not intentionally, knowingly, or recklessly kill a covered wild animal and intentionally or knowingly fail to make a reasonable effort to retrieve the covered wild animal and use the covered wild animal as provided under this subchapter.

§ 4923. USE OF COVERED WILD ANIMAL

(a) A person who retrieves a lawfully taken covered wild animal, or a person to whom the lawfully taken covered wild animal is transferred, shall retain the animal in the person’s possession until it is processed as food; processed for its fur, hide, or feathers; or used for taxidermy. The inedible or unusable parts or portions of a covered wild animal produced from processing of the covered wild animal shall be disposed of pursuant to the requirements of this subchapter.

(b) The requirements of subsection (a) of this section shall not apply:

(1) when a covered wild animal is unfit for consumption or use; or

(2) to coyote taken by a lawful means other than trapping provided that the coyote is retrieved and disposed of pursuant to the requirements of this subchapter.

§ 4924. EXCEPTIONS

The requirements of sections 4922 and 4923 of this title shall not apply:

(1) when the failure to retrieve, the failure to salvage, or the failure to retain the covered wild animal is beyond the control of the person due to:

(A) theft of the covered wild animal by another person;

(B) unavoidable loss in the field to a wild animal;

(C) lack of legal access to property where a wounded or dead covered wild animal is located, including when signage on the property would lead a reasonable person to believe that hunting is prohibited on the land; or

(D) other circumstances that prevent salvage, retrieval, or retention;

(2) in order to defend a person or property, including defense of property authorized under this part or rules adopted under this part;

(3) when the covered wild animal is sick or diseased;

(4) to a State, federal, or municipal law enforcement officer or employee when the law enforcement officer or employee is acting within the course of the officer's or employee's employment; or

(5) when following generally accepted hunting or trapping practices for retrieval of a covered wild animal when a practice is:

(A) set forth under this part or rules adopted under this part; or

(B) approved as a best practice by the Commissioner of Fish and Wildlife.

§ 4925. DISPOSAL

A person shall not place, leave, dump, or abandon the carcass or parts of a covered wild animal:

(1) along or upon a public right-of-way or highway;

(2) upon a private property posted in accordance with section 4710 or 5201 of this title without permission of the owner or the owner's agent; or

(3) where prohibited by State or municipal law.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to the retrieval and use of covered wild animals"

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Natural Resources, Fish, and Wildlife agreed to, and third reading ordered.

Adjournment

At three and twenty-two minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, February 18, 2022

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Amy Pitton, Bethany Church, Montpelier, Vermont.

House Bill Introduced**H. 710**

By Reps. Sims of Craftsbury, Campbell of St. Johnsbury, Higley of Lowell, Lefebvre of Newark, Page of Newport City, Smith of Derby, Troiano of Stannard, and Williams of Granby,

House bill, entitled

An act relating to landfill operational standards

Was read the first time and referred to the Committee on Natural Resources, Fish, and Wildlife.

Committee Bill Introduced**H. 711**

By the Committee on Human Services,

House bill, entitled

An act relating to the creation of the Opioid Settlement Advisory Committee and the Opioid Abatement Special Fund

Was read, and pursuant to Rule 48, placed on the Notice Calendar.

Senate Bill Referred**S. 169**

Senate bill, entitled

An act relating to education property tax overpayments by a municipality or school district

Was read the first time and referred to the Committee on Ways and Means.

House Resolution Placed on Calendar**H.R. 18**

House resolution, entitled

House resolution revising and adopting by rule the House member dress code

Offered by: Committee on Rules

Whereas, as described in *Mason's Manual of Legislative Procedure* Sec. 4-2, rules of legislative procedure are derived from several sources, with adopted rules taking precedence over custom, and

Whereas, the House desires to adopt a rule that requires a gender-neutral dress code that maintains chamber decorum, *now therefore be it*

Resolved by the House of Representatives:

That this legislative body adds Rule 11a of the Rules and Orders of the House of Representatives as follows:

11a. A member shall wear business professional attire in the House Chamber while the House is in session.

Was read and, pursuant to House Rule 33, placed on the Action Calendar on the next legislative day.

Committee Bill Committed

H. 711

House bill, entitled

An act relating to the creation of the Opioid Settlement Advisory Committee and the Opioid Abatement Special Fund

Pending its appearance on the Action Calendar, **Rep. Pugh of South Burlington** moved to commit the bill to the Committee on Human Services, which was agreed to.

Third Reading; Bill Passed

H. 411

House bill, entitled

An act relating to the retrieval and disposal of wild animals

Was taken up, read the third time, and passed.

Committee Bill; Second Reading; Motion to Commit Disagreed to; Third Reading Ordered

H. 708

Rep. Hooper of Burlington spoke for the Committee on Government Operations.

House bill, entitled

An act relating to the approval of an amendment to the charter of the City of Burlington

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up, and read the second time.

Pending the question, Shall the bill be read a third time?, **Rep. Scheuermann of Stowe** moved to commit the bill to the Committee on General, Housing, and Military Affairs, which was disagreed to.

Pending the question, Shall the bill be read a third time?, **Rep. McCoy of Poultney** 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, 98. Nays, 49.

Those who voted in the affirmative are:

Ancel of Calais	Garofano of Essex	Pajala of Londonderry
Anthony of Barre City	Goldman of Rockingham	Partridge of Windham
Austin of Colchester	Grad of Moretown	Patt of Worcester
Bartholomew of Hartland	Hooper of Montpelier	Pearl of Danville
Birong of Vergennes	Hooper of Randolph	Pugh of South Burlington
Black of Essex	Hooper of Burlington	Rachelson of Burlington *
Bluemle of Burlington	Houghton of Essex	Rogers of Waterville
Bock of Chester	Howard of Rutland City	Satcowitz of Randolph
Bongartz of Manchester	James of Manchester	Scheu of Middlebury
Bos-Lun of Westminster	Jerome of Brandon	Sheldon of Middlebury
Brady of Williston	Jessup of Middlesex	Sibilia of Dover
Briglin of Thetford	Killackey of South Burlington	Sims of Craftsbury
Brown of Richmond	Kimbell of Woodstock	Small of Winooski
Brumsted of Shelburne	Kitzmiller of Montpelier	Squirrell of Underhill
Burditt of West Rutland	Kornheiser of Brattleboro	Stebbins of Burlington
Burke of Brattleboro	LaLonde of South	Stevens of Waterbury
Burrows of West Windsor	Burlington	Surprenant of Barnard
Campbell of St. Johnsbury	Lanpher of Vergennes	Taylor of Colchester
Chase of Colchester	Lefebvre of Newark	Till of Jericho
Christie of Hartford	Lippert of Hinesburg	Toleno of Brattleboro
Cina of Burlington	Long of Newfane	Townsend of South
Coffey of Guilford	Masland of Thetford	Burlington
Colburn of Burlington	McCarthy of St. Albans City	Troiano of Stannard
Colston of Winooski	McCormack of Burlington	Vyhovsky of Essex *
Conlon of Cornwall	McCullough of Williston	Walz of Barre City
Copeland Hanzas of	Morris of Springfield	Webb of Shelburne
Bradford	Mrowicki of Putney	White of Bethel
Cordes of Lincoln	Mulvaney-Stanak of	White of Hartford
Dolan of Essex	Burlington	Whitman of Bennington
Dolan of Waitsfield	Nicoll of Ludlow	Wood of Waterbury
Donnally of Hyde Park	Nigro of Bennington	Yacovone of Morristown
Durfee of Shaftsbury	Notte of Rutland City	Yantachka of Charlotte
Elder of Starksboro	Noyes of Wolcott	
Emmons of Springfield	O'Brien of Tunbridge	
Gannon of Wilmington	Ode of Burlington	

Those who voted in the negative are:

Achey of Middletown Springs	Helm of Fair Haven	Norris of Shoreham
Arrison of Weathersfield	Higley of Lowell	Page of Newport City
Beck of St. Johnsbury	Labor of Morgan	Palasik of Milton
Brennan of Colchester	LaClair of Barre Town	Parsons of Newbury
Brownell of Pownal	Laroche of Franklin	Peterson of Clarendon
Canfield of Fair Haven	Lefebvre of Orange	Rosenquist of Georgia
Corcoran of Bennington	Leffler of Enosburgh	Scheuermann of Stowe
Cupoli of Rutland City	Marcotte of Coventry	Shaw of Pittsford
Donahue of Northfield	Martel of Waterford	Smith of Derby
Fagan of Rutland City	Mattos of Milton	Smith of New Haven
Feltus of Lyndon	McCoy of Poultney	Strong of Albany
Goslant of Northfield	McFaun of Barre Town	Sullivan of Dorset
Graham of Williamstown	Morgan, L. of Milton	Terenzini of Rutland Town
Gregoire of Fairfield	Morgan, M. of Milton	Toof of St. Albans Town
Hango of Berkshire	Morrissey of Bennington	Walker of Swanton
Harrison of Chittenden	Murphy of Fairfax	Williams of Granby *
	Norris of Sheldon	

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

Dickinson of St. Albans Town	Seymour of Sutton

Rep. Rachelson of Burlington explained her vote as follows:

“Madam Speaker:

According to VT Legal Aid, **20% of all filed eviction cases in Chittenden County were for no cause.** Preventing evictions will not only help address our homeless crisis, it will also protect the health of our most vulnerable. As the evidence has shown, passage of just cause eviction laws are a relatively low-cost, effective policy solution that has proven to help bend the curve on senseless evictions.”

Rep. Vyhovsky of Essex explained her vote as follows:

“Madam Speaker:

Just cause eviction policies are important tenant protections that were endorsed as such this week by the American Bar Association. In a time when vacancy rates are low and housing costs are soaring, tenant protections are more important than ever before. We heard testimony from people facing no cause eviction and how that had upended their lives, made them homeless and done irreparable harm. Every tool we can use to provide safe and stable housing for Vermonters is of the utmost importance. Renters often do not have choices and even fewer on a rental market like today's. We are in a statewide

crisis thus preventing crisis for tenants evicted for no cause is direly important. For that reason and many more I am voting yes today to protect vulnerable Vermonters.”

Rep. Williams of Granby explained her vote as follows:

“Madam Speaker:

The more restrictions we put on property owners, the less interested the property owner will be to offer long term rental. As a result, we are creating more homelessness not less. I long for the time when a property owner had control of his own property.”

Recess

At ten o'clock and forty-eight minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At eleven o'clock and seven minutes in the forenoon, the Speaker called the House to order.

Committee Bill; Second Reading; Third Reading Ordered

H. 709

Rep. Bock of Chester spoke for the Committee on Agriculture and Forestry.

House bill, entitled

An act relating to miscellaneous agricultural subjects

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up, read the second time, and third reading ordered.

Action on Bill Postponed

H. 456

House bill, entitled

An act relating to establishing strategic goals and reporting requirements for the Vermont State Colleges

Was taken up, and pending the reading of the report of the Committee on Education, on motion of **Rep. James of Manchester**, action on the bill was postponed until February 22, 2022.

Second Reading; Bill Amended; Third Reading Ordered**H. 491**

Rep. Anthony of Barre City, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to the creation of the City of Essex Junction and the adoption of the City charter

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

* * * Creation of City; Approval of Charter * * *

Sec. 1. CHARTER AMENDMENT APPROVAL; CREATION OF CITY

As set forth in this act, the General Assembly creates the City of Essex Junction and approves the adoption of the charter of the City of Essex Junction. The voters of the Village of Essex Junction approved the creation of the City and the adoption of the City charter on November 2, 2021.

* * * Charter of the City of Essex Junction * * *

Sec. 2. 24 App. V.S.A. chapter 4 is added to read:

CHAPTER 4. CITY OF ESSEX JUNCTION

Subchapter 1. Incorporation and Powers of the City

§ 101. CORPORATE EXISTENCE RETAINED

Notwithstanding the provisions of any other municipal charter, the inhabitants of the Village of Essex Junction, within its corporate limits, shall be a municipal corporation by the name of the City of Essex Junction.

§ 102. GENERAL POWERS; LAW

Except as modified by the provisions of this charter, or by any lawful regulation or ordinance of the City of Essex Junction, all provisions of the statutes of this State applicable to municipal corporations shall apply to the City of Essex Junction.

§ 103. SPECIFIC POWERS

(a) The City of Essex Junction shall have all the powers granted to cities and municipal corporations by the Constitution and laws of this State together with all the implied powers necessary to carry into execution all the powers granted, and it may enact ordinances not inconsistent with the Constitution and laws of the State of Vermont or with this charter.

(b) The City of Essex Junction may acquire real and personal property within or without its corporate limits for any municipal purpose, including storm water collection and disposal; waste water collection and disposal; solid waste collection and disposal; provision of public water supply; provision of public parks and recreation facilities; provision of municipal facilities for office, fire protection, and police protection; provision of public libraries; provision of public parking areas; provision of sidewalks, bicycle paths, and green strips; provision of public roadways; provision of public view zones and open spaces; and such other purposes as are addressed under the general laws of the State of Vermont.

(c) The City of Essex Junction may acquire such property in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation and may sell, lease, mortgage, hold, manage, and control such property as its interest may require.

(d) The City of Essex Junction may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with other Vermont municipalities, the State of Vermont, any one or more subdivisions or agencies of the State or the United States.

(e) The City of Essex Junction may establish and maintain an electric power system and regulate power line installations; provided, however, that the City shall have no authority under this charter that conflicts with that authority granted to the Public Utilities Commission or any other state regulatory agency. The City of Essex Junction may also establish a telecommunications system and an enterprise to deliver internet or broadband services.

(f) In this charter, mention of a particular power shall not be construed to be exclusive or to restrict the scope of the powers that the City of Essex Junction would otherwise have if the particular power were not mentioned.

§ 104. RESERVATION OF POWERS

Nothing in this charter shall be so construed as in any way to limit the powers and functions conferred upon the City of Essex Junction and the City Council by general or special enactments in force or effect or hereafter enacted; and the powers and functions conferred by this charter shall be cumulative and in addition to the provisions of such general or special enactments.

§ 105. FORM OF GOVERNMENT

The municipal government provided by this charter shall be known as council-manager form of government. Pursuant to its provisions and subject

only to the limitations imposed by the State Constitution and by this charter, all powers of the City of Essex Junction shall be vested in an elective City Council, which shall enact ordinances, codes, and regulations, adopt budgets, determine policies, and appoint the City Manager, who shall enforce the laws and ordinances and administer the government of the City. All powers of the City shall be exercised in the manner prescribed by this charter or prescribed by ordinance.

Subchapter 2. Governance Structure

§ 201. POWERS AND DUTIES OF GOVERNING BODY

(a) The members of the City of Essex Junction City Council shall constitute the legislative body of the City of Essex Junction for all purposes required by statute and, except as otherwise provided in this charter, shall have all the powers and authority given to and perform all duties required of City legislative bodies or Councils under the laws of the State of Vermont.

(b) Within the limitations of the foregoing, the City of Essex Junction Council shall have the power to:

(1) Appoint and remove a City Manager and supervise, create, change, and abolish offices, commissions, or departments other than the offices, commissions, or departments established by this charter.

(2) Appoint the members of all boards, commissions, committees, or similar bodies unless specifically provided otherwise by this charter.

(3) Provide for an independent audit by a certified public accountant.

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

(5) Exercise every other power that is not specifically set forth herein but that is granted to Councils or legislative bodies by the statutes of the State of Vermont.

§ 202. GOVERNING BODY; COMPOSITION AND TERMS OF OFFICE

(a) There shall be a City Council consisting of five members.

(b) All members shall reside within the boundaries of the City of Essex Junction to be elected by the qualified voters.

(c) The term of office of a City Councilor shall be three years, and terms shall be staggered.

§ 203. VACANCY IN OFFICE

In case of a vacancy of a Council seat, the vacancy shall be filled by the City Council until the next annual election pursuant to subsection 204(c) of this charter.

§ 204. ELECTION OF GOVERNING BODY OFFICERS

(a) The terms of the officers shall commence on the first day of the month following the month of election. At the first meeting of the month following the annual City meeting, the Council shall organize and elect a President, Vice President, and Clerk by a majority vote of the entire Council and shall file a certificate of the election for record in the office of the City Clerk.

(b) The President of the Council, or in the President's absence the Vice President, shall preside at all meetings of the Council and shall be recognized as the head of the City government for all ceremonial purposes.

(c) In the event of death, resignation, or incapacity of any Council member, the remaining members of the Council may appoint a person to fill that position until the next annual election. Incapacity shall be determined by a vote of the Council. Incapacity shall include the failure by any member of the board to attend at least 50 percent of the meetings of the board in any calendar year. At the next annual election, the vacancy shall be filled and the person so elected shall serve for the remainder of the term of office. In the event the Council is unable to agree upon an interim replacement until the next annual City election, a special election shall be held forthwith to fill the position.

(d) In the event that a Councilor is no longer a resident of the City prior to the expiration of the Councilor's term, the Councilor's office shall be deemed vacant. The Council may appoint a person to fill the vacant office until a successor can be elected at the next annual election.

§ 205. COMPENSATION

(a) Compensation paid to the Council members shall be set by the voters at the annual meeting, with a minimum of \$1,500.00 a year each. Council members' compensation must be set forth as a separate item in the annual budget presented to the meeting. Council members may choose to forgo the compensation or a portion of the compensation.

(b) The City Council shall fix the compensation of all appointees and the City Manager. The Council shall review, approve, and ratify any collective bargaining agreements, which may be negotiated or fixed by the Manager or their designee.

§ 206. CONFLICT OF INTEREST; PROHIBITIONS

(a) Holding other office. No Council member shall hold any City employment during the term for which they were elected to the Council. A Council member may be appointed to represent the City on other boards except as pursuant to 17 V.S.A. § 2647. No former Council member shall hold any compensated appointive municipal office or employment, except for poll worker, until one year after the expiration of the term for which they were elected to the legislative body.

(b) Appointments and removals. Neither the legislative body nor any of its members shall in any manner dictate the appointment or removal of any municipal administrative officers or employees whom the manager or any of the manager's subordinates are empowered to appoint. The legislative body may discuss with the Manager the appointment, performance, and removal of such officers and employees in executive session.

(c) Interference with administration. Except for the purpose of inquiries and investigations under subdivision 201(b)(4) of this charter, the legislative body or its members shall deal with the municipal officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the legislative body nor its members shall give orders to any such officer or employee, either publicly or privately.

§ 207. GOVERNING BODY; MEETINGS

As soon as possible after the election of the President and Vice President, the Council shall fix the time and place of its regular meetings, and such meetings shall be held at least once a month.

§ 208. SPECIAL CITY MEETINGS

Special City meetings shall be called in the manner provided by the laws of the State, and the voting on all questions shall be by the Australian ballot system.

§ 209. COUNCIL MEETINGS; PROCEDURE

(a) The Council shall determine its own rules and order of business.

(b) The presence of three members shall constitute a quorum. Three affirmative votes shall be necessary to take binding Council action.

(c) In accordance with Vermont's Open Meeting Law, the Council shall keep minutes of its proceedings. The journalized minutes shall be a public record.

(d) All meetings of the Council shall be open to the public unless, by an affirmative vote of the majority of the members present, the Council shall vote

that any particular session shall be an executive session or deliberative session in accordance with Vermont's Open Meeting Law.

§ 210. APPOINTMENTS

The Council shall have the power to appoint the members of all boards, commissions, committees, or similar bodies unless specifically provided otherwise by this charter. The terms of all appointments shall commence on the day after the day of appointment unless the appointment is to fill a vacancy in an office, in which case the term shall commence at the time of appointment.

§ 211. ADDITIONAL GOVERNING BODY PROVISIONS

(a) No claim for personal services shall be allowed to the officers elected at the annual meeting, except when compensation for such services is provided for under the provisions of this charter or by the general law.

(b) The Council may authorize the sale or lease of any real or personal estate belonging to the City.

Subchapter 3. Other Elected Offices

§ 301. BROWNELL LIBRARY TRUSTEES

There shall be a five-member Board of Library Trustees who shall be elected to five-year terms using the Australian ballot system. Only qualified voters of the City of Essex Junction shall be eligible to hold the office of elected library trustee.

§ 302. MODERATOR

The voters at the City Annual Meeting shall elect a Moderator who shall preside at the next City Annual Meeting. The term of Moderator shall be one year. Only qualified voters of the City of Essex Junction shall be eligible to hold the office of Moderator.

Subchapter 4. City Meetings

§ 401. CITY MEETINGS AND ELECTIONS

(a) The voters shall at each annual meeting vote to set the date of the next annual meeting, at which time the voters shall vote for the election of officers, the voting on the City budget, and any other business included in the warnings for the meetings.

(b) Provisions of the laws of the State of Vermont relating to the qualifications of electors, the manner of voting, the duties of elections officers, and all other particulars respective to preparation for, conducting, and management of elections, so far as they may be applicable, shall govern all

municipal elections, and all general and special meetings, except as otherwise provided in this charter.

(c) The election of officers and the voting on all questions shall be by Australian ballot system. The City Clerk and Board of Civil Authority shall conduct elections in accordance with general laws of the State.

Subchapter 5. Ordinances

§ 501. ADOPTION OF ORDINANCES

Ordinances shall be adopted in accordance with State law pursuant to 24 V.S.A. §§1972–1976, with the additional requirements noted in this subchapter.

§ 502. PUBLIC HEARING

(a) The Council shall hold a minimum of one public hearing prior to the adoption of any ordinance.

(b) At the time and place so advertised, or at any time and place to which the hearing may from time to time be adjourned, the ordinance shall be introduced, and thereafter, all persons interested shall be given an opportunity to be heard.

(c) After the hearing, the Council may finally pass the ordinance with or without amendment, except that if the Council makes an amendment, it shall cause the amended ordinance to be published, pursuant to subsections (a) and (b) of this section with a notice of the time and place of a public hearing at which the amended ordinance will be further considered, which publication shall be at least three days prior to the public hearing. The Council may finally pass the amended ordinance or again amend it subject to the same procedures as outlined herein.

§ 503. EFFECTIVE DATE

Every ordinance shall become effective upon passage unless otherwise specified.

§ 504. RESCISSION OF ORDINANCES

All ordinances shall be subject to rescission by a special or annual City meeting, as follows: If, within 44 days after final passage by the Council of any such ordinance, a petition signed by voters of the City not less in number than five percent of the qualified voters of the municipality is filed with the City Clerk requesting its reference to a special or annual City meeting, the Council shall fix the time and place of the meeting, which shall be within 60 days after the filing of the petition, and notice thereof shall be given in the manner provided by law in the calling of a special or annual City meeting.

Voting shall be by Australian ballot. An ordinance so referred shall remain in effect upon the conclusion of the meeting unless a majority of those present and voting against the ordinance at the special or annual City meeting exceeds five percent in number of the qualified voters of the municipality.

§ 505. PETITION FOR ENACTMENT OF ORDINANCE; SPECIAL MEETING

(a) Voters of the City may at any time petition for the enactment of any proposed lawful ordinance by filing the petition, including the text of the ordinance, with the City Clerk. The Council shall call a special City meeting (or include the ordinance as annual meeting business) to be held within 60 days after the date of the filing, unless prior to the meeting the ordinance shall be enacted by the Council. The warning for the meeting shall state the proposed ordinance in full or in concise summary and shall provide for an Australian ballot vote as to its enactment. The ordinance shall take effect on the 10th day after the conclusion of the meeting, provided that voters, constituting a majority of those voting thereon, shall have voted in the affirmative.

(b) The proposed ordinance shall be examined by the City Attorney before being submitted to the special City meeting. The City Attorney is authorized, subject to the approval of the Council, to correct the ordinance so as to avoid repetitions, illegalities, and unconstitutional provisions and to ensure accuracy in its text and references and clarity and precision in its phraseology, but the City Attorney shall not materially change its meaning and effect.

(c) The provisions of this section shall not apply to any appointments of officers, members of commissions, or boards made by the Council or to the appointment or designation of Council, or to rules governing the procedure of the Council.

Subchapter 6. City Manager

§ 601. MANAGER; APPOINTMENT AND HIRING

The Council shall appoint a City Manager under and in accordance with Vermont Statutes Annotated.

§ 602. POWERS OF MANAGER

(a) The Manager shall be the chief administrative officer of the City of Essex Junction. The Manager shall be responsible to the Council for the administration of all City of Essex Junction affairs placed in the Manager's charge by or under this charter. The Manager shall have the following powers and duties in addition to those powers and duties delegated to municipal managers under the Vermont statutes.

(b) The Manager shall appoint and, when the Manager deems it necessary for the good of the service, suspend or remove all City of Essex Junction employees, including the Treasurer, and other employees provided for by or under this charter for cause, except as otherwise provided by law, this charter, collective bargaining unit contracts, or personnel rules adopted pursuant to this charter. The Manager may authorize any employee who is subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that employee's department, office, or agency. There shall be no discrimination in employment, in accordance with applicable State and federal laws, including 21 V.S.A. § 495. Appointments, lay-offs, suspensions, promotions, demotions, and removals shall be made primarily on the basis of training, experience, fitness, and performance of duties, in such manner as to ensure that the responsible administrative officer may secure efficient service.

(c) The Manager, or designee, shall direct and supervise the administration of all departments, offices, and agencies of the City of Essex Junction, except as otherwise provided by this charter or by law.

(d) The Manager shall recommend hiring of a City Attorney with Council approval and shall hire special attorneys as needed.

(e) The Manager or a staff member designated by the Manager shall attend all Council meetings and shall have the right to take part in discussion and make recommendations but may not vote. The Council may meet in executive session without the Manager for discussion of the Manager's performance or if the Manager is the subject of an investigation pursuant to subdivision 201(b)(4) of this charter.

(f) The Manager shall see that all laws, provisions of this charter, and acts of the Council, subject to enforcement by the Manager or by officers subject to the Manager's direction and supervision, are faithfully executed.

(g) The Manager shall prepare and submit the annual budget and capital program to the Council.

(h) The Manager shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the City of Essex Junction as of the end of each fiscal year.

(i) The Manager shall make such other reports as the Council may require concerning the operations of the City of Essex Junction's departments, offices, and agencies subject to the Manager's direction and supervision.

(j) The Manager shall keep the Council fully advised as to the financial condition and future needs of the City of Essex Junction and make such recommendations to the Council concerning the affairs of the City of Essex Junction as the Manager deems desirable.

(k) The Manager shall be responsible for the enforcement of all City of Essex Junction ordinances and laws.

(l) The Manager may when advisable or proper delegate to subordinate officers and employees of the City of Essex Junction any duties conferred upon the Manager by this charter, the Vermont statutes, or the Council members.

(m) The Manager shall perform such other duties as are specified in this charter or in State law or as may be required by the Council.

(n) The Manager shall fix the compensation of City employees.

(o) The Manager shall recommend appointment of the City Clerk annually, with Council approval.

§ 603. MANAGER; REMOVAL; HEARING

The Council may remove the Manager from office for cause in accordance with the following procedures:

(1) The Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution that must state the reasons for removal and may suspend the Manager from duty for a period not to exceed 45 days. Within three days after the vote, a copy of the resolution shall be delivered to the Manager.

(2) Within five days after a copy of the resolution is delivered to the Manager, the Manager may file with the Council a written request for a hearing; the hearing shall be in a public or executive session by choice of the Manager. This hearing shall be held at a special Council meeting not earlier than 15 days nor later than 30 days after the request is filed. The Manager may file with the Council a written reply not later than five days before the hearing.

(3) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the Manager, if the Manager has not requested a public hearing, or at any time after the public hearing, if the Manager has requested one.

§ 604. VACANCY IN OFFICE OF CITY MANAGER

The Manager, by letter filed with the City Clerk, may appoint a staff member to perform the Manager's duties in the event of the Manager's absence due to disability, incapacitation, or vacation unless the Manager has previously appointed a staff member as assistant manager or deputy manager,

who would automatically assume the Manager's responsibilities in the Manager's absence. If the Manager fails to make such designations, the Council may by resolution appoint an officer or employee of the City to perform the duties of the Manager until the Manager is able to return to duty.

Subchapter 7. Boards and Commissions

§ 701. BOARD OF CIVIL AUTHORITY

The Board of Civil Authority shall be defined by 17 VSA § 2103(5).

§ 702. BOARD OF ABATEMENT OF TAXES

The Board of Civil Authority shall constitute a Board of Abatement as provided by law. The Board of Abatement shall meet and discharge its duties as required by the applicable statutory provisions.

§ 703. PLANNING COMMISSION

There shall be a Planning Commission, and its powers, obligations, and operation shall be under and in accordance with Vermont Statutes Annotated, as amended, and members will be appointed by the City Council from among the qualified voters of the City. Members of the Commission shall hold no other City office. The City Council shall have the authority pursuant to 24 V.S.A. §4323(a) to set the terms of the Planning Commission members.

§ 704. DEVELOPMENT REVIEW BOARD

A Development Review Board shall be established, and its powers, obligations, and operation shall be under and in accordance with Vermont Statutes Annotated, as amended, and members will be appointed by the City Council for terms of three years from among the qualified voters of the City.

§ 705. BROWNELL LIBRARY TRUSTEES

The Brownell Library Board of Library Trustees that holds office at the time of enactment of this charter shall serve until their terms are completed. Any existing policies of the Library Trustees at the time of the enactment of this charter shall become the policies of the new Brownell Library Board of Trustees. The five permanent, self-perpetuating Library Trustees shall function in accordance with the terms of the Brownell Trust agreement dated May 25, 1925. The Library Trustees shall have the authority to establish any new policy for the operation of the Library or repeal or replace any existing policy and shall otherwise act in conformance with the Vermont statutes. Notwithstanding the forgoing, the Library is required to follow all financial and personnel policies adopted by the City Council.

Subchapter 8. Administrative Departments§ 801. PERSONNEL ADMINISTRATION AND BENEFITS

(a) The Manager or the Manager's appointee shall be the personnel director. The Manager shall maintain personnel rules and regulations protecting the interests of the City and of the employees. These rules and regulations must be approved by the Council and shall include the procedure for amending them and for placing them into practice. Each employee shall receive a copy of the rules and regulations when the employee is hired.

(b) The rules and regulations may deal with the following subjects or with other similar matters of personnel administration: job classification, jobs to be filled, tenure, retirement, pensions, leaves of absence, vacations, holidays, hours and days of work, group insurance, salary plans, rules governing hiring, temporary appointments, lay-off, reinstatement, promotion, transfer, demotion, settlement of disputes, dismissal, probationary periods, permanent or continuing status, in-service training, injury, employee records, and further regulations concerning the hearing of appeals.

(c) No person in the service of the City shall either directly or indirectly give, render, pay, or receive any service or other valuable thing for or on account of or in connection with any appointment, proposed appointment, promotion, or proposed promotion.

§ 802. REAL ESTATE ASSESSOR

There shall be either a real estate Assessor who is a certified real estate appraiser or an independent appraisal firm, headed by a certified real estate appraiser, appointed by the Manager that shall carry out the duties of assessor in the same manner and be subject to all of the same liabilities prescribed for listers under the law of the State of Vermont in assessing property within the City of Essex Junction and that shall establish the grand list thereof and shall return such list to the City Clerk within the time required by State statute.

§ 803. APPRAISAL OF PROPERTY

Appraisals shall be reviewed periodically and kept up to date.

§ 804. APPRAISAL OF BUSINESS PROPERTY FOR TAX PURPOSES

Appraisal of business personal property shall be in accordance with the provisions of 32 V.S.A. § 3618, as the same may from time to time be amended, provided that all business personal property acquired by a taxpayer after September 30, 1995, shall be exempt from tax.

§ 805. PURPOSE

The purpose of appointing an Assessor is in lieu of the election of listers. The City shall be governed by, and each taxpayer shall have rights granted by, the applicable State statutes concerning real and personal property taxation, appeal therefrom, and other statutes concerning taxation.

Subchapter 9. Budget Process

§ 901. FISCAL YEAR

The fiscal year of the City shall begin on the first day of July and end on the last day of June of each calendar year. The fiscal year shall constitute the budget and accounting year as used in this charter.

§ 902. ANNUAL MUNICIPAL BUDGET

With support from the finance department, the Manager shall submit to the Council a budget for review before the annual City Meeting or at such previous time as may be directed by the Council. The budget shall contain:

(1) an estimate of the financial condition of the City as of the end of the fiscal year;

(2) an itemized statement of appropriations recommended for current expenses, and for capital improvements, during the next fiscal year, with comparative statements of appropriations and estimated expenditures for the current fiscal year and actual appropriations and expenditures for the immediate preceding fiscal year;

(3) an itemized statement of estimated revenues from all sources, other than taxation, for the next fiscal year and comparative figures of tax and other sources of revenue for the current and immediate preceding fiscal years;

(4) a capital budget for not fewer than the next five fiscal years, showing anticipated capital expenditures, financing, and tax requirements; and

(5) such other information as may be required by the Council.

§ 903. GOVERNING BODY'S ACTION ON BUDGET

The Council shall review and approve the recommended budget with or without change. The budget shall be published not later than two weeks after its preliminary adoption by the Council. The Council shall fix the time and place for holding a public hearing for the budget and shall give public notice of the hearing.

§ 904. BUDGET MEETING; WARNING

(a) The Council shall hold at least one public hearing at least 30 days prior to the annual meeting to present and explain its proposed budget and shall give a public notice of such hearing.

(b) The Manager shall, not less than 30 days prior to the annual meeting, make available the Council's recommended budget and the final warning of the pending annual meeting.

(c) The annual City report shall be made available to the legal voters of the City not later than 10 days prior to the annual meeting.

§ 905. APPROPRIATION AND TRANSFERS

(a) An annual budget shall be adopted at the City Meeting by the vote of a majority of eligible voters by Australian ballot in accordance with section 401 of this charter. If, after the total budget has been appropriated, the Council finds additional appropriations necessary, the appropriations shall be made and reported at the next City Meeting as a specific item. The appropriations shall only be made in special circumstances or situations of an emergency nature. No specific explanation need be given for any normal annual operating expense in any office, department, or agency that may be increased over the budget amount by an amount not more than 10 percent of the office's, department's, or agency's budget.

(b) From the effective date of the budget, the amounts stated therein, as approved by the voters, become appropriated to the several agencies and purposes therein named.

(c) The Manager may at any time transfer an unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department, or agency. At the request of the Manager, the Council may, by resolution, transfer any unencumbered appropriation balance or portion thereof within the Council budget from one department, office, or agency to another.

(d) Notwithstanding the above, no unexpended balance in any appropriation not included in the Council budget shall be transferred or used for any other purpose.

§ 906. AMOUNT TO BE RAISED BY TAXATION

Upon passage of the budget by the voters, the amounts stated therein as the amount to be raised by taxes shall constitute a determination of the amount of the levy for the purposes of the City in the corresponding tax year, and the Council shall levy such taxes on the grand list as prepared by the assessor for the corresponding tax year.

Subchapter 10. Taxation§ 1001. TAXES ON REAL PROPERTY

Taxes on real property shall be paid in equal installments on March 15 and September 15. The Council shall send notice to taxpayers not less than 30 days prior to when taxes are due.

§ 1002. PENALTY

An additional charge of eight percent shall be added to any tax not paid on or before the dates specified in section 1001 of this charter, and interest as authorized by Vermont statutes.

§ 1003. ASSESSMENT AND TAXATION AGREEMENT

Notwithstanding section 906 of this charter or any other provision of this charter and the requirements of the general laws of the State of Vermont, the Council is authorized and empowered to negotiate and execute assessment and taxation agreements between the City and a taxpayer or taxpayers within the City of Essex Junction consistent with applicable requirements of the Vermont Constitution.

Subchapter 11. Capital Improvements§ 1101. CAPITAL PROGRAMS

(a) Preparation of capital program. The Manager shall prepare and submit to the Council a capital program at least three months prior to the final date for submission of the budget.

(b) Contents. The capital program shall include:

(1) a clear general summary of its contents;

(2) a list of all capital improvements that are proposed to be undertaken during not fewer than the next five fiscal years, with appropriate supporting information as to the necessity for such improvements;

(3) cost estimates, method of financing, and recommended time schedules for each such improvement; and

(4) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(c) Revision. The information required by this section may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Subchapter 12. Amendment of Charter and Initiatives

§ 1201. GOVERNING LAW

This charter may be amended in accordance with the procedure provided for by State statutes for amendment of municipal charters.

Subchapter 13. General Provisions

§ 1301. SAVINGS CLAUSE

Repeal or modification of this charter shall not affect the validity of a previously enacted ordinance, resolution, or bylaw.

§ 1302. SEVERABILITY

The provisions of this charter are declared to be severable. If any provisions of this charter are for any reason invalid, such invalidity shall not affect the remaining provisions, which can be given effect without the invalid provision.

§ 1303. SUPERSEDING LANGUAGE

The City of Essex Junction shall be formed notwithstanding the following language (“Notwithstanding the provisions of any other municipal charters, territory within the corporate limits [of the Town of Essex] shall not be annexed to or become a part of any other municipal corporation except by annexation procedures as set forth in the statutes of the State of Vermont.”) contained in chapter 117, section 101 of this title.

*** Transitional Provisions ***

Sec. 3. TRANSITIONAL PROVISION; ASSIGNMENT AND

ASSUMPTION OF VILLAGE ASSETS AND LIABILITIES

(a) All assets and obligations formerly owned or held by the Village not otherwise transferred shall hereby be assigned and assumed by the City of Essex Junction upon the effective date of this act. This shall include all real property, easements, rights, and interests in land, buildings, and other improvements; vehicles, equipment, and other personal property; rents, and charges, together with lien rights and enforcement powers; moneys, rights of action in legal or administrative proceedings; insurance policies; documents and records; debts, claims, bonded indebtedness; without any further act, deed, or instrument being necessary.

(b) All contracts, agreements, trusts, and other binding written documents obligating the Village shall remain in effect on the effective date of this act, and the City of Essex Junction shall assume all the responsibilities formerly belonging to the Village unless previously allocated or otherwise specified.

Sec. 4. TRANSITION PERIOD

(a) The charter will become effective and the City of Essex Junction shall be established on the effective date of this act. The transition period shall begin on July 1, 2022, following approval of the charter by the Legislature, and end on or before July 1, 2023. During the transition period, the City of Essex Junction shall continue to receive and pay for consolidated services with the Town of Essex for assessing, clerk/treasurer, information technology, police, public works, and stormwater. The City Council shall set a tax rate and collect taxes to meet the obligations for the City's share of the Town of Essex municipal operations and all of the City of Essex Junction municipal operations throughout the transition period, per the budgets approved by the voters of the Town of Essex and the Village of Essex Junction (now the City of Essex Junction) the previous March and April. The taxes collected by the City for the Town of Essex shall be paid to the Town of Essex in two equal installments on or before October 15 and April 15. At the end of the transition period, the City of Essex Junction shall be fully organized.

(b) Nothing in this section shall affect or limit other provisions in this subchapter or in other subchapters, which serve a transitional purpose and which by their own provisions continue beyond the transitional period. In such cases, transitional provisions intended to extend beyond the transitional period shall be governed by specific sunset terms.

Sec. 5. TRANSITIONAL PROVISION; ORGANIZATIONAL MEETING

The first annual City Meeting shall occur on the date set forth by the voters at the most recent Village annual meeting, following approval of the charter. This shall be a meeting of the City of Essex Junction and shall be noticed and warned to all residents of the City of Essex Junction. This meeting shall be for the purpose of presenting and discussing the budget only. Other City business may also be presented and discussed but not voted on. After presentation and discussion of the budget and any other business, the meeting shall adjourn. Voting on the budget and the election of councilors shall be by Australian ballot and shall occur on the date set forth by the voters at the most recent Village annual meeting.

Sec. 6. TRANSITIONAL PROVISION; VILLAGE CENTER AND

NEIGHBORHOOD DEVELOPMENT AREA DESIGNATIONS

The Village Center District and Neighborhood Development Area, as designated in the Essex Junction Land Development Code, shall continue in the new City for the purpose of continuing the downtown revitalization efforts as outlined in the Village's Comprehensive Plan, and shall retain any and all State designations for the purposes of redevelopment in force at the time of

adoption of the charter or until such designations are withdrawn or amended as per routine statutory process.

Sec. 7. TRANSITIONAL PROVISION; GOVERNING BODY

(a) When the charter becomes effective and the City of Essex Junction is established on July 1, 2022, following approval of the charter by the Legislature, all members of the Village Board of Trustees shall become members of the City Council and shall continue to serve in their capacities and shall serve out their elected terms. The president, vice president, and clerk of the Council shall continue to serve in their capacities until the board reorganizes pursuant to chapter 4, subsection 204(a) of this charter.

(b) The Councilors shall warn and hold meetings as appropriate. The Councilors shall address all details and issues relating to the transition from the Village of Essex Junction to the City of Essex Junction.

(c) The Council shall review, consider, and adopt all regulations, ordinances, and plans from the former Village of Essex Junction as its own.

(d) The City Council, with the assistance of the City Manager and staff, shall propose and warn in the manner pursuant to the charter, the first annual budget of the new City of Essex Junction for consideration by the voters at the first annual meeting.

Sec. 8. TRANSITIONAL PROVISION; BUDGET AND

ADMINISTRATION

Following the approval of the charter by the Legislature, the City Manager will propose a budget for the City for the next fiscal year that addresses proper service levels, contractual obligations, capital projects, and debt, and that reflects any changes related to the incorporation of the City of Essex Junction.

Sec. 9. TRANSITIONAL PROVISION; SEPARATION OF CITY AND

TOWN DEPARTMENTS

The City Council shall employ a City Manager. The City Manager shall plan and hire for the separation of all consolidated departments with the Town of Essex by the end of the transition period, unless contracts are signed stating otherwise, in which case the contracts shall dictate the terms for the sharing of services between the City of Essex Junction and Town of Essex.

Sec. 10. TRANSITIONAL PROVISION; PLANNING AND

DEVELOPMENT

(a) On the effective date of this charter, the former Village plan, the former Village's zoning bylaws and Land Development Code, and any Village

Ordinances shall remain in effect until amended or revised by the new City Council.

(b) From the effective date of this charter, the Village of Essex Junction Planning Commission and the Village of Essex Junction Zoning Board of Adjustment shall become the Planning Commission and the Development Review Board of the City of Essex Junction, respectively.

Sec. 11. TRANSITIONAL PROVISION; APPOINTED COMMISSION
AND COMMITTEE MEMBERS

All current Trustee appointed commission and committee members shall serve out the remainders of their terms, and new positions shall be filled upon the existing schedules and as they become available.

Sec. 12. TRANSITIONAL PROVISION; UNIFICATION AND ADOPTION
OF ORDINANCES, BYLAWS, AND RULES

On the effective date of this charter, all ordinances and bylaws of the Village of Essex Junction shall become ordinances and bylaws of the new City of Essex Junction. The City Council shall be fully authorized to amend or repeal any ordinance according to the provisions of subchapter 5 of the charter. Whenever a power is granted by any such ordinance or bylaw to an officer or officers of the Village of Essex Junction, such power is conferred upon the appropriate officer or officers of the new City of Essex Junction.

Sec. 13. TRANSITIONAL PROVISION; PERSONNEL

(a) On the effective date of this charter, all employees of the Village of Essex Junction shall become employees of The City of Essex Junction and any and all employment contracts of the Village shall be assumed by the City unless otherwise terminated, reexecuted, or renegotiated. Any and all personnel policies and regulations adopted by the Village shall become policies and regulations of the City of Essex Junction until further repealed, amended, or restated.

(b) The dates of hire with the Village of Essex Junction will be used as the dates of hire for purposes related to benefits with the new City of Essex Junction and all accrued benefits shall carry over.

Sec. 14. TRANSITIONAL PROVISION; FINANCES

(a) Upon the effective date of this charter, the City of Essex Junction shall adopt any and all portions of the Town of Essex Grand List for properties located within the borders of the City. Any and all property tax payments due and delinquencies incurred for the Village of Essex Junction prior to the effective date of this charter shall be payable to the Town of Essex. Upon the

effective date of this charter, any City taxes due and delinquencies incurred shall be payable to the City.

(b) All existing contractual agreements, including but not limited to tax stabilization agreements and any agreements related to the conveyance of real property, within the Village of Essex Junction shall hereby be assigned to the City of Essex Junction.

Sec. 15. TRANSITIONAL PROVISION; FUTURE GOVERNANCE COMMISSION

Within three years after the approval of this charter by the Legislature, the Council shall appoint a special commission to study governance considerations such as, but not limited to, form of government, election of officials at-large or through wards or districts, governing body composition, term of office, term limits, and councilor compensation.

Sec. 16. JUSTICES OF THE PEACE; APPOINTMENT

The Governor may appoint up to 15 justices of the peace to serve in the City of Essex Junction, pursuant to 17 V.S.A. § 2623. The committees for the political parties of the justices of peace of the Town of Essex may submit recommendations for qualified justices of the peace to the Governor for consideration. The appointed justices of the peace shall serve until successors may be elected at the 2022 general election.

* * * Repeal of Village Charter * * *

Sec. 17. REPEAL

24 App. V.S.A. chapter 221 (Village of Essex Junction charter) is repealed.

* * * Effective Date * * *

Sec. 18. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

Rep. Mattos of Milton, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the Committee on Government Operations and when further amended as follows:

In Sec. 2, 24 App. V.S.A. chapter 4, in subchapter 10, by striking out section 1003 (assessment and taxation agreement) in its entirety and inserting in lieu thereof a new section 1003 to read as follows:

§ 1003. ASSESSMENT AND TAXATION AGREEMENT

The Council is authorized and empowered to negotiate and execute assessment and taxation agreements between the City and a taxpayer or taxpayers within the City of Essex Junction consistent with applicable requirements of the Vermont Constitution. This section shall not be construed to supersede any provision of State law relating to the education property tax.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Government Operations was amended as recommended by the Committee on Ways and Means. The report of the Committee on Government Operations, as amended, was agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered**H. 515**

Rep. Jerome of Brandon, for the Committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to banking, insurance, and securities

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

* * * Insurance; Securities; Banking * * *

Sec. 1. 8 V.S.A. § 3685(f)(1) is amended to read:

(1) Sales, purchases, exchanges, loans, or extensions of credit, ~~guarantees~~, or investments, provided such transactions are equal to or exceed:

* * *

Sec. 2. 9 V.S.A. § 5302(e) is amended to read:

(e) At the time of the filing of the information prescribed in ~~subsections~~ subsection (a), (b), (c), or (d) of this section, except investment companies subject to 15 U.S.C. § 80a-1 et seq., the issuer shall pay to the Commissioner a fee of \$600.00. ~~If the notice filing is withdrawn or otherwise terminated, the Commissioner shall retain the fee paid~~ The fee is nonrefundable.

Sec. 3. 9 V.S.A. § 5305(b) is amended to read:

(b) A person filing a registration statement shall pay a filing fee of \$600.00. A person filing a registration statement in connection with the New England Crowdfunding Initiative shall be exempt from the filing fee requirement. Open-end investment companies shall pay a registration fee and an annual renewal fee for each portfolio as long as the registration of those

securities remains in effect. ~~If a registration statement is withdrawn before the effective date or a preeffective stop order is issued under section 5306 of this title, the Commissioner shall retain the fee~~ The fee is nonrefundable.

Sec. 4. 8 V.S.A. § 11601(a)(7) is added to read:

(7) Revoke the charter of a Vermont financial institution that ceases to exist or ceases to be eligible for a charter.

Sec. 5. 8 V.S.A. § 14106 is amended to read:

§ 14106. EXPANDED POWERS OF VERMONT FINANCIAL
INSTITUTIONS

In addition to all other powers permitted under these statutes, any Vermont financial institution shall have the powers conferred under federal law administered by the Federal Reserve Board, the Office of the Comptroller of the Currency, ~~or the Office of Thrift Supervision~~ FDIC, the Consumer Financial Protection Bureau, or other federal banking regulator upon national financial institutions or their subsidiaries.

Sec. 6. 8 V.S.A. § 10405(c)(2) is amended to read:

(2) All assignments, sales, or transfers of a loan agreement or motor vehicle or retail installment contract to which a debt protection agreement relates and the related debt protection agreement, shall be to a financial institution as defined in subdivision 11101(32) of this title, a credit union, or an entity licensed under subdivision 2201(a)(1) or ~~(3)(4)~~ of this title to engage in lending or sales financing.

Sec. 7. 8 V.S.A. § 2502(f) is added to read:

(f) A licensee shall register each remote access unit, commonly referred to as a "kiosk," where a consumer may access money transmission services, including buying or selling virtual currency. Each kiosk is subject to the disclosure requirements established in section 10302 of this title. If a kiosk is owned by a person other than the licensee and the owner charges an additional fee to the consumer for access to the licensee's services, the owner is also subject to the disclosure requirements of chapter 200 of this title.

Sec. 8. 8 V.S.A. § 4724(8) is amended to read:

(8) Rebates.

* * *

(C) Nothing in subdivision (7) or (8)(A) of this section shall be construed as including within the definition of discrimination or rebates any of the following practices:

* * *

(iii) readjustment of the rate of premium for a group insurance policy based on the loss or expense ~~thereunder~~ under the group insurance policy, at the end of the first or any subsequent policy year of insurance ~~thereunder~~ under the group policy, which may be made retroactive only for such policy year;

(iv) the offer or provision by insurers, by or through employees, affiliates, or third-party representatives of value-added products or services at no or reduced cost, even when such products or services are not specified in the insurance policy, provided the product or service meets each of the following criteria:

(I) The product or service relates to the insurance coverage.

(II) The product or service is primarily designed to satisfy one or more of the following:

(aa) provide loss mitigation or loss control;

(bb) reduce claim costs or claim settlement costs;

(cc) provide education about liability risks or risk of loss to persons or property;

(dd) monitor or assess risk, identify sources of risk, or develop strategies for eliminating or reducing risk;

(ee) enhance health;

(ff) enhance financial wellness through items such as education or financial planning services;

(gg) provide post-loss service;

(hh) incent behavioral changes to improve health or reduce the risk of death or disability or an insured or potential insured; or

(ii) assist in the administration of the employee or retiree benefit insurance coverage.

(III) The cost to the insurer offering the product or service to any given customer is determined by the Commissioner to be reasonable in comparison to that customer's premiums or insurance coverage for the policy class.

(IV) The insurer, providing the product or service directly or through a producer, ensures that the customer is provided with contact information to assist the customer with questions regarding the product or service.

(V) The availability of the product or service is based on documented objective criteria and offered in a manner that is not unfairly discriminatory.

(VI) Within 10 days after offering or providing a product or service pursuant to subdivision (8)(C)(iv) of this section, the insurer submits to the Commissioner a description of the offer or provision, accompanied by an explanation of how each criterion in this subdivision (8)(C)(iv) of this section is met.

(D) An insurer, producer, or representative of either may not offer or provide insurance as an inducement to the purchase of another policy or otherwise use the words “free” or “no cost” or words of similar import in an advertisement.

Sec. 9. 8 V.S.A. § 3750(d)(1)(C)(iii) is amended to read:

(iii) Where the resulting interest rate is not less than ~~one~~ 0.15 percent.

* * * Travel Insurance; Producers; Licensure * * *

Sec. 10. 8 V.S.A. chapter 148 is added to read:

CHAPTER 148. TRAVEL INSURANCE

§ 7122. SCOPE AND PURPOSE

(a) The purpose of this chapter is to promote the public welfare by creating a comprehensive legal framework within which travel insurance may be sold in Vermont.

(b) The requirements of this chapter apply to travel insurance that covers any resident of this State, and is sold, solicited, negotiated, or offered in this State, and the policies and certificates of which are delivered or issued for delivery in this State. It shall not apply to cancellation fee waivers or travel assistance services, except as expressly provided herein in this chapter.

(c) All other applicable provisions of this State’s insurance laws shall continue to apply to travel insurance except that the specific provisions of this chapter shall supersede any general provisions of law that would otherwise be applicable to travel insurance.

§ 7123. DEFINITIONS

As used in this chapter:

(1) “Aggregator site” means a website that provides access to information regarding insurance products from more than one insurer, including product and insurer information, for use in comparison shopping.

(2) “Blanket travel insurance” means a policy of travel insurance issued to any eligible group providing coverage for specific classes of persons defined in the policy with coverage provided to all members of the eligible group without a separate charge to individual members of the eligible group.

(3) “Cancellation fee waiver” means a contractual agreement between a supplier of travel services and its customer to waive some or all of the nonrefundable cancellation fee provisions of the supplier’s underlying travel contract with or without regard to the reason for the cancellation or form of reimbursement. A cancellation fee waiver is not insurance.

(4) “Eligible group” means two or more persons who are engaged in a common enterprise, or have an economic, educational, or social affinity or relationship, including any of the following:

(A) any entity engaged in the business of providing travel or travel services, including a tour operator, lodging provider, vacation property owner, hotel or resort, travel club, travel agency, property manager, cultural exchange program, or common carrier, or the operator, owner, or lessor of a means of transportation of passengers, including to an airline, cruise line, railroad, steamship company, or public bus carrier, wherein with regard to any particular travel or type of travel or travelers, all members or customers of the group have a common exposure to risk attendant to such travel;

(B) any college, school, or other institution of learning, covering students, teachers, employees, or volunteers;

(C) any employer covering any group of employees, volunteers, contractors, board of directors, dependents, or guests;

(D) any sports team, camp, or sponsor thereof, covering participants, members, campers, employees, officials, supervisors, or volunteers;

(E) any religious, charitable, recreational, educational, or civic organization, or branch thereof, covering any group of members, participants, or volunteers;

(F) any financial institution or financial institution vendor, or parent holding company, trustee, or agent of or designated by one or more financial institutions or financial institution vendors, including accountholders, credit card holders, debtors, guarantors, or purchasers;

(G) any incorporated or unincorporated association, including a labor union, having a common interest, constitution, and bylaws and organized and maintained in good faith for purposes other than obtaining insurance for members or participants of such association covering its members;

(H) any trust or the trustees of a fund established, created, or maintained for the benefit of and covering members, employees, or customers, subject to the Commissioner's permitting the use of a trust and the State's premium tax provisions in section 7125 of this chapter, of one or more associations meeting the requirements of subdivision (4)(G) of this section;

(I) any entertainment production company covering any group of participants, volunteers, audience members, contestants, or workers;

(J) any volunteer fire department, ambulance, rescue, police, court, or any first aid, civil defense, or other such volunteer group;

(K) any preschool, daycare institution for children or adults, or senior citizen club;

(L) any automobile or truck rental or leasing company covering a group of individuals who may become renters, lessees, or passengers defined by their travel status on the rented or leased vehicles, provided that the common carrier, the operator, owner, or lessor of a means of transportation or the automobile or truck rental or leasing company is the policyholder under a policy to which this section applies; or

(M) any other group where the Commissioner has determined that the members are engaged in a common enterprise, or have an economic, educational, or social affinity or relationship, and that issuance of the policy would not be contrary to the public interest.

(5) "Fulfillment materials" means documentation sent to the purchaser of a travel protection plan confirming the purchase and providing the travel protection plan's coverage and assistance details.

(6) "Group travel insurance" means travel insurance issued to any eligible group.

(7) "Limited lines travel insurance producer" means a:

(A) licensed managing general agent or third-party administrator;

(B) licensed insurance producer, including a limited lines producer, designated by an insurer as the travel insurance supervising entity as set forth in subsection 7124(f) of this title; or

(C) travel administrator.

(8) "Offer and disseminate" means to provide general information, including a description of the coverage and price, as well as to process the application and collect premiums.

(9) “Primary certificate holder” means an individual person who elects and purchases travel insurance under a group policy.

(10) “Primary policyholder” means an individual person who elects and purchases individual travel insurance.

(11) “Travel administrator” means a person who directly or indirectly underwrites, collects charges, collateral, or premiums from, or adjusts or settles claims on residents of this State, in connection with travel insurance, except that a person shall not be considered a travel administrator if that person’s only actions that would otherwise cause it to be considered a travel administrator are among the following:

(A) a person working for a travel administrator to the extent that the person’s activities are subject to the supervision and control of the travel administrator;

(B) an insurance producer selling insurance or engaged in administrative and claims-related activities within the scope of the producer’s license;

(C) a travel retailer offering and disseminating travel insurance and registered under the license of a limited lines travel insurance producer in accordance with this chapter;

(D) an individual adjusting or settling claims in the normal course of that individual’s practice or employment as an attorney-at-law and who does not collect charges or premiums in connection with insurance coverage; or

(E) a business entity that is affiliated with a licensed insurer while acting as a travel administrator for the direct and assumed insurance business of an affiliated insurer.

(12) “Travel assistance services” means noninsurance services for which the consumer is not indemnified based on a fortuitous event and where providing the service does not result in transfer or shifting of risk that would constitute the business of insurance. Travel assistance services include the provision of security advisories, destination information, vaccination and immunization information services, travel reservation services, entertainment, activity, or event planning, translation assistance, emergency messaging, international legal and medical referrals, medical case monitoring, coordination of transportation arrangements, emergency cash transfer assistance, medical prescription replacement assistance, passport and travel document replacement assistance, lost luggage assistance, or concierge services. Travel assistance services are not insurance and not related to insurance.

(13)(A) “Travel insurance” means insurance coverage for personal risks incident to planned travel, including:

- (i) interruption or cancellation of a trip or event;
- (ii) loss of baggage or personal effects;
- (iii) damages to accommodations or rental vehicles;
- (iv) sickness, accident, disability, or death occurring during travel;
- (v) emergency evacuation;
- (vi) repatriation of remains; or

(vii) any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the Commissioner.

(B) Travel insurance does not include major medical plans that provide comprehensive medical protection for travelers with trips lasting six months or longer, including, for example, those working overseas as expatriates, or any other product that requires a specific insurance producer license.

(14) “Travel protection plan” means a plan that provides one or more of the following: travel insurance; travel assistance services; or cancellation fee waivers.

(15) “Travel retailer” means a business entity that makes, arranges, or offers travel services and may offer and disseminate travel insurance as a service to its customers on behalf of and under the direction of a limited lines travel insurance producer.

§ 7124. LICENSING AND REGISTRATION

(a) The Commissioner may issue to an individual or a business entity that has complied with the requirements of this chapter and filed an application for such limited lines travel insurance producer license in a form and manner prescribed by the Commissioner, a limited lines travel insurance producer license, which authorizes the limited lines travel insurance producer to sell, solicit, or negotiate travel insurance through a licensed insurer. A person may not act as a limited lines travel insurance producer or travel retailer unless properly licensed or registered, respectively.

(b) A travel retailer may offer and disseminate travel insurance under a limited lines travel insurance producer license only if the following conditions are met:

(1) The limited lines travel insurance producer or travel retailer provides to purchasers of travel insurance:

(A) a description of the material terms or the actual material terms of the insurance coverage at the time of purchase;

(B) a description of the process for filing a claim;

(C) a description of the review and cancellation process for the travel insurance policy; and

(D) the identity and contact information of the insurer and limited lines travel insurance producer.

(2) At the time of licensure, the limited lines travel insurance producer has established and maintains a register on a form prescribed by the Commissioner of each travel retailer that offers travel insurance on the limited lines travel insurance producer's behalf. The register shall be maintained and updated annually by the limited lines travel insurance producer and shall include the name, address, and contact information of the travel retailer and an officer or person who directs or controls the travel retailer's operations, and the travel retailer's Federal Tax Identification Number. The limited lines travel insurance producer shall submit such register within 30 days of request by the Commissioner. The limited lines travel insurance producer shall also certify that the travel retailer registered complies with 18 U.S.C. § 1033. The grounds for the suspension and revocation and the penalties applicable to resident insurance producers under 8 V.S.A. § 4804 shall be applicable to the limited lines travel insurance producers and travel retailers.

(3) The limited lines travel insurance producer has designated one of its employees who is a licensed individual producer as the person responsible for the limited lines travel insurance producer's compliance with the travel insurance laws, rules, and regulations of the State. This person shall be identified as the Designated Responsible Licensed Producer (DRLP).

(4) The DRLP, president, secretary, treasurer, and any other officer or person who directs or controls the limited lines travel insurance producer's insurance operations has complied with the fingerprinting requirements applicable to insurance producers in the resident state of the limited lines travel insurance producer.

(5) The limited lines travel insurance producer has paid all applicable insurance producer licensing fees as set forth in section 4800 of this title.

(6) The limited lines travel insurance producer requires each employee and authorized representative of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction

or training, which may be subject to review by the Commissioner. The training material shall, at a minimum, contain instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers.

(c) Any travel retailer offering or disseminating travel insurance shall make available to prospective purchasers brochures or other written materials that have been approved by the travel insurer. Such materials shall include information that, at a minimum:

(1) provides the identity and contact information of the insurer and the limited lines travel insurance producer;

(2) explains that the purchase of travel insurance is not required in order to purchase any other product or service from the travel retailer; and

(3) explains that an unlicensed travel retailer is permitted to provide general information about the insurance offered by the travel retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the insurance offered by the travel retailer or to evaluate the adequacy of the customer's existing insurance coverage.

(d) A travel retailer's employee or authorized representative who is not licensed as an insurance producer may not:

(1) evaluate or interpret the technical terms, benefits, or conditions of the offered travel insurance coverage;

(2) evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or

(3) hold themselves out as a licensed insurer, licensed producer, or insurance expert.

(e) A travel retailer whose insurance-related activities, and those of its employees and authorized representatives, are limited to offering and disseminating travel insurance on behalf of and under the direction of a limited lines travel insurance producer meeting the conditions stated in this section is authorized to do so and receive related compensation for such services, upon registration by the limited lines travel insurance producer as described in subdivision (b)(2) of this section.

(f) As the insurer's designee, a limited lines travel insurance producer is responsible for the acts of each of its registered travel retailers related to the offer and dissemination of travel insurance and shall use reasonable means to ensure the travel retailer's compliance with this chapter.

(g) Any person licensed in a major line of authority as an insurance producer is authorized to sell, solicit, and negotiate travel insurance. A property and casualty insurance producer is not required to become appointed by an insurer in order to sell, solicit, or negotiate travel insurance.

(h) The limited lines travel insurance producer and any travel retailer offering and disseminating travel insurance under a limited lines travel insurance producer license shall be subject to the provisions of sections 13 and 4804 and chapter 129 of this title.

§ 7125. PREMIUM TAX

(a) A travel insurer shall pay premium tax, as provided in 32 V.S.A. § 8551, on travel insurance premiums paid by any of the following:

(1) a primary policyholder who is a resident of this State;

(2) a primary certificate holder who is a resident of this State who elects coverage under a group travel insurance policy; or

(3) a blanket travel insurance policyholder that is a resident in or has its principal place of business or the principal place of business of an affiliate or subsidiary that has purchased blanket travel insurance in this State for eligible blanket travel insurance group members, subject to any apportionment rules that apply to the insurer across multiple taxing jurisdictions or that permit the insurer to allocate premium on an apportioned basis in a reasonable and equitable manner in those jurisdictions.

(b) A travel insurer shall:

(1) document the state of residence or principal place of business of the policyholder or certificate holder, as required in subsection (a) of this section; and

(2) report as premium only the amount allocable to travel insurance and not any amounts received for travel assistance services or cancellation fee waivers.

§ 7126. TRAVEL PROTECTION PLANS

A travel protection plan may be offered for one price for the combined features that the travel protection plan offers in this State if:

(1) the travel protection plan clearly discloses to the consumer, at or prior to the time of purchase, that it includes travel insurance, travel assistance services, or cancellation fee waivers, as applicable, and provides information and an opportunity, at or prior to the time of purchase, for the consumer to obtain additional information regarding the features and pricing of each;

(2) the person offering the travel protection plan that includes a travel insurance policy complies with section 7127 of this title; and

(3) the fulfillment materials:

(A) describe and delineate the travel insurance, travel assistance services, and cancellation fee waivers in the travel protection plan; and

(B) include the travel insurance disclosures and the contact information for persons providing travel assistance services and cancellation fee waivers, as applicable.

§ 7127. SALES PRACTICES

(a) All persons offering travel insurance to residents of this State are subject to chapter 129 of this title, except as otherwise provided in this section. In the event of a conflict between this chapter and other provisions of this title regarding the sale and marketing of travel insurance and travel protection plans, the provisions of this chapter shall control.

(b) Offering or selling a travel insurance policy that could never result in payment of any claims for any insured under the policy is an unfair trade practice under chapter 129 of this title.

(c)(1) All documents provided to consumers prior to the purchase of travel insurance, including sales materials, advertising materials, and marketing materials, shall be consistent with the travel insurance policy itself, including forms, endorsements, policies, rate filings, and certificates of insurance.

(2) For a travel insurance policy or certificate that contains preexisting condition exclusions:

(A) information and an opportunity to learn more about the preexisting condition exclusions shall be provided prior to the time of purchase and in the coverage's fulfillment materials; and

(B) the policy or certificate may only exclude preexisting conditions for which medical advice or treatment was recommended by or received from a health care provider within a six-month period preceding the effective date of coverage.

(3)(A) The fulfillment materials and the information described in subdivisions 7124(b)(1)(B)–(D) of this title shall be provided to a policyholder or certificate holder as soon as practicable following the purchase of a travel protection plan. Unless the insured has either started a covered trip or filed a claim under the travel insurance coverage, a policyholder or certificate holder may cancel a policy or certificate for a full refund of the travel protection plan price from the date of purchase of a travel protection plan until at least:

(i) 15 days following the date of delivery of the travel protection plan's fulfillment materials by U.S. mail; or

(ii) 10 days following the date of delivery of the travel protection plan's fulfillment materials by means other than U.S. mail.

(B) As used in this subdivision, "delivery" means handing fulfillment materials to the policyholder or certificate holder or sending fulfillment materials by U.S. mail or electronic means to the policyholder or certificate holder.

(5) A travel insurer shall disclose in the policy documentation and fulfillment materials whether the travel insurance is primary or secondary to other applicable coverage.

(6) Where travel insurance is marketed directly to a consumer through an insurer's website or by others through an aggregator site, it shall not be an unfair trade practice or other violation of law where an accurate summary or short description of coverage is provided on the web page, provided the consumer has access to the full provisions of the policy through electronic means.

(d) A person offering, soliciting, or negotiating travel insurance or travel protection plans on an individual or group basis may not do so by using negative option or opt out, which would require a consumer to take an affirmative action to deselect coverage, such as by unchecking a box on an electronic form, when the consumer purchases a trip.

(e) Marketing blanket travel insurance coverage as free is an unfair trade practice under chapter 129 of this title.

(f) Where a consumer's destination jurisdiction requires insurance coverage, it shall not be an unfair trade practice to require that a consumer choose between the following options as a condition of purchasing a trip or travel package:

(1) purchasing the coverage required by the destination jurisdiction through the travel retailer or limited lines travel insurance producer supplying the trip or travel package; or

(2) agreeing to obtain and provide proof of coverage that meets the destination jurisdiction's requirements prior to departure.

(g) For any travel insurance policy or certificate that provides coverage for sickness, sickness shall include any mental disorder as defined by the American Psychiatric Association DSM-5, or its current equivalent that is diagnosed or treated by a properly qualified medical professional.

§ 7128. TRAVEL ADMINISTRATORS

(a) A person shall not act or represent himself as a travel administrator for travel insurance in this State unless that person:

(1) is a licensed property and casualty insurance producer in this State for activities permitted under that producer license;

(2) holds a valid managing general agent license in this State; or

(3) holds a valid third-party administrator license in this State.

(b) A travel administrator and its employees are exempt from the licensing requirements of section 4803 of this title for travel insurance it administers.

(c) An insurer is responsible for the acts of a travel administrator administering travel insurance underwritten by the insurer and is responsible for ensuring that the travel administrator maintains all books and records relevant to the insurer to be made available by the travel administrator to the Commissioner upon request.

§ 7129. POLICY

(a) Notwithstanding any other provision of this title to the contrary, travel insurance shall be classified and filed for purposes of rates and forms under an inland marine line of insurance; provided, however, that travel insurance that provides coverage for sickness, accident, disability, or death occurring during travel, either exclusively or in conjunction with related coverages such as emergency evacuation or repatriation of remains, or incidental limited property and casualty benefits such as baggage or trip cancellation, may be filed under either an accident and health line of insurance or an inland marine line of insurance.

(b) Travel insurance may be provided under an individual, group, or blanket policy.

(c) Eligibility and underwriting standards for travel insurance may be developed and provided based on travel protection plans designed for individual or identified marketing or distribution channels, provided those standards also meet the State's underwriting standards for inland marine.

§ 7130. RULEMAKING AUTHORITY

The Commissioner may adopt rules to implement the provisions of this chapter.

Sec. 11. 8 V.S.A. § 4813i(c) is amended to read:

(c) A person who applies for a limited lines travel insurance producer license ~~for travel accident or travel baggage insurance under chapter 148 of this title~~ shall not be required to be examined by the Commissioner.

Sec. 12. 8 V.S.A. § 3301(a)(11) is added to read:

(11) “Inland marine insurance” means any insurance that is defined by statute, rule, or general custom as inland marine insurance.

* * * Captive Insurance * * *

Sec. 13. 8 V.S.A. § 6007(c)(2) is amended to read:

(2) in order to provide sufficient detail to support the premium tax return, the ~~pure captive insurance company, association captive insurance company, sponsored captive insurance company, or industrial insured captive insurance company~~ shall file prior to March 15 of each year for each calendar year-end, ~~pages 1, 2, 3, and 5~~ the premium schedule of the “Vermont Captive Insurance Company Annual Report–Short Form” ~~verified by oath of two of its executive officers.~~

Sec. 14. 8 V.S.A. § 6038 is amended to read:

§ 6038. DELINQUENCY OF SPONSORED CAPTIVE INSURANCE
COMPANIES

(a) Except as otherwise provided in this section, the provisions of chapter 145 of this title shall apply in full to a sponsored captive insurance company and to each of its protected cells.

(b) Upon any order of supervision, rehabilitation, or liquidation of a sponsored captive insurance company or any of its protected cells, the receiver shall manage the assets and liabilities of the sponsored captive insurance company or any of its protected cells pursuant to the provisions of this subchapter.

(c) Notwithstanding the provisions of chapter 145 of this title to the contrary:

(1) In connection with the conservation, rehabilitation, or liquidation of a sponsored captive insurance company or any of its protected cells, the assets and liabilities of a protected cell shall at all times be kept separate from, and shall not be commingled with, those of other protected cells and the sponsored captive insurance company.

(2) The assets of a protected cell may not be used to pay any expenses or claims other than those attributable to such protected cell.

(3) Unless the sponsor consents and the Commissioner has granted prior written approval, the assets of the sponsored captive insurance company's general account shall not be used to pay any expenses or claims attributable solely to a protected cell or protected cells of the sponsored captive insurance company. In the event that the assets of the sponsored captive insurance company's general account are used to pay expenses or claims attributable solely to a protected cell or protected cells of the sponsored captive insurance company, the sponsor is not required to contribute additional capital and surplus to the sponsored captive insurance company's general account, notwithstanding the provisions of section 6004 of this title.

(4) A sponsored captive insurance company's capital and surplus shall at all times be available to pay any expenses of or claims against the sponsored captive insurance company.

(d) Notwithstanding the provisions of chapter 145 of this title or any other provision of law to the contrary, and, in addition to the provisions of this section, in the event of an insolvency of a sponsored captive insurance company or any of its protected cells where the Commissioner determines that one or more protected cells remain solvent, the Commissioner may separate such cells from the sponsored captive insurance company and, on application of the sponsor, may allow for the conversion of such protected cells into one or more new or existing sponsored captive insurance companies, or one or more other captive insurance companies, pursuant to a plan or plans of operation approved by the Commissioner.

(e) Notwithstanding the provisions of chapter 145 of this title or any other provision of law to the contrary, and in addition to the provisions of this section, in the event of an insolvency of one or more protected cells of a sponsored captive insurance company, the Commissioner may separate such cell or cells from the sponsored captive insurance company and may allow for the conversion of such protected cell or cells into one or more new or existing sponsored captive insurance companies, or one or more other captive insurance companies, pursuant to a plan or plans of operation approved by the Commissioner.

Sec. 15. 8 V.S.A. § 6032(7)(C) is amended to read:

(C) that insures the risks only of its participants or, subject to Commissioner approval, other parties unaffiliated with a participant, through separate participant contracts; and

Sec. 16. 8 V.S.A. § 6034 is amended to read:

§ 6034. PROTECTED CELLS

* * *

~~(7) Each sponsored captive insurance company shall annually file with the Commissioner such financial reports as the Commissioner shall require, which shall include accounting statements detailing the financial experience of each protected cell.~~

(8)(7) Each sponsored captive insurance company shall notify the Commissioner in writing within 10 business days of any protected cell that is insolvent or otherwise unable to meet its claim or expense obligations.

(9)(8) No participant contract shall take effect without the Commissioner's prior written approval, and the addition of each new protected cell and withdrawal of any participant or termination of any existing protected cell shall constitute a change in the business plan requiring the Commissioner's prior written approval.

~~(10)(9)~~ If required by the Commissioner, in his or her discretion, the business written by a sponsored captive, with respect to each cell, shall be:

(A) Fronted by an insurance company licensed under the laws of any state.

(B) Reinsured by a reinsurer authorized or approved by the State of Vermont.

(C) Secured by a trust fund in the United States for the benefit of policyholders and claimants or funded by an irrevocable letter of credit or other arrangement that is acceptable to the Commissioner. The Commissioner may require the sponsored captive to increase the funding of any security arrangement established under this subdivision. If the form of security is a letter of credit, the letter of credit must be issued or confirmed by a bank approved by the Commissioner. A trust maintained pursuant to this subdivision shall be established in a form and upon such terms approved by the Commissioner.

Sec. 17. 8 V.S.A. § 6034f is added to read:

§ 6034f. ANNUAL REPORT; BOOKS AND RECORDS

(a) For purposes of subsection 6007(b) of this chapter:

(1) Each sponsored captive insurance company shall annually file with the Commissioner such financial reports as the Commissioner requires, which shall include accounting statements detailing the financial experience of each protected cell.

(2) Unless otherwise approved in advance by the Commissioner, a sponsored captive insurance company shall maintain its books, records, documents, accounts, vouchers, and agreements in this State. A sponsored

captive insurance company shall make its books, records, documents, accounts, vouchers, and agreements available for inspection by the Commissioner at any time. A sponsored captive insurance company shall keep its books and records in such manner that its financial condition, affairs, and operations can be readily ascertained and so that the Commissioner may readily verify its financial statements and determine its compliance with this chapter.

(3) Unless otherwise approved in advance by the Commissioner, all original books, records, documents, accounts, vouchers, and agreements shall be preserved and kept available in this State for the purpose of examination and inspection and until such time as the Commissioner approves the destruction or other disposition of such books, records, documents, accounts, vouchers, and agreements. If the Commissioner approves the keeping of the items listed in this subdivision outside this State, the sponsored captive insurance company shall maintain in this State a complete and true copy of each such original. Books, records, documents, accounts, vouchers, and agreements may be photographed, reproduced on film, or stored and reproduced electronically.

Sec. 18. 8 V.S.A. § 6002(a) is amended to read:

(a) Any captive insurance company, when permitted by its articles of association, charter, or other organizational document, may apply to the Commissioner for a license to do any and all insurance comprised in subdivisions 3301(a)(1), (2), (3)(A)–(C), (E)–(Q), and (4)–(9) of this title and may grant annuity contracts as defined in section 3717 of this title, and may accept or transfer risk by means of a parametric contract; provided, however, that:

* * *

(10) Any captive insurance company that transfers risk by means of a parametric contract shall comply with all applicable State and federal laws and regulations. As used in this subdivision, “parametric contract” means a contract to make a payment upon the occurrence of one or more specified triggering events without proof of loss or obligation to indemnify. A parametric contract is not an insurance contract.

Sec. 19. 8 V.S.A. § 6006a(b) is amended to read:

(b) When such merger ~~or consolidation~~ has been effected as provided in this section:

* * *

* * * Vermont Insurance Data Security Law * * *

Sec. 20. 8 V.S.A. § 4728 is added to read:

§ 4728. INSURANCE DATA SECURITY

(a) Title. This section shall be known and may be cited as the “Vermont Insurance Data Security Law.”

(b) Construction.

(1) Notwithstanding any other provision of law, this section establishes the exclusive State standards applicable to licensees for data security and for the investigation of a cybersecurity event.

(2) This section shall not be construed to change any aspect of the Security Breach Notice Act, 9 V.S.A. § 2435.

(3) This section may not be construed to create or imply a private cause of action for violation of its provisions, nor may it be construed to curtail a private cause of action which would otherwise exist in the absence of this section.

(4) A licensee in compliance with N.Y. Comp. Codes R. & Regs. Title 23, section 500, Cybersecurity Requirements for Financial Services Companies, effective March 1, 2017, shall be considered to meet the requirements of this section, provided that the licensee submits a written statement to the Commissioner certifying such compliance.

(c) Definitions. As used in this section:

(1) “Authorized person” means a person known to and screened by the licensee and determined to be necessary and appropriate to have access to the nonpublic information held by the licensee and its information systems.

(2) “Consumer” means an individual, including but not limited to an applicant, policyholder, insured, beneficiary, claimant, or certificate holder, who is a resident of this State and whose nonpublic information is in a licensee’s possession, custody, or control.

(3) “Cybersecurity event” means an event resulting in unauthorized access to or disruption or misuse of an information system or nonpublic information stored on such information system. The term “cybersecurity event” does not include:

(A) the unauthorized acquisition of encrypted nonpublic information if the encryption, process, or key is not also acquired, released, or used without authorization; or

(B) an event with regard to which the licensee has determined that the nonpublic information accessed by an unauthorized person has not been used or released and has been returned or destroyed.

(4) “Encrypted” means the transformation of data into a form that results in a low probability of assigning meaning without the use of a protective process or key.

(5) “Information security program” means the administrative, technical, and physical safeguards that a licensee uses to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle nonpublic information.

(6) “Information system” means a discrete set of electronic information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of electronic information, as well as any specialized system such as an industrial/process controls system, telephone switching and private branch exchange system, or environmental control system.

(7) “Licensee” means a person licensed, authorized to operate, or registered or required to be licensed, authorized, or registered pursuant to the insurance laws of this State, but shall not include:

(A) a captive insurance company;

(B) a purchasing group or risk retention group chartered; or

(C) a licensee domiciled in a jurisdiction other than this State or a person that is acting as an assuming insurer for a licensee domiciled in this State.

(8) “Multi-factor authentication” means authentication through verification of at least two of the following types of authentication factors:

(A) a knowledge factor, such as a password;

(B) a possession factor, such as a token or text message on a mobile phone; or

(C) an inherence factor, such as a biometric characteristic.

(9) “Nonpublic information” means information that is not publicly available information and is:

(A) business-related information of a licensee, the tampering with which, or unauthorized disclosure, access, or use of which would cause a material adverse impact to the business, operations, or security of the licensee;

(B) information concerning a consumer that, because of name, number, personal mark, or other identifier, can be used to identify such consumer, in combination with any one or more of the following data elements:

- (i) Social Security number;
- (ii) driver's license number or nondriver identification card number;
- (iii) individual taxpayer identification number;
- (iv) passport number;
- (v) military identification card number;
- (vi) financial account number or credit or debit card number;
- (vii) security code, access code, or password that would permit access to a consumer's financial account; or
- (viii) biometric record;

(C) information or data, except age or gender, in any form or medium created by or derived from a health care provider or a consumer, that relates to:

- (i) the past, present, or future physical, mental, or behavioral health or condition of any consumer or a member of the consumer's family;
- (ii) the provision of health care to any consumer; or
- (iii) payment for the provision of health care to any consumer.

(10)(A) "Publicly available information" means information that a licensee has a reasonable basis to believe is lawfully made available to the general public from federal, state, or local government records, widely distributed media, or disclosures to the general public that are required to be made by federal, state, or local law.

(B) As used in this subdivision, a licensee has a "reasonable basis to believe" that information is lawfully made available to the general public if the licensee has taken steps to determine:

- (i) that the information is of the type that is available to the general public; and
- (ii) whether a consumer can direct that the information not be made available to the general public and, if so, that the consumer has not done so.

(11) “Risk assessment” means the risk assessment that each licensee is required to conduct under subdivision (d)(3) of this section.

(12) “Third-party service provider” means a person, not otherwise defined as a licensee, that contracts with a licensee to maintain, process, or store nonpublic information or is otherwise permitted access to nonpublic information through its provision of services to the licensee.

(d) Information Security Program.

(1) Commensurate with the size and complexity of the licensee, the nature and scope of the licensee’s activities, including its use of third-party service providers, and the sensitivity of the nonpublic information used by the licensee or in the licensee’s possession, custody, or control, each licensee shall develop, implement, and maintain a comprehensive written information security program that is based on the licensee’s risk assessment and contains administrative, technical, and physical safeguards for the protection of nonpublic information and the licensee’s information system.

(2) A licensee’s information security program shall be designed to:

(A) protect the security and confidentiality of nonpublic information and the security of the information system;

(B) protect against any threats or hazards to the security or integrity of nonpublic information and the information system;

(C) protect against unauthorized access to or use of nonpublic information and minimize the likelihood of harm to any consumer; and

(D) define and periodically reevaluate a schedule for retention of nonpublic information and a mechanism for its destruction when no longer needed.

(3) The licensee shall:

(A) designate one or more employees, an affiliate, or an outside vendor designated to act on behalf of the licensee to be responsible for the information security program;

(B) identify reasonably foreseeable internal or external threats that could result in unauthorized access, transmission, disclosure, misuse, alteration, or destruction of nonpublic information, including the security of information systems and nonpublic information that are accessible to or held by third-party service providers;

(C) assess the likelihood and potential damage of these threats, taking into consideration the sensitivity of the nonpublic information;

(D) assess the sufficiency of policies, procedures, information systems, and other safeguards in place to manage these threats, including consideration of threats in each relevant area of the licensee's operations, including:

(i) employee training and management;

(ii) information systems, including network and software design, as well as information classification, governance, processing, storage, transmission, and disposal; and

(iii) detecting, preventing, and responding to attacks, intrusions, or other systems failures; and

(E) implement information safeguards to manage the threats identified in its ongoing assessment and, not less than annually, assess the effectiveness of the safeguards' key controls, systems, and procedures.

(4) Based on its risk assessment, the licensee shall:

(A) Design its information security program to mitigate the identified risks, commensurate with the size and complexity of the licensee, the nature and scope of the licensee's activities, including its use of third-party service providers, and the sensitivity of the nonpublic information used by the licensee or in the licensee's possession, custody, or control.

(B) Determine which security measures listed below are appropriate and implement such security measures:

(i) place access controls on information systems, including controls to authenticate and permit access only to authorized persons to protect against the unauthorized acquisition of nonpublic information;

(ii) identify and manage the data, personnel, devices, systems, and facilities that enable the organization to achieve business purposes in accordance with their relative importance to business objectives and the organization's risk strategy;

(iii) restrict physical access to nonpublic information to authorized persons only;

(iv) protect by encryption or other appropriate means all nonpublic information while being transmitted over an external network and all nonpublic information stored on a laptop computer or other portable computing or storage device or media;

(v) adopt secure development practices for in-house developed applications utilized by the licensee and procedures for evaluating, assessing,

or testing the security of externally developed applications utilized by the licensee;

(vi) modify the information system in accordance with the licensee's information security program;

(vii) utilize effective controls, which may include multi-factor authentication procedures, for any individual accessing nonpublic information;

(viii) regularly test and monitor systems and procedures to detect actual and attempted attacks on or intrusions into information systems;

(ix) include audit trails within the information security program designed to detect and respond to cybersecurity events and reconstruct material financial transactions sufficient to support normal operations and obligations of the licensee;

(x) implement measures to protect against destruction, loss, or damage of nonpublic information due to environmental hazards, such as fire and water damage or other catastrophes or technological failures; and

(xi) develop, implement, and maintain procedures for the secure disposal of nonpublic information in any format.

(C) Include cybersecurity risks in the licensee's enterprise risk management process.

(D) Stay informed regarding emerging threats and vulnerabilities and utilize reasonable security measures when sharing information relative to the character of the sharing and the type of information shared.

(E) Provide its personnel with cybersecurity awareness training that is updated as necessary to reflect risks identified by the licensee in the risk assessment.

(5)(A) If the licensee has a board of directors, the board or an appropriate committee of the board shall, at a minimum:

(i) require the licensee's executive management or its delegates to develop, implement, and maintain the licensee's information security program;

(ii) require the licensee's executive management or its delegates to report in writing at least annually the following information:

(I) the overall status of the information security program and the licensee's compliance with this section; and

(II) material matters related to the information security program, addressing issues such as risk assessment; risk management and control decisions; third-party service provider arrangements; results of testing,

cybersecurity events, or violations and management's responses thereto; and recommendations for changes in the information security program.

(B) If executive management delegates any of its responsibilities under subsection (d) of this section, it shall oversee the development, implementation, and maintenance of the licensee's information security program prepared by the delegate or delegates and shall receive a report from the delegate or delegates complying with the requirements of the report to the board of directors.

(6)(A) A licensee shall exercise due diligence in selecting its third-party service provider.

(B) A licensee shall require a third-party service provider to implement appropriate administrative, technical, and physical measures to protect and secure the information systems and nonpublic information that are accessible to or held by the third-party service provider.

(7) A licensee shall monitor, evaluate, and adjust, as appropriate, the information security program consistent with any relevant changes in technology, the sensitivity of its nonpublic information, internal or external threats to information, and the licensee's own changing business arrangements, such as mergers and acquisitions, alliances and joint ventures, outsourcing arrangements, and changes to information systems.

(8)(A) As part of its information security program, a licensee shall establish a written incident response plan designed to promptly respond to and recover from any cybersecurity event that compromises the confidentiality, integrity, or availability of nonpublic information in its possession; the licensee's information systems; or the continuing functionality of any aspect of the licensee's business or operations.

(B) The incident response plan shall address the following areas:

- (i) the internal process for responding to a cybersecurity event;
- (ii) the goals of the incident response plan;
- (iii) the definition of clear roles, responsibilities, and levels of decision-making authority;
- (iv) external and internal communications and information sharing;
- (v) identification of requirements for the remediation of any identified weaknesses in information systems and associated controls;
- (vi) documentation and reporting regarding cybersecurity events and related incident response activities; and

(vii) the evaluation and revision as necessary of the incident response plan following a cybersecurity event.

(9) Annually, each insurer domiciled in this State shall submit to the Commissioner a written statement on or before April 15, certifying that the insurer is compliant with the requirements established in subsection (d) of this section. Each insurer shall maintain for examination by the Commissioner all records, schedules, and data supporting this certificate for a period of five years. To the extent an insurer has identified areas, systems, or processes that require material improvement, updating, or redesign, the insurer shall document the identification and the remedial efforts planned and underway to address such areas, systems, or processes. Such documentation shall be available for inspection by the Commissioner.

(e) Investigation of a Cybersecurity Event.

(1) If the licensee learns that a cybersecurity event has or may have occurred, the licensee or an outside vendor or service provider, or both, designated to act on behalf of the licensee shall conduct a prompt investigation.

(2) During the investigation, the licensee or an outside vendor or service provider, or both, designated to act on behalf of the licensee shall, at a minimum, make the best effort to:

(A) determine whether a cybersecurity event has occurred;

(B) assess the nature and scope of the cybersecurity event;

(C) identify any nonpublic information that may have been involved in the cybersecurity event; and

(D) perform or oversee reasonable measures to restore the security of the information systems compromised in the cybersecurity event in order to prevent further unauthorized acquisition, release, or use of nonpublic information in the licensee's possession, custody, or control.

(3) The licensee shall maintain records concerning all cybersecurity events for a period of at least five years from the date of the cybersecurity event and shall produce those records upon demand of the Commissioner.

(f) Power of Commissioner.

(1) The Commissioner shall have power to examine and investigate into the affairs of any licensee to determine whether the licensee has been or is engaged in any conduct in violation of this section. This power is in addition to the powers the Commissioner has under section 4726 of this title and

9 V.S.A. § 2435(h)(2). Any such investigation or examination shall be conducted pursuant to section 4726 of this title.

(2) Whenever the Commissioner has reason to believe that a licensee has been or is engaged in conduct in this State that violates this section, the Commissioner may take action that is necessary or appropriate to enforce the provisions of this section.

(g) Confidentiality.

(1) Any documents, materials or other information in the control or possession of the Commissioner that are furnished by a licensee or an employee or agent thereof acting on behalf of the licensee pursuant to subdivision (d)(8) of this section, or that are obtained by the Commissioner in an investigation or examination pursuant to subsection (f) of this section, shall be confidential by law and privileged, shall not be subject to 1 V.S.A. §§ 315–320, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the Commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner’s duties.

(2) Neither the Commissioner nor any person who received documents, materials, or other information while acting under the authority of the Commissioner shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subdivision (g)(1) of this section.

(3) To assist in the performance of the Commissioner’s duties under this section, the Commissioner may:

(A) share documents, materials, or other information, including confidential and privileged documents, materials, or information subject to subdivision (g)(1) of this section, with other state, federal, and international regulatory agencies, the National Association of Insurance Commissioners, its affiliates or subsidiaries, and state, federal, and international law enforcement authorities, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information shared;

(B) receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information, from the National Association of Insurance Commissioners, its affiliates or subsidiaries, and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or information received with notice or the

understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information;

(C) share documents, materials, or other information subject to subdivision (g)(1) of this section with a third-party consultant or vendor, provided that the consultant agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information shared; and

(D) enter into agreements governing the sharing and use of information consistent with this subsection.

(4) No waiver of any applicable privilege or claim of confidentiality in any document, material, or information shall occur as a result of its disclosure to the Commissioner under this section or as a result of sharing as authorized in subdivision (g)(3) of this section.

(5) Nothing in this section shall prohibit the Commissioner from releasing final adjudicated actions that are open to public inspection pursuant to 1 V.S.A. §§ 315–320 to a database or other clearinghouse service maintained by the National Association of Insurance Commissioners or its affiliates or subsidiaries.

(h) Exceptions.

(1) The following exceptions apply to this section:

(A) A licensee with fewer than 20 employees, including any independent contractors, is exempt from subsection (d) of this section.

(B) A licensee that is in possession of protected health information subject to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Pub. L. No. 104–191, 110 Stat. 1936, that has established and maintains an information security program pursuant to such statutes and the rules, regulations, procedures, or guidelines established under HIPAA, is considered to meet the requirements of subsection (d) of this section, provided that the licensee is compliant with, and annually submits a written statement to, the Commissioner certifying its compliance with such program. As used in this section, the definition of “protected health information” is as set forth in HIPAA and the regulations promulgated under HIPAA and shall be considered to be a subset of nonpublic information.

(C) An employee, agent, representative, or designee of a licensee, who is also a licensee, is exempt from subsection (d) of this section and need not develop its own information security program to the extent that the employee, agent, representative, or designee is covered by the information security program of the other licensee.

(D) A licensee that is affiliated with a financial institution, as defined in subdivision 11101(32) of this title, or a credit union, as defined in subdivision 30101(5) of this title, that has established and maintains an information security program in compliance with the interagency guidelines establishing standards for safeguarding customer information as set forth in section 501(b) of the Gramm-Leach-Bliley Act, 15 U.S.C. § 6801 et seq., is considered to meet the requirements of subsection (d) of this section, provided that the licensee produces, upon request, documentation satisfactory to the Commissioner that independently validates the affiliated financial institution's or credit union's adoption of an information security program that satisfies the interagency guidelines.

(2) In the event that a licensee ceases to qualify for an exception, such licensee shall have 180 days to comply with this section.

(i) Penalties. In the case of a violation of this section, a licensee may be penalized in accordance with section 3661 or 4726 of this title, as appropriate.

(j) Effective date. This section shall take effect on January 1, 2023. A licensee shall have one year from the effective date of this section to implement subsection (d) of this section, other than subdivision (d)(6) of this section. A licensee shall have two years from the effective date of this section to implement subdivision (d)(6) of this section.

* * * Vermont Whistleblower Award and Protection Act * * *

Sec. 21. 9 V.S.A. § 5616 is amended to read:

§ 5616. VERMONT FINANCIAL SERVICES EDUCATION AND VICTIM
RESTITUTION SPECIAL FUND

(a) Purpose. The purpose of this section is to provide:

(1) funds for the purposes specified in subsection 5601(d) of this title;
and

(2) restitution assistance to victims of securities violations who:

(A) were awarded restitution in a final order issued by the Commissioner or were awarded restitution in the final order in a legal action initiated by the Commissioner;

(B) have not received the full amount of restitution ordered before the application for restitution assistance is due; and

(C) demonstrate to the Commissioner's satisfaction that there is no reasonable likelihood that they will receive the full amount of restitution in the future; and

(3) funds for the purposes specified in section 5617 of this title.

* * *

(f) Vermont Financial Services Education, and Victim Restitution, and Whistleblower Award Special Fund. The Vermont Financial Services Education, and Victim Restitution, and Whistleblower Award Special Fund, pursuant to 32 V.S.A. chapter 7, subchapter 5, is created to provide funds for the purposes specified in this section, and in subsection 5601(d) of this title, and in section 5617 of this title. All monies received by the State for use in financial services education initiatives pursuant to subsection 5601(d) of this title, or in providing uncompensated victims restitution pursuant to this section, or in providing whistleblower awards pursuant to section 5617 of this title shall be deposited into the Fund. The Commissioner may direct a party to deposit a sum not to exceed 15 percent of the total settlement amount into the Fund in conjunction with settling a State securities law enforcement matter. Interest earned on the Fund shall be retained in the Fund.

* * *

Sec. 22. 9 V.S.A. § 5617 is added to read:

§ 5617. VERMONT WHISTLEBLOWER AWARD AND PROTECTION

ACT

(a) Purpose. The purpose of this section is to provide:

(1) protection from retaliation for whistleblowers and internal reporters who comply with the requirements in this section; and

(2) monetary awards to whistleblowers who voluntarily provide original information that leads to the successful enforcement of an administrative or judicial action under chapter 150 of this title.

(b) Definitions. As used in this section,

(1) “Monetary sanction” means any monies, including penalties, disgorgement, and interest ordered to be paid as a result of an administrative or judicial action.

(2) “Original information” means information that is:

(A) derived from the independent knowledge or analysis of a whistleblower;

(B) not already known to the Commissioner from any other source, unless the whistleblower is the original source of the information;

(C) not exclusively derived from an allegation made in an administrative or judicial hearing; in a governmental report, hearing, audit, or

investigation; or from the news media, unless the whistleblower is the source of the information; and

(D) provided to the Commissioner for the first time after the date of the enactment of this section.

(3) “Whistleblower” means an individual who, alone or jointly with others, provides the State or other law enforcement agency with information pursuant to the provisions set forth in this section, and the information relates to a possible violation of state or federal securities laws, including any rules or regulations adopted or promulgated under such laws, that has occurred, is ongoing, or is about to occur.

(c) Authority to make a whistleblower award. Subject to the provisions of this section, the Commissioner may award an amount to one or more whistleblowers who voluntarily provide, in writing, in the form and manner required by the Commissioner, original information that leads to the successful enforcement of an administrative or judicial action under chapter 150 of this title.

(d) Anonymous whistleblower complaints. Any individual who anonymously makes a claim for a whistleblower award shall be represented by counsel if the individual anonymously submits the information upon which the claim is based. Prior to the payment of an award, a previously anonymous whistleblower shall disclose the whistleblower’s identity and provide such other information as the Commissioner may require, directly or through counsel for the whistleblower. Failure to provide such information shall be a basis to deny compensation under this section.

(e) Amount of a whistleblower award. If the Commissioner determines to make one or more awards under this section, the aggregate amount of awards that may be awarded in connection with an administrative or judicial action may not be less than 10 percent nor more than 30 percent of the monetary sanctions imposed and collected in the related administrative or judicial action.

(f) Discretion to determine the amount of a whistleblower award. The determination of the amount of an award made under this section shall be in the discretion of the Commissioner consistent with subsections (e) and (h) of this section.

(g) Source of payment of whistleblower award. Any whistleblower awards paid under this section shall be paid from the fund established in section 5616 of this title.

(h) Factors used to determine the amount of a whistleblower award. In determining the amount of an award under this section, the Commissioner shall consider:

(1) the significance of the original information provided by the whistleblower to the success of the administrative or judicial action;

(2) the degree of assistance provided by the whistleblower in connection with the administrative or judicial action;

(3) the programmatic interest of the Commissioner in deterring violations of the securities laws by making awards to whistleblowers who provide original information that leads to the successful enforcement of such laws; and

(4) any other factors the Commissioner considers relevant.

(i) Disqualification from award. The Commissioner shall not provide an award to a whistleblower under this section if the whistleblower:

(1) is convicted of a crime in connection with the administrative or judicial action for which the whistleblower otherwise could receive an award;

(2) acquires the original information through the performance of an audit of financial statements required under the securities laws and for whom providing the original information violates 15 U.S.C. § 78j-1;

(3) fails to timely submit information to the Commissioner in such form as the Commissioner may prescribe;

(4) knowingly or recklessly makes a false, fictitious, or fraudulent statement or representation as part of, or in connection with, the original information provided or the administrative or judicial proceeding for which the original information was provided;

(5) in the whistleblower's submission, its other dealings with the Commissioner, or in its dealings with another authority in connection with a possible violation or related action, knowingly or recklessly makes any false, fictitious, or fraudulent statement or representation or uses or provides any false writing or document knowing that or having a reckless disregard as to whether it contains any false, fictitious, or fraudulent statement or entry;

(6) has a legal duty to report the original information to the Commissioner;

(7) is, or was at the time the whistleblower acquired the original information submitted to the Commissioner, a member, officer, or employee of the Department of Financial Regulation, the Securities and Exchange Commission, any other state securities regulatory authority, a self-regulatory organization, the Public Company Accounting Oversight Board, or any law enforcement organization;

(8) is, or was at the time the whistleblower acquired the original information submitted to the Commissioner, a member, officer, or employee of a foreign government, any political subdivision, department, agency, or instrumentality of a foreign government, or any other foreign financial regulatory authority as that term is defined in 15 U.S.C. § 78c(a)(52);

(9) is the spouse, parent, child, or sibling of, or resides in the same household as, the Commissioner or an employee of the Department of Financial Regulation; or

(10) directly or indirectly acquires the original information provided to the Commissioner from a person:

(A) who is subject to subdivision (i)(2) of this section, unless the information is not excluded from that person's use, or provides the Commissioner with information about possible violations involving that person;

(B) who is a person described in subdivision (i)(7), (8), or (9) of this section; or

(C) with the intent to evade any provision of this section.

(j) Protection of whistleblowers and internal reporters.

(1) No employer may terminate, discharge, demote, suspend, threaten, harass, directly or indirectly, or in any other manner retaliate against, an individual because of any lawful act done by the individual:

(A) in providing information to the State or other law enforcement agency concerning a possible violation of state or federal securities laws, including any rules or regulations adopted or promulgated under such laws, that has occurred, is ongoing, or is about to occur;

(B) in initiating, testifying in, or assisting in any investigation or administrative or judicial action of the Commissioner or other law enforcement agency based upon or related to such information;

(C) in making disclosures that are required or protected under the Sarbanes-Oxley Act of 2002 (15 U.S.C. § 7201 et seq.), the Securities Act of 1933 (15 U.S.C. § 77a et seq.), the Securities Exchange Act of 1934 (15 U.S.C. § 78a et seq.), 18 U.S.C. § 1513(e), any other law, rule, or regulation subject to the jurisdiction of the Securities and Exchange Commission, or chapter 150 of this title or a rule adopted under chapter 150 of this title; or

(D) in making disclosures to a person with supervisory authority over the employee or to such other person working for the employer who has the authority to investigate, discover, or terminate misconduct regarding matters

subject to the jurisdiction of the Commissioner or the Securities and Exchange Commission.

(2) Notwithstanding subdivision (j)(1) of this section, an individual is not protected under this section if:

(A) the individual knowingly or recklessly makes a false, fictitious, or fraudulent statement or representation as part of, or in connection with, the original information provided or the administrative or judicial proceeding for which the original information was provided; or

(B) the individual, in its dealings with its supervisor, the State, law enforcement, or any other authority in connection with a possible violation or related action, knowingly or recklessly makes any false, fictitious, or fraudulent statement or representation or uses or provides any false writing or document knowing that or having a reckless disregard as to whether it contains any false, fictitious, or fraudulent statement or entry.

(3) An individual who alleges any act of retaliation in violation of subdivision (j)(1) of this section may bring an action for the relief provided in subdivision (j)(6) of this section in the court of original jurisdiction for the county or state where the alleged violation occurs, the individual resides, or the person against whom the action is filed resides or has a principal place of business.

(4) A subpoena requiring the attendance of a witness at a trial or hearing conducted under subdivision (j)(3) of this section may be served at any place in the United States.

(5) An action under subdivision (j)(3) of this section may not be brought more than the latest of:

(A) six years after the date on which the violation of subdivision (j)(1) of this section occurred;

(B) three years after the date when facts material to the right of action are known or reasonably should have been known by the employee alleging a violation of subdivision (j)(1) of this section;

(C) but in no event more than 10 years after the date on which the violation occurs.

(6) A court may award as relief for an individual prevailing in an action brought under this subsection:

(A) reinstatement with the same compensation, fringe benefits, and seniority status that the individual would have had, but for the retaliation;

(B) two times the amount of back pay otherwise owed to the individual, with interest;

(C) compensation for litigation costs, expert witness fees, and reasonable attorneys' fees;

(D) actual damages;

(E) an injunction to restrain a violation; or

(F) any combination of these remedies.

(7) Information that could reasonably be expected to reveal the identity of a whistleblower is exempt from public disclosure under 1 V.S.A. § 316. This subsection does not limit the ability of any person to present evidence to a grand jury or to share evidence with potential witnesses or defendants in the course of an ongoing criminal investigation.

(8) No person may take any action to impede an individual from communicating directly with the Commissioner or the Commissioner's staff about a possible securities law violation, including enforcing, or threatening to enforce, a confidentiality agreement with respect to such communications, except with respect to:

(A) agreements concerning communications covered by the attorney-client privilege, unless disclosure of that information would otherwise be permitted by an attorney under applicable state attorney conduct rules or otherwise; and

(B) information obtained in connection with legal representation of a client on whose behalf an individual or the individual's employer or firm are providing services, and the individual is seeking to use the information to make a whistleblower submission for the individual's own benefit, unless disclosure would otherwise be permitted by an attorney pursuant to applicable state attorney conduct rules or otherwise.

(9) The rights and remedies provided for in this section may not be waived by any agreement, policy form, or condition of employment, including by a predispute arbitration agreement.

(10) Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any individual under any federal or state law, or under any collective bargaining agreement.

(k) The Commissioner may adopt such rules as may be necessary or appropriate to implement the provisions of this section consistent with its purpose.

* * * Credit for Reinsurance * * *

Sec. 23. 8 V.S.A. § 3634a is amended to read:

§ 3634a. CREDIT FOR REINSURANCE

(a) Purpose. It is the purpose of this section to protect the interest of insureds, claimants, ceding insurers, assuming insurers, and the public generally. The General Assembly hereby declares its intent is to ensure adequate regulation of insurers and reinsurers and adequate protection for those to whom they owe obligations. In furtherance of that State interest, the General Assembly hereby provides a mandate that upon the insolvency of a non-U.S. insurer or reinsurer that provides security to fund its U.S. obligations in accordance with this section, the assets representing the security shall be maintained in the United States and claims shall be filed with and valued by the state insurance Commissioner with regulatory oversight, and the assets shall be distributed in accordance with the insurance laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic U.S. insurance companies. The General Assembly declares that the matters contained in this section are fundamental to the business of insurance in accordance with 15 U.S.C. §§ 1011-1012.

(b) Credit allowed a domestic ceding insurer. Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a ~~deduction~~ reduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of subdivision (1), (2), (3), (4), (5), (6), or (7) of this subsection (b), provided that the Commissioner may adopt by rule or regulation pursuant to subdivision (e)(2) of this section specific additional requirements relating to any or all of the following: the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance arrangements described in subdivision (e)(2) of this section, or the circumstances pursuant to which credit will be reduced or eliminated. Credit shall be allowed under subdivision (1), (2), or (3) of this subsection (b) only with respect to cessions of those kinds or classes of business that the assuming insurer is licensed or otherwise permitted to write or assume in its state of domicile or, in the case of a U.S. branch of an alien assuming insurer, in the state through which it is entered and licensed to transact insurance or reinsurance. Credit shall be allowed under subdivision (3) or (4) of this subsection (b) only if the applicable requirements of subdivision (8) of this subsection (b) have been satisfied.

(1) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is licensed to transact insurance or reinsurance in this State.

(2) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is accredited by the Commissioner as a reinsurer in this State. An accredited reinsurer is one that:

(A) files with the Commissioner evidence of its submission to this State's jurisdiction;

(B) submits to this State's authority to examine its books and records;

(C) is licensed to transact insurance or reinsurance in at least one state or, in the case of a U.S. branch of an alien assuming insurer, is entered through and licensed to transact insurance or reinsurance in at least one state;

(D) files annually with the Commissioner ~~on or before March 1 of each year~~ a copy of its annual statement filed with the insurance department of its state of domicile and ~~files on or before June 1 of each year~~ a copy of its most recent audited financial statement;

(E) files with the Commissioner its charter, bylaws, and any other material required by the Commissioner;

(F) pays an initial fee of \$500.00 and thereafter an annual fee of \$200.00 on or before March 1 of each year; and

(G) demonstrates to the satisfaction of the Commissioner that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer is deemed to meet this requirement, provided that at the time of its application it:

(i) maintains a surplus for policyholders that is not less than \$20,000,000.00 and whose accreditation has not been denied by the Commissioner within 90 days of following its submission; or

(ii) maintains a surplus for policyholders in an amount less than \$20,000,000.00 and whose accreditation has been approved the Commissioner.

~~(H) Credit for reinsurance ceded to a certified reinsurer shall be permitted only for reinsurance contracts entered into or renewed on or after the effective date of the certification of the assuming insurer by the Commissioner.~~

(3)(A) Credit shall be allowed when the reinsurance is ceded to an assuming insurer ~~which~~ that is domiciled and licensed in, or in the case of a U.S. branch of an alien assuming insurer is entered through, a state that employs standards regarding credit for reinsurance substantially similar to those applicable under this statute and the assuming insurer or U.S. branch of an alien assuming insurer:

(i) maintains a surplus for policyholders in an amount not less than \$20,000,000.00; and

(ii) submits to the authority of this State to examine its books and records.

(B) The requirement of subdivision (3)(A)(i) of this subsection (b) does not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system.

(4)(A) Credit shall be allowed when the reinsurance is ceded to an assuming insurer ~~which that~~ maintains a trust fund in a qualified U.S. financial institution, as defined in subdivision (d)(2) of this section, for the payment of the valid claims of its U.S. policyholders and ceding insurers, their assigns, and successors in interest. The assuming insurer shall report annually to the Commissioner information required by the Commissioner and substantially the same as that required to be reported on the National Association of Insurance Commissioners' Annual Statement form by licensed insurers to enable the Commissioner to determine the sufficiency of the trust fund. ~~On or before February 28 of each year, the trustees of the trust shall report to the Commissioner in writing setting forth the balance of the trust and listing the trust's investments at the preceding year-end and shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the next following December 31. A trust and trust instrument maintained pursuant to this subdivision shall:~~

~~(i) be established in a form and upon such terms approved by the Commissioner;~~

~~(ii) provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States;~~

~~(iii) vest legal title to its assets in the trustees of the trust for its U.S. policyholders and ceding insurers, their assigns and successors in interest;~~

~~(iv) be subject to examination as determined by the Commissioner;~~

~~(v) remain in effect for as long as the assuming insurer shall have outstanding obligations due under the reinsurance agreements subject to the trust; and~~

~~(vi) be filed with the Commissioner of every state in which the ceding insurer beneficiaries of the trust are domiciled. The assuming insurer shall submit to examination of its books and records by the Commissioner and bear the expense of the examination.~~

(B)(i) Credit for reinsurance shall not be granted under this subsection (b) unless the form of the trust and any amendments to the trust have been approved by:

(I) the commissioner of the state where the trust is domiciled;
or

(II) the commissioner of another state who, pursuant to the terms of the trust instrument, has accepted principal regulatory oversight of the trust.

(ii) The form of the trust and any trust amendments also shall be filed with the commissioner of every state in which the ceding insurer beneficiaries of the trust are domiciled. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to its assets in its trustees for the benefit of the assuming insurer's U.S. ceding insurers, their assigns, and successors in interest. The trust and the assuming insurer shall be subject to examination as determined by the Commissioner.

(iii) The trust shall remain in effect for as long as the assuming insurer has outstanding obligations due under the reinsurance agreements subject to the trust. Not later than February 28 of each year the trustee of the trust shall report to the Commissioner in writing the balance of the trust and a list of the trust's investments at the preceding year-end and shall certify the date of termination of the trust, if so planned, or certify that the trust will not expire prior to the following December 31.

(C) The following requirements shall apply to the following categories of assuming insurer:

(i) In the case of a single assuming insurer, the trust fund shall consist of a ~~trusteed account~~ funds in trust in an amount not less than ~~representing the assuming insurer's liabilities attributable to business written in the United States~~ reinsurance ceded by U.S. ceding insurers, and, in addition, the assuming insurer shall maintain a trusteed surplus of not less than \$20,000,000.00, except at any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three full years, the ~~Commissioner~~ commissioner with principal regulatory oversight of the trust may authorize a reduction in the required trusteed surplus, but only after a finding, based on an assessment of the risk, that the new required surplus level is adequate for the protection of U.S. ceding insurers, policyholders, and claimants in light of reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review, including

an independent analysis of reserves and cash flows, and shall consider all material risk factors, including when applicable the lines of business involved, the stability of the incurred loss estimates, and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trusteed surplus may not be reduced to an amount less than 30 percent of the assuming insurer's liabilities attributable to reinsurance ceded by U.S. ceding insurers covered by the trust.

~~(C)(ii)(I) In the case of a group including incorporated and individual unincorporated underwriters, the trust shall consist of a trusteed account representing the group's liabilities attributable to business written in the United States and, in addition, the group shall maintain a trusteed surplus of which \$100,000,000.00 shall be held jointly for the benefit of U.S. ceding insurers of any member of the group; the incorporated members of the group shall not engage in any business other than underwriting as a member of the group and shall be subject to the same level of solvency regulation and control by the group's domiciliary regulator as are the unincorporated members; and the group shall make available to the Commissioner an annual certification of the solvency of each underwriter by the group's domiciliary regulator and its independent public accountants;~~

(aa) for reinsurance ceded under reinsurance agreements with an inception, amendment, or renewal date on or after January 1, 1993, the trust shall consist of a trusted account in an amount not less than the respective underwriters' several liabilities attributable to business ceded by U.S. domiciled ceding insurers to any underwriter of the group;

(bb) for reinsurance ceded under reinsurance agreements with an inception date on or before December 31, 1992, and not amended or renewed after that date, notwithstanding the other provisions of this section, the trust shall consist of a trusteed account in an amount not less than the respective underwriters' several insurance and reinsurance liabilities attributable to business written in the United States; and

(cc) in addition to the trusts specified in subdivisions (aa) and (bb) of this subdivision (C)(ii)(I), the group shall maintain in trust a trusteed surplus of which \$100,000,000.00 shall be held jointly for the benefit of U.S. domiciled ceding insurers of any member of the group for all years of the account.

(II) The incorporated members of the group shall not engage in any business other than underwriting as a member of the group and shall be subject to the same level of regulation and solvency control by the group's domiciliary regulator as are the unincorporated members.

(III) Within 90 days after its financial statements are due to be filed with the group's domiciliary regulator, the group shall provide to the Commissioner an annual certification of the solvency of each underwriter member by the group's domiciliary regulator or, if certification is unavailable, financial statements prepared by independent public accountants of each underwriter member of the group.

~~(D)(iii)~~ In the case of a group of incorporated insurers under common administration ~~which complies with the filing requirements contained in subdivision (b)(2) of this section and which has,~~ the group shall:

~~(I) have continuously transacted an insurance business outside the United States for at least three years immediately prior to making application for accreditation, and submits to this State's authority to examine its books and records and bears the expense of the examination, and which has aggregate policyholders' surplus of \$10,000,000,000.00, the trust shall be in an amount equal to the group's several liabilities attributable to business ceded by U.S. ceding insurers to any member of the group pursuant to reinsurance contracts issued in the name of such group, plus the group shall maintain a joint-trusted surplus of which \$100,000,000.00 shall be held jointly for the benefit of U.S. ceding insurers of any member of the group as additional security for any such liabilities, and each member of the group shall make available to the Commissioner an annual certification of the member's solvency by the member's domiciliary regulator and its independent public accountant;~~

(II) maintain aggregate policyholders' surplus of at least \$10,000,000,000.00;

(III) maintain a trust fund in an amount not less than the group's several liabilities attributable to business ceded by U.S. domiciled ceding insurers to any member of the group pursuant to reinsurance contracts issued in the name of such group;

(IV) maintain a joint-trusted surplus of which \$100,000,000.00 shall be held jointly for the benefit of U.S. domiciled ceding insurers of any member of the group as additional security for liabilities; and

(V) within 90 days after its financial statements are due to be filed with the group's domiciliary regulator, make available to the Commissioner an annual certification of each underwriter member's solvency by the member's domiciliary regulator and financial statements of each underwriter member of the group prepared by an independent public accountant.

(5) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that has been certified by the Commissioner as a reinsurer in this State and secures its obligations in accordance with the requirements of this subdivision.

(A) In order to be eligible for certification, the assuming insurer shall:

(i) be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by the Commissioner under subdivision (C) of this subdivision (5);

(ii) maintain minimum capital and surplus, or its equivalent, in an amount to be determined by the Commissioner by rule or regulation;

(iii) maintain financial strength ratings from two or more rating agencies deemed acceptable by the Commissioner by rule or regulation;

(iv) agree to submit to the jurisdiction of this State, appoint the Commissioner as its agent for service of process in this State, and agree to provide security for 100 percent of the assuming insurer's liabilities attributable to reinsurance ceded by U.S. ceding insurers if it resists enforcement of a final U.S. judgment;

(v) agree to meet applicable information filing requirements as determined by the Commissioner, both with respect to an initial application for certification and on an ongoing basis; and

(vi) ~~the assuming insurer must~~ satisfy any other requirements for certification deemed relevant by the Commissioner.

(B) An ~~Association~~ association, including incorporated and individual unincorporated underwriters, may be a certified reinsurer. In order to be eligible for certification, in addition to satisfying the requirements of subdivision (A) of this subdivision (5):

(i) The ~~Association~~ association shall satisfy its minimum capital and surplus requirements through the capital and surplus equivalents, net of liabilities, of the ~~Association~~ association and its members, which shall include a joint central fund that may be applied to any unsatisfied obligation of the ~~Association~~ association or any of its members, in an amount determined by the Commissioner to provide adequate protection.

(ii) The incorporated members of the ~~Association~~ association shall not be engaged in any business other than underwriting as a member of the ~~Association~~ association and shall be subject to the same level of regulation and solvency control by the ~~Association's~~ association's domiciliary regulator as are the unincorporated members.

(iii) Within 90 days after its financial statements are due to be filed with the ~~Association's~~ association's domiciliary regulator, the ~~Association~~ association shall provide to the Commissioner an annual certification by the ~~Association's~~ association's domiciliary regulator of the solvency of each underwriter member; or, if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the ~~Association~~ association.

(C) The Commissioner shall create and publish a list of qualified jurisdictions under which an assuming insurer licensed and domiciled in such jurisdiction is eligible to be considered for certification by the Commissioner as a certified reinsurer.

(i) In order to determine whether the domiciliary jurisdiction of a non-U.S. assuming insurer is eligible to be recognized as a qualified jurisdiction, the Commissioner shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction, both initially and on an ongoing basis, and consider the rights, benefits, and extent of reciprocal recognition afforded by the non-U.S. jurisdiction to reinsurers licensed and domiciled in the United States. A qualified jurisdiction shall agree to share information and cooperate with the Commissioner with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction may not be recognized as a qualified jurisdiction if the Commissioner has determined that the jurisdiction does not adequately and promptly enforce final U.S. judgments and arbitration awards. Additional factors may be considered in the discretion of the Commissioner.

(ii) A list of qualified jurisdictions shall be published through the NAIC committee process. The Commissioner shall consider this list in determining qualified jurisdictions. If the Commissioner approves a jurisdiction as qualified that does not appear on the list of qualified jurisdictions, the Commissioner shall provide thoroughly documented justification in accordance with criteria to be developed by rule or regulation.

(iii) U.S. jurisdictions that meet the requirement for accreditation under the NAIC financial standards and accreditation program shall be recognized as qualified jurisdictions.

(iv) If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the Commissioner has the discretion to suspend the reinsurer's certification indefinitely, in lieu of revocation.

(D) The Commissioner shall assign a rating to each certified reinsurer, giving due consideration to the financial strength ratings that have been assigned by rating agencies deemed acceptable to the Commissioner by

rule or regulation. The Commissioner shall publish a list of all certified reinsurers and their ratings.

(E) A certified reinsurer shall secure obligations assumed from U.S. ceding insurers under this subsection (b) at a level consistent with its rating, as specified in rules or regulations adopted by the Commissioner.

(i) In order for a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the Commissioner and consistent with the provisions of subsection (c) of this section or in a multibeneficiary trust in accordance with subdivision (4) of this subsection (b), except as otherwise provided in this subdivision.

(ii) If a certified reinsurer maintains a trust to fully secure its obligations subject to subdivision (4) of this subsection (b) and chooses to secure its obligations incurred as a certified reinsurer in the form of a multibeneficiary trust, the certified reinsurer shall maintain separate trust accounts for its obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this subsection (b) or comparable laws of other U.S. jurisdictions and for its obligations subject to subdivision (4) of this subsection. It shall be a condition to the grant of certification under this subdivision (5) of this subsection (b) that the certified reinsurer shall have bound itself, by the language of the trust and agreement with the Commissioner with principal regulatory oversight of each such trust account, to fund, upon termination of any such trust account, out of the remaining surplus of such trust any deficiency of any other such trust account.

(iii) The minimum trusted surplus requirements provided in subdivision (4) of this subsection (b) are not applicable with respect to a multibeneficiary trust maintained by a certified reinsurer for the purpose of securing obligations incurred under this ~~subsection~~ subdivision (5)(E), except that such trust shall maintain a minimum trusted surplus of \$10,000,000.00.

(iv) With respect to obligations incurred by a certified reinsurer under this ~~subsection~~ subdivision (5)(E), if the security is insufficient, the Commissioner shall reduce the allowable credit by an amount proportionate to the deficiency and has the discretion to impose further reductions in allowable credit upon finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due.

(v) For purposes of this subdivision (5), a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure 100 percent of its obligations.

(I) As used in this subdivision (5), the term “terminated” refers to revocation, suspension, voluntary surrender, and inactive status.

(II) If the Commissioner continues to assign a higher rating as permitted by other provisions of this section, this requirement does not apply to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended.

(F) If an applicant for certification has been certified as a reinsurer in an NAIC accredited jurisdiction, the Commissioner has the discretion to defer to that jurisdiction’s certification and has the discretion to defer to the rating assigned by that jurisdiction, and such assuming insurer shall be considered to be a certified reinsurer in this State.

(G) A certified reinsurer that ceases to assume new business in this State may request to maintain its certification in inactive status in order to continue to qualify for a reduction in security for its in-force business. An inactive certified reinsurer shall continue to comply with all applicable requirements of this subsection (b), and the Commissioner shall assign a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business.

(6)(A) Credit shall be allowed when the reinsurance is ceded to an assuming insurer meeting each of the conditions set forth below:

(i) The assuming insurer shall have its head office or be domiciled in, as applicable, and be licensed in a reciprocal jurisdiction. As used in this section, “reciprocal jurisdiction” means a jurisdiction that meets one of the following:

(I) a non-U.S. jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority; or, in the case of a covered agreement between the United States and European Union, is a member state of the European Union. As used in this ~~subsection~~ subdivision (b)(6), a “covered agreement” means an agreement entered into pursuant to Dodd-Frank Wall Street Reform and Consumer Protection Act, 31 U.S.C. §§ 313 and 314, that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in this State or for allowing the ceding insurer to recognize credit for reinsurance;

(II) a U.S. jurisdiction that meets the requirements for accreditation under the NAIC financial standards and accreditation program; or

(III) a qualified jurisdiction, as determined by the Commissioner pursuant to subdivision (5)(C) of this subsection (b), that is not otherwise described in subdivision (6)(A)(i)(I) or (6)(A)(i)(II) of this subsection (b) and that meets certain additional requirements, consistent with the terms and conditions of in-force covered agreements, as specified by the Commissioner in rule or regulation.

(ii) The assuming insurer must have and maintain, on an ongoing basis, minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction, in an amount to be set forth in rule or regulation. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it must have and maintain, on an ongoing basis, minimum capital and surplus equivalents, net of liabilities, calculated according to the methodology applicable in its domiciliary jurisdiction, and a central fund containing a balance in amounts to be set forth in rule or regulation.

(iii) The assuming insurer must have and maintain, on an ongoing basis, a minimum solvency or capital ratio, as applicable, ~~that~~ which will be set forth in rule or regulation. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it must have and maintain, on an ongoing basis, a minimum solvency or capital ratio in the reciprocal jurisdiction where the assuming insurer has its head office or is domiciled, as applicable, and is also licensed.

(iv) The assuming insurer must agree and provide adequate assurance to the Commissioner, in a form specified in rule or regulation by the Commissioner, of the following:

(I) The assuming insurer must provide prompt written notice and explanation to the Commissioner if it falls below the minimum requirements set forth in subdivision (6)(A)(ii) or (6)(A)(iii) of this subsection, (b) or if any regulatory action is taken against it for serious noncompliance with applicable law.

(II) The assuming insurer must consent in writing to the jurisdiction of the courts of this State and to the appointment of the Commissioner as agent for service of process. The Commissioner may require that consent for service of process be provided to the Commissioner and included in each reinsurance agreement. Nothing in this ~~subsection~~ subdivision (6)(A)(iv)(II) shall limit, or in any way alter, the capacity of parties to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent such agreements are unenforceable under applicable insolvency or delinquency laws.

(III) The assuming insurer must consent in writing to pay all final judgments, wherever enforcement is sought, obtained by a ceding insurer or its legal successor, that have been declared enforceable in the jurisdiction where the judgment was obtained.

(IV) Each reinsurance agreement must include a provision requiring the assuming insurer to provide security in an amount equal to 100 percent of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its resolution estate.

(V) The assuming insurer must confirm that it is not presently participating in any solvent scheme of arrangement that involves this State's ceding insurers, and agree to notify the ceding insurer and the Commissioner and to provide security in an amount equal to 100 percent of the assuming insurer's liabilities to the ceding insurer, should the assuming insurer enter into such a solvent scheme of arrangement. Such security shall be in a form consistent with the provisions of subdivision (b)(5) and subsection (c) of this section and as specified by the Commissioner in rule or regulation.

(v) The assuming insurer or its legal successor must provide, if requested by the Commissioner, on behalf of itself and any legal predecessors, certain documentation to the Commissioner, as specified by the Commissioner in rule or regulation.

(vi) The assuming insurer must maintain a practice of prompt payment of claims under reinsurance agreements, pursuant to criteria set forth in rule or regulation.

(vii) The assuming insurer's supervisory authority must confirm to the Commissioner on an annual basis, as of the preceding December 31 or at the annual date otherwise statutorily reported to the reciprocal jurisdiction, that the assuming insurer complies with the requirements set forth in subdivisions (6)(A)(ii) and (6)(A)(iii) of this subsection (b).

(viii) Nothing in this subdivision (b)(6)(A) precludes an assuming insurer from providing the Commissioner with information on a voluntary basis.

(B) The Commissioner shall timely create and publish a list of reciprocal jurisdictions.

(i) A list of reciprocal jurisdictions is published through the NAIC committee process. The Commissioner's list shall include any reciprocal jurisdiction as defined under subdivisions (6)(A)(i)(I) and (6)(A)(i)(II) of this

subsection (b) and shall consider any other reciprocal jurisdiction included on the NAIC list. The Commissioner may approve a jurisdiction that does not appear on the NAIC list of reciprocal jurisdictions in accordance with criteria to be developed in rules or regulations adopted by the Commissioner.

(ii) The Commissioner may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, in accordance with a process set forth in rules or regulations adopted by the Commissioner, except that the Commissioner shall not remove from the list a reciprocal jurisdiction as defined under subdivisions (6)(A)(i)(I) and (6)(A)(i)(II) of this subsection (b). Upon removal of a reciprocal jurisdiction from this list, credit for reinsurance ceded to an assuming insurer that has its home office or is domiciled in that jurisdiction shall be allowed, if otherwise allowed pursuant to this section.

(C) The Commissioner shall timely create and publish a list of assuming insurers that have satisfied the conditions set forth in this ~~subsection~~ subdivision (b)(6) and to which cessions shall be granted credit in accordance with this ~~subsection~~ subdivision. The Commissioner may add an assuming insurer to such list if an NAIC accredited jurisdiction has added such assuming insurer to a list of such assuming insurers or if, upon initial eligibility, the assuming insurer submits the information to the Commissioner as required under subdivision (6)(A)(iv) of this subsection (b) and complies with any additional requirements that the Commissioner may impose by rule or regulation, except to the extent that they conflict with an applicable covered agreement.

(D) If the Commissioner determines that an assuming insurer no longer meets one or more of the requirements under this ~~subsection~~ subdivision (b)(6), the Commissioner may revoke or suspend the eligibility of the assuming insurer for recognition under this ~~subsection~~ subdivision in accordance with procedures set forth in rule or regulation.

(i) While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended, or renewed after the effective date of the suspension qualifies for credit except to the extent that the assuming insurer's obligations under the contract are secured in accordance with subsection (c) of this section.

(ii) If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations under the contract

are secured in a form acceptable to the Commissioner and consistent with the provisions of subsection (c) of this section.

(E) If subject to a legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities.

(F) Nothing in this ~~subsection~~ subdivision (b)(6) shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by this section or other applicable law ~~or~~, rule, or regulation.

(G)(i) Credit may be taken under this subsection (b) only for reinsurance agreements entered into, amended, or renewed on or after January 1, 2021; and only with respect to losses incurred and reserves reported on or after the later of:

(I) the date on which the assuming insurer has met all eligibility requirements pursuant to ~~subdivision (6)(A) of this subsection~~ subdivision (b)(6)(A) of this section; and

(II) the effective date of the new reinsurance agreement, amendment, or renewal.

(ii) This subdivision (b)(6)(G) does not alter or impair a ceding insurer's right to take credit for reinsurance, to the extent that credit is not available under this ~~subsection~~ subdivision (b)(6), ~~as long as provided~~ the reinsurance qualifies for credit under any other applicable provision of this section.

(iii) Nothing in this ~~subsection~~ subdivision (b)(6) shall authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement except as permitted by the terms of the agreement.

(iv) Nothing in this ~~subsection~~ subdivision (b)(6) shall limit, or in any way alter, the capacity of parties to any reinsurance agreement to renegotiate the agreement.

(7) Credit shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of subdivision (1), (2), (3), (4), (5), or (6) of this subsection (b), but only as to the insurance of risks located in jurisdictions where the reinsurance is required by applicable law or regulation of that jurisdiction.

(8) If the assuming insurer is not licensed or accredited or certified to transact insurance or reinsurance in this State, the credit permitted by subdivisions (3) and (4) of this subsection (b) shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:

(A)(i) That in the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, shall submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, will comply with all requirements necessary to give such court jurisdiction, and will abide by the final decision of such court or of any appellate court in the event of an appeal.

(B)(ii) To designate the Commissioner, ~~the Secretary of State~~, or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit, or proceeding instituted by or on behalf of the ceding company.

(B) This ~~provision~~ subdivision (b)(8) is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if this obligation is created in the agreement.

(9) If the assuming insurer does not meet the requirements of subdivision (1), (2), (3), or (6) of this subsection (b), the credit permitted by subdivision (4) or (5) of this subsection (b) shall not be allowed unless the assuming insurer agrees in the trust agreements to the following conditions:

(A) Notwithstanding any other provisions in the trust instrument to the contrary, if the trust fund is inadequate because it contains an amount less than the amount required by subdivisions (4)(B)–(D) of this subsection (b) or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation, or similar proceedings under the laws of its state or country of domicile, the trustee shall comply with an order of the ~~Commissioner~~ commissioner with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the ~~Commissioner~~ commissioner with regulatory oversight all of the assets of the trust fund.

(B) The assets shall be distributed by and claims shall be filed with and valued by the ~~Commissioner~~ commissioner with regulatory oversight in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies.

(C) If the ~~Commissioner~~ commissioner with regulatory oversight determines that the assets of the trust fund or any part thereof are not necessary to satisfy the claims of the U.S. ceding insurers of the grantor of the trust, the

assets or part thereof shall be returned by the ~~Commissioner~~ commissioner with regulatory oversight to the trustee for distribution in accordance with the trust agreement.

(D) The grantor shall waive any right otherwise available to it under U.S. law that is inconsistent with this ~~provision~~ subdivision (b)(9).

(10) If an accredited or certified reinsurer ceases to meet the requirements for accreditation or certification, the Commissioner may suspend or revoke the reinsurer's accreditation or certification.

(A) The Commissioner must give the reinsurer notice and opportunity for hearing. The Commissioner may suspend or revoke a reinsurer's accreditation or certification without a hearing if:

(i) the reinsurer waives its right to hearing;

(ii) the Commissioner's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer under subdivision (5)(F) of this subsection (b); or

(iii) the Commissioner finds that an emergency requires immediate action and a court of competent jurisdiction has not stayed the Commissioner's action.

(B) While a reinsurer's accreditation or certification is suspended, no reinsurance contract issued or renewed after the effective date of the suspension qualifies for credit except to the extent that the reinsurer's obligations under the contract are secured in accordance with subsection (c) of this section. If a reinsurer's accreditation or certification is revoked, no credit for reinsurance may be granted after the effective date of the revocation except to the extent that the reinsurer's obligations under the contract are secured in accordance with subdivision (5)(E) of this subsection (b) or subsection (c) of this section.

(11) Concentration risk.

(A) A ceding insurer shall take steps to manage its reinsurance recoverables proportionate to its own book of business. A domestic ceding insurer shall notify the Commissioner within 30 days after reinsurance recoverables from any single assuming insurer or group of affiliated assuming insurers exceeds 50 percent of the domestic ceding insurer's last reported surplus to policyholders or after it is determined that reinsurance recoverables from any single assuming insurer or group of affiliated assuming insurers is

likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

(B) A ceding insurer shall take steps to diversify its reinsurance program. A domestic ceding insurer shall notify the Commissioner within 30 days after ceding to any single assuming insurer or group of affiliated assuming insurers more than 20 percent of the ceding insurer's gross written premium in the prior calendar year or after it has determined that the reinsurance ceded to any single assuming insurer or group of affiliated assuming insurers is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

(c) Asset or reduction from liability for reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of subsection (b) of this section. An asset or a reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of subsection (b) of this section shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer, provided that the Commissioner may adopt by rule or regulation pursuant to subdivision (e)(2) of this section specific additional requirements relating to or setting forth any or all of the following: the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance arrangements described in subdivision (e)(2) of this section, and the circumstances pursuant to which credit will be reduced or eliminated. The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with such assuming insurer as collateral for the payment of obligations thereunder, if such collateral is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer; or, in the case of a trust, held in a qualified U.S. financial institution, as defined in subdivision (d)(2) of this section. This security may be in the form of:

(1) ~~Cash~~ cash;

(2) ~~Securities~~ securities listed by the Securities Valuation Office of the National Association of Insurance Commissioners, including those deemed exempt from filing as defined by the Purposes and Procedures Manual of the Securities Valuation Office, and qualifying as admitted assets;

(3) ~~Clean~~ clean, irrevocable, unconditional letters of credit, issued or confirmed by a qualified U.S. financial institution as defined in subdivision (d)(1) of this section, which are effective ~~no~~ not later than December 31 ~~in~~ in respect of the year for which filing is being made, and in the possession of, or

in trust for, the ceding company on or before the filing date of its annual statement.

(4) ~~Letters~~ letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance or confirmation shall, notwithstanding the issuing or confirming institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification, or amendment, whichever first occurs; or

(4)(5) ~~Any~~ any other form of collateral acceptable to the Commissioner.

(d) Qualified U.S. financial institutions.

(1) ~~For purposes of~~ As used in subdivision (c)(3) of this section, a "qualified U.S. financial institution" means an institution that:

(A) is organized or, in the case of a U.S. office of a foreign banking organization, licensed under the laws of the United States or any state thereof;

(B) is regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies; and

(C) has been determined by either the Commissioner or the Securities Valuation Office of the National Association of Insurance Commissioners to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the Commissioner.

(2) A "qualified U.S. financial institution" means, for purposes of those provisions of this section specifying those institutions that are eligible to act as a fiduciary of a trust, an institution that is:

(A) organized or, in the case of a U.S. branch or agency office of a foreign banking organization, licensed under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers; and

(B) regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies.

(c) ~~Notwithstanding the provisions of this subsection to the contrary, the Commissioner shall allow credit for reinsurance ceded and assumed to a pooling arrangement that has the following characteristics:~~

(1) ~~the majority of the pooling members are licensed to transact business in this State, or are licensed in a state that is accredited with the National Association of Insurance Commissioners, or are approved by the Commissioner;~~

~~(2) the members of the pool are subject to joint and several liability;~~

~~(3) all members of the pool agree to file with the Commissioner, annually on or before March 1, a copy of the member's annual statement filed with the insurance department of its state of domicile; and~~

~~(4) the manager of the pool files with the Commissioner, annually on or before December 1, a request to be exempted from the provisions of subdivisions (b)(1) through (4) of this section.~~

~~(f) Rules and regulations.~~

~~(1) The Commissioner may adopt rules or regulations implementing the provisions of this section.~~

~~(2)(A) The Commissioner may adopt rules or regulations applicable to reinsurance agreements. Such rules or regulations may apply only to reinsurance relating to:~~

~~(i) life insurance policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits;~~

~~(ii) universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period;~~

~~(iii) variable annuities with guaranteed death or living benefits;~~

~~(iv) long-term care insurance policies; or~~

~~(v) such other life and health insurance and annuity products as to which the NAIC adopts model regulatory requirements with respect to credit for reinsurance.~~

~~(B) A rule or regulation adopted pursuant to subdivision (2)(A)(i) or (ii) of this subsection (e) may apply to any treaty that contains:~~

~~(i) policies issued on or after January 1, 2015; or~~

~~(ii) policies issued prior to January 1, 2015, if risk pertaining to such pre-2015 policies is ceded in connection with the treaty, in whole or in part, on or after January 1, 2015; or both.~~

~~(3) A rule or regulation adopted pursuant to subdivision (2) of this subsection (e) may require the ceding insurer, in calculating the amounts or forms of security required to be held under regulations promulgated under this authority, to use the Valuation Manual adopted by the NAIC under Section 11B(1) of the NAIC Standard Valuation Law, including all amendments adopted by the NAIC and in effect on the date as of which the calculation is made, to the extent applicable.~~

(4) A rule or regulation adopted pursuant to subdivision (2) of this subsection (e) shall not apply to cessions to an assuming insurer that:

(A) meets the conditions set forth in subdivision (b)(6) of this section;

(B) is certified in this State; or

(C) maintains at least \$250,000,000.00 in capital and surplus when determined in accordance with the NAIC Accounting Practices and Procedures Manual, including all amendments thereto adopted by the NAIC, excluding the impact of any permitted or prescribed practices; and is:

(i) licensed in at least 26 states; or

(ii) licensed in at least 10 states and licensed or accredited in a total of at least 35 states.

(5) The authority to adopt rules or regulations pursuant to subdivision (2) of this subsection (e) does not limit the Commissioner's general authority to adopt rules or regulations pursuant to subdivision (1) of this subsection (e).

(g)(f) Reinsurance agreements affected. This section shall apply to all cessions after the effective date of this section under reinsurance agreements that have an inception, anniversary, or renewal date not less than six months after the effective date of this section.

* * * Effective Dates * * *

Sec. 24. EFFECTIVE DATES

This act shall take effect on passage except that Secs. 10 and 11 (travel insurance) shall take effect 90 days after enactment.

Rep. Elder of Starksboro, for the Committee on Ways and Means, recommended the bill ought to pass when amended by the Committee on Commerce and Economic Development.

The bill, having appeared on the Notice Calendar, was taken up, read second time, the report of the Committee on Commerce and Economic Development agreed to, and third reading ordered.

Message from the Senate No. 27

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted Senate concurrent resolutions of the following titles:

S.C.R. 15. Senate concurrent resolution recognizing February 2022 as Black History Month in Vermont.

S.C.R. 16. Senate concurrent resolution commemorating the centennial of Robert Frost's poem "Stopping by Woods on a Snowy Evening".

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 104. House concurrent resolution commemorating the centennial anniversary of the Harris Hill Ski Jump in Brattleboro.

H.C.R. 105. House concurrent resolution in memory of former Representative Deborah G. Evans of Essex.

Adjournment

At twelve o'clock and twenty-eight minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, February 22, 2022, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 42.

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. 104

House concurrent resolution commemorating the centennial anniversary of the Harris Hill Ski Jump in Brattleboro

H.C.R. 105

House concurrent resolution in memory of former Representative Deborah G. Evans of Essex

S.C.R. 15

Senate concurrent resolution recognizing February 2022 as Black History Month in Vermont

S.C.R. 16

Senate concurrent resolution commemorating the centennial of Robert Frost's poem "Stopping by Woods on a Snowy Evening"

[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 2022 Adjourned Session.]

Tuesday, February 22, 2022

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

Devotional Exercises

Devotional exercises were conducted by Rep. Cina of Burlington.

Pledge of Allegiance

Page Sadie Farris of Grande Isle led the House in the Pledge of Allegiance.

House Bill Introduced

H. 712

By Rep. Yantachka of Charlotte,
House bill, entitled

An act relating to provider eligibility for broadband grants under the Vermont Community Broadband Fund

Was read the first time and referred to the Committee on Energy and Technology.

Bills Referred to Committee on Appropriations

House bills of the following titles, appearing on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, were referred to the Committee on Appropriations.

H. 483

House bill, entitled

An act relating to potential new models of funding and governance structures to improve the quality, duration, and access to career technical education in Vermont

H. 566

House bill, entitled

An act relating to the establishment of the Vermont Forest Future Program

Second Reading; Bill Amended; Third Reading Ordered**H. 456**

Rep. James of Manchester, for the Committee on Education, to which had been referred House bill, entitled

An act relating to establishing strategic goals and reporting requirements for the Vermont State Colleges

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

Sec. 1. 16 V.S.A. § 2171a is added to read:

§ 2171a. STRATEGIC GOALS

(a) The Corporation shall establish its priorities, budget and allocate its resources, and develop its capabilities to ensure that students successfully achieve their academic goals in a manner and in an environment that is:

- (1) affordable;
- (2) accessible;
- (3) equitable; and
- (4) relevant to Vermont's needs.

(b) As used in this chapter:

(1) "Accessible" means each student, regardless of where the student's home campus is located, has increased access to academic opportunities, majors, and courses across the Corporation's academic system.

(2) "Affordability standard" means the extent to which affordability is being achieved for students and for the Corporation as determined jointly by the Corporation and VSAC.

(3) "Affordable" means a level of financial commitment that results from the application of the affordability standard.

(4) "Equitable" means the extent to which gaps in educational access and success are being reduced for students from economically deprived backgrounds, first-generation students, students of color, and other marginalized groups.

(5) "Relevant to Vermont's needs" means that students graduate as informed and engaged citizens who are prepared for the world of work and for participating in a democratic society.

(6) “Total cost of attendance” has the meaning provided in 20 U.S.C. § 1087II, as amended.

(7) “Unmet need” means the total cost of attendance minus:

(A) the Student Aid Index, as determined under 20 U.S.C. § 1087mm, as in effect on July 31, 2023; and

(B) all nonloan student financial assistance.

(8) “VSAC” means the Vermont Student Assistance Corporation.

(c) The Corporation’s Board of Trustees shall approve and maintain institutional missions that align to the strategic goals set out in subsection (a) of this section.

Sec. 2. 16 V.S.A. § 2171b is added to read:

§ 2171b. VERMONT STUDENT ASSISTANCE CORPORATION AND

VERMONT STATE COLLEGES; REPORTING

On or before January 15, 2024 and on or before January 15 annually thereafter, VSAC, with the assistance of and in collaboration with the Corporation, shall submit a written report to the House and Senate Committees on Education containing:

(1) the Corporation’s progress in attaining affordability for full-time students enrolled with the Corporation for the first time;

(2) the Corporation’s progress in attaining affordability for all other students;

(3) the average and median amount of unmet need for full-time students enrolled with the Corporation for the first time and the average and median amount of unmet need for all other students;

(4) the average, median, annual, and cumulative student and parent debt by loan type (federal direct to student, federal direct to parent, state, or private) for students obtaining a two-year or four-year degree; and

(5) for students enrolled with the Corporation, their average:

(A) yearly continuation rate;

(B) academic progress, showing satisfactory and unsatisfactory progress; and

(C) graduation rate.

Sec. 3. REPORT

On or before July 1, 2023, the Vermont Student Assistance Corporation, in collaboration with the Agency of Education, shall submit a written report to the House and Senate Committees on Education on how to implement a requirement that all high school students complete the Free Application for Federal Student Aid as a condition of graduation.

Sec. 4. 16 V.S.A. § 2171(c) is amended to read:

(c) The Corporation may acquire, hold, and dispose of property in fee or in trust, or any other estate, except as provided in subsection (d) of this section; shall have a common seal; and shall be an instrumentality of the State for the purposes set forth in this section. The State of Vermont shall support and maintain the Corporation. The sale, lease, demolition, or disposal of property by the Corporation shall comply with the applicable requirements of 32 V.S.A. § 962.

Sec. 5. REPEAL

16 V.S.A. § 2188 is repealed.

Sec. 6. AFFORDABILITY STANDARD; DETERMINATION

On or before July 1, 2023, the Vermont State Colleges and the Vermont Student Assistance Corporation shall jointly recommend to the Senate and House Committees on Education and the Senate and House Committees on Appropriations the definition of the affordability standard under Sec. 1 of this act.

Sec. 7. EFFECTIVE DATES

Secs. 1 and 2 shall take effect on July 1, 2023, and Secs. 3, 4, 5, and 6 and this section shall take effect on passage.

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

Pending the question, Shall the bill be amended as recommended by the Committee on Education?, **Representatives James of Manchester, Arrison of Weathersfield, Austin of Colchester, Brady of Williston, Brown of Richmond, Conlon of Cornwall, Cupoli of Rutland City, Hooper of Randolph, Toof of St. Albans Town, Webb of Shelburne, and Williams of Granby** moved that the report of the Committee on Education be amended by striking out Sec. 3, report, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. REPORT

On or before July 1, 2023, the Vermont Student Assistance Corporation, in collaboration with the Agency of Education, shall submit a written report to the House and Senate Committees on Education on whether and how to implement a requirement that all high school students complete the Free Application for Federal Student Aid as a condition of graduation.

Which was agreed to. Thereupon, the report of the Committee on Education, as amended, was agreed to and third reading ordered.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 491

House bill, entitled

An act relating to the creation of the City of Essex Junction and the adoption of the City charter

H. 515

House bill, entitled

An act relating to banking, insurance, and securities

H. 708

House bill, entitled

An act relating to the approval of an amendment to the charter of the City of Burlington

H. 709

House bill, entitled

An act relating to miscellaneous agricultural subjects

Second Reading; Bill Amended; Third Reading Ordered**H. 448**

Rep. Hooper of Burlington, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the City of Burlington

Reported in favor of its passage when amended as follows:

By striking out Sec. 2, 24 App. V.S.A. chapter 3 (City of Burlington), in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. 24 App. V.S.A. chapter 3 is amended to read:

CHAPTER 3. CITY OF BURLINGTON

* * *

§ 48. ENUMERATED

The City Council shall have power:

* * *

(66) To regulate thermal energy systems in residential and commercial buildings, including assessing carbon impact or alternative compliance payments, for the purpose of reducing greenhouse gas emissions throughout the City. No assessment of carbon impact or alternative compliance payment shall be imposed unless previously authorized by a majority of the legal voters of the City voting on the question at an annual or special City meeting duly warned for that purpose.

* * *

Rep. Ode of Burlington, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Government Operations.

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

Pending the question, Shall the bill be amended as recommended by the Committee on Government Operations?, **Rep. McCoy of Poultney** 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 amended as recommended by the Committee on Government Operations?, was decided in the affirmative. Yeas, 96. Nays, 47.

Those who voted in the affirmative are:

Ancel of Calais	Goldman of Rockingham	Pajala of Londonderry
Anthony of Barre City	Grad of Moretown	Partridge of Windham
Arrison of Weathersfield	Hooper of Montpelier	Patt of Worcester
Austin of Colchester	Hooper of Randolph	Pearl of Danville
Bartholomew of Hartland	Hooper of Burlington	Pugh of South Burlington
Birong of Vergennes	Houghton of Essex	Rachelson of Burlington
Black of Essex	Howard of Rutland City	Rogers of Waterville
Bluemle of Burlington	James of Manchester	Satcowitz of Randolph
Bock of Chester	Jerome of Brandon	Scheu of Middlebury
Bongartz of Manchester	Jessup of Middlesex	Sheldon of Middlebury

Bos-Lun of Westminster	Killacky of South Burlington	Sibilia of Dover
Brady of Williston	Kimbell of Woodstock	Sims of Craftsbury
Briglin of Thetford	Kitzmiller of Montpelier	Small of Winooski
Brown of Richmond	Kornheiser of Brattleboro	Squirrell of Underhill
Brownell of Pownal	LaLonde of South Burlington	Stebbins of Burlington
Brumsted of Shelburne	Lanpher of Vergennes	Stevens of Waterbury
Burke of Brattleboro	Lefebvre of Newark	Surprenant of Barnard
Burrows of West Windsor	Lippert of Hinesburg	Taylor of Colchester
Campbell of St. Johnsbury	Masland of Thetford	Till of Jericho
Christie of Hartford	McCarthy of St. Albans City	Toleno of Brattleboro
Cina of Burlington	McCormack of Burlington	Townsend of South Burlington
Coffey of Guilford	McCullough of Williston	Troiano of Stannard
Colburn of Burlington	Morris of Springfield	Vyhovsky of Essex
Colston of Winooski	Mrowicki of Putney	Walz of Barre City
Conlon of Cornwall	Mulvaney-Stanak of Burlington	Webb of Shelburne
Copeland Hanzas of Bradford	Nicoll of Ludlow	White of Bethel
Cordes of Lincoln	Nigro of Bennington	White of Hartford
Dolan of Essex	Norris of Shoreham	Whitman of Bennington
Dolan of Waitsfield	Notte of Rutland City	Wood of Waterbury
Durfee of Shaftsbury	Noyes of Wolcott	Yacovone of Morristown
Elder of Starksboro	O'Brien of Tunbridge	Yantachka of Charlotte
Emmons of Springfield	Ode of Burlington	
Gannon of Wilmington		

Those who voted in the negative are:

Achey of Middletown Springs	Helm of Fair Haven	Norris of Sheldon
Beck of St. Johnsbury	Higley of Lowell	Page of Newport City
Brennan of Colchester	Labor of Morgan	Palasik of Milton
Burditt of West Rutland	LaClair of Barre Town	Parsons of Newbury
Canfield of Fair Haven	Laroche of Franklin	Peterson of Clarendon
Corcoran of Bennington	Lefebvre of Orange	Rosenquist of Georgia
Cupoli of Rutland City	Leffler of Enosburgh	Scheuermann of Stowe
Donahue of Northfield	Marcotte of Coventry	Shaw of Pittsford
Fagan of Rutland City	Martel of Waterford	Smith of Derby
Feltus of Lyndon	Mattos of Milton	Smith of New Haven
Goslant of Northfield	McCoy of Poultney	Strong of Albany
Graham of Williamstown	McFaun of Barre Town	Sullivan of Dorset
Gregoire of Fairfield	Morgan, L. of Milton	Terenzini of Rutland Town
Hango of Berkshire	Morgan, M. of Milton	Toof of St. Albans Town
Harrison of Chittenden	Morrissey of Bennington	Walker of Swanton
	Murphy of Fairfax	Williams of Granby

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

Chase of Colchester	Donnally of Hyde Park	Seymour of Sutton
Dickinson of St. Albans Town	Garofano of Essex	
	Long of Newfane	

Thereupon, third reading was ordered.

House Resolution Adopted**H.R. 18**

House resolution, entitled

House resolution revising and adopting by rule the House member dress code

Was taken up and adopted on the part of the House.

Message from the Senate No. 28

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 175. An act relating to confidential information concerning the initial arrest and charge of a child.

S. 265. An act relating to expanding criminal threatening to include threats to third persons.

In the passage of which the concurrence of the House is requested.

Adjournment

At eleven o'clock and eighteen minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Wednesday, February 23, 2022

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

Devotional Exercises

Devotional exercises were conducted by Rep. White of Hartford.

Message from the Senate No. 29

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

Madam Speaker:

I am directed to inform the House that:

The Governor has informed the Senate that on February 22, 2022, he returned without signature and *vetoed* a bill originating in the Senate of the following title:

S. 30. An act relating to prohibiting possession of firearms within hospital buildings.

Text of Communication from Governor

The text of the communication from His Excellency, the Governor, whereby he vetoed and returned unsigned **Senate Bill No. S. 30**, to the Senate is as follows:

“February 22, 2022

The Honorable John Bloomer, Jr.
Secretary of the Senate
115 State House
Montpelier, VT 05633-5401

Dear Mr. Bloomer:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I’m returning S. 30, *An act relating to prohibiting possession of firearms within hospital buildings* without my signature.

In 2018, I called for and signed the most comprehensive gun safety measures in our state’s history. We established universal background check requirements; authorized extreme risk protection orders (i.e., “red flag” laws), providing tools to prevent someone from having a gun if there is credible evidence they may harm themselves or others; strengthened the ability of law enforcement to seize firearms from those accused of domestic violence; enhanced age requirements; and prohibited the sale and possession of bump stocks and large capacity magazines. This was a comprehensive, and historic, set of policies that take reasonable steps to help keep firearms out of the hands of people who should not have them. It’s my belief that we need to give these new provisions more time to be fully understood and utilized, and that the Legislature should focus on educating Vermonters on these changes – and on addressing Vermont’s mental health crisis – before additional gun laws are passed.

However, as I’ve also said, I’m open to a discussion about improving existing law to address the so-called “Charleston Loophole” and I’m offering a path forward below. This refers to a provision in federal law that provides automatic approval to someone who is buying a gun if a federal background check through the National Instant Criminal Background Check System (also

known as NICS) doesn't produce a "red light" (i.e., reporting they are ineligible) within three business days.

S. 30 increases that timeframe from three days to an unlimited amount of time without acknowledging that an application expires in 30 days. So instead of holding the federal government accountable to complete the background check in a timely manner, it shifts all the burden away from government – where responsibility was intentionally placed in federal law – entirely onto the citizen. Law abiding citizens who become the victims of a government administrative error must themselves gather all applicable law enforcement and court records and try to understand and navigate a complex maze of federal bureaucratic process to try to rectify their "yellow" status.

For these reasons, I believe going from three to effectively 30 days is excessive and unreasonable for law-abiding citizens who wish to purchase a firearm for their own personal safety or for other lawful and constitutionally protected purposes.

However, I'm willing to work with the Legislature to find a path forward that gives the federal government more time to fulfill its obligations to complete background checks, without denying law-abiding citizens of their right to a fair and reasonable process.

A more reasonable standard would be to increase the current three-day waiting period to seven business days to allow the federal government additional time to resolve issues and make a final determination.

Given this bill's effective date of July 1, 2022, the Legislature has ample time to address my concerns and send me a bill I can sign.

Based on the objections outlined above I'm returning this legislation without my signature pursuant to Chapter II, Section 11 of the Vermont Constitution.

Sincerely,

/s/Philip B. Scott

Philip B. Scott

Governor

PBS/kp"

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred as follows:

H. 713

By Reps. Stevens of Waterbury, Bluemle of Burlington, Killacky of South Burlington, Troiano of Stannard, and Walz of Barre City,

House bill, entitled

An act relating to medical leave for a serious injury

To the Committee on General, Housing, and Military Affairs.

H. 714

By Reps. Page of Newport City, Hango of Berkshire, and Labor of Morgan,

House bill, entitled

An act relating to the creation of a blighted property special fund

To the Committee on Government Operations.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 175

Senate bill, entitled

An act relating to confidential information concerning the initial arrest and charge of a child

To the Committee on Government Operations.

S. 265

Senate bill, entitled

An act relating to expanding criminal threatening to include threats to third persons

To the Committee on Judiciary.

Bill Referred to Committee on Appropriations**H. 655**

House bill, entitled

An act relating to establishing a telehealth licensure and registration system

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

Joint Resolution Placed on Calendar**J.R.H. 16**

Joint resolution authorizing the Green Mountain Boys State educational program to use the State House

Offered by: Representative Marcotte of Coventry

Whereas, the American Legion Department of Vermont sponsors the Green Mountain Boys State educational program, providing a group of boys entering the 12th grade a special opportunity to study the workings of State government, including conducting a mock legislative session at the State House, and

Whereas, the COVID-19 pandemic has forced the temporary closure of the State House to the public, and the extent of permitted public access to the building on June 23, 2022 will be dependent on the prevailing public health situation, now therefore be it

Resolved by the Senate and House of Representatives:

That the Green Mountain Boys State educational program is authorized to use the chambers and committee rooms of the State House on Thursday, June 23, 2022, from 8:00 a.m. to 4:15 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Department of Vermont.

Was read by title and, in the Speaker's discretion under House Rule 52, placed on the Action Calendar on the next legislative day.

House Resolution Placed on Calendar**H.R. 19**

House resolution amending the Rules and Orders of the House of Representatives related to House ethics

Offered by: Representative Gannon of Wilmington

Resolved by the House of Representatives:

That Rule 90(b) of the Rules and Orders of the House of Representatives be amended to read:

(b) Ethics

(1) Standards of ethical conduct. The House of Representatives, without qualification, is opposed to and prohibits violations of the Vermont Constitution and House Rules standards of ethical ~~behavior~~ conduct. This

policy covers the conduct of Representatives and persons ~~that either the Speaker's or the Office of the Clerk of the House employs~~ employed in the Speaker's Office and House Clerk's Office.

(A) A member shall respect and comply with the law, these Rules, and any other standard of conduct applicable to the member in the performance of the member's duties in a manner that promotes public confidence in the integrity of the House.

(B) A member shall comply with 17 V.S.A. § 2414 (legislative candidate disclosure form).

(C) On or before the 10th day of the beginning of the biennium, each member shall submit to the Clerk a disclosure form prepared by the Clerk. The form shall be signed by the member, be publicly available on the official webpages of the House of Representatives and of the Clerk of the House, and may be updated. The form shall set forth, to the best of the member's ability, the following information applicable as of the date of submission:

(i) any boards, commissions, or similar entities that are regulated by law or that receive funding from the State on which the member serves; the member's position on the board, commission, or similar entity; and, except in the case of legislative appointments, whether the member receives any form of remuneration for that position; and

(ii) the member's employer.

(2) House Ethics Panel. The House Rules Committee shall, at the beginning of the biennium, appoint an Ethics Panel composed of five members of the House who shall serve until successors are appointed.

~~(3)(A)~~ The Panel shall elect its a chair, adopt procedures to implement this policy, and conduct its business to implement the provisions of this ethics rule, and provide copies of the policy set forth in this rule and the adopted procedures to all members of the House and employees of the Speaker's and the Office of the Clerk of the House person's employed in the Speaker's Office and House Clerk's Office. The Panel may meet remotely to debate and vote on issues designated confidential under its adopted procedures.

~~(4)(B)~~ The Panel shall advise individual members and provide training to all members on House member standards of ethical conduct, including compliance with House Rule 75.

~~(5)(C)~~ The Panel shall receive and investigate complaints of alleged ethical violations of House member standards of ethical conduct made against members of the House, and may investigate such alleged violations on its own initiative.

(i) The Panel, by a vote of at least four of its members, may subpoena the attendance and testimony of witnesses and the production of documents and other items as it deems necessary to conduct an investigation.

(ii) In the case of a Panel member's recusal or other absence during the Panel's review of a complaint, the House Rules Committee may appoint an ad hoc member to the Panel for that matter, upon request of the Chair of the Panel.

~~(6)(D)~~ The Panel may recommend to the House any disciplinary action against a member for an ethical violation.

(E) Annually, on or before December 31, the Panel shall report to the House the number of complaints filed, the disposition of those complaints, and the number of member requests for ethical advice.

(7)(3) Retaliation prohibited. These Rules prohibit retaliation against a person who complains, reports, or cooperates in an investigation of an ethics violation.

~~(8) Annually, on or before December 31, the Ethics Panel shall report to the House the number of complaints filed, the disposition of those complaints, and the number of member requests for ethical advice., and be it further~~

Resolved: That Rule 14a of the Rules and Orders of the House of Representatives (member disclosure form) be repealed.

Was read by title and placed on the Action Calendar on the next legislative day pursuant to House Rule 33.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 448

House bill, entitled

An act relating to approval of amendments to the charter of the City of Burlington

H. 456

House bill, entitled

An act relating to establishing strategic goals and reporting requirements for the Vermont State Colleges

Adjournment

At three o'clock and seventeen minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Thursday, February 24, 2022

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

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Message from the Senate No. 30

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

Madam Speaker:

I am directed to inform the House that:

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

H. 679. An act relating to fiscal year 2022 budget adjustments.

And has accepted and adopted the same on its part.

Communication from Rep. Seymour of Sutton

“February 24, 2022

Representative Patrick Seymour

3185 Underpass Rd

Sutton, Vt 05867

BetsyAnn Wrask

Clerk of the House of Representatives

Vermont Legislature

Dear BetsyAnn,

I am writing this letter to inform you and the body that I am resigning my seat in the Vermont Legislature.

The Legislature has been an incredible institution to be a part of. I entered the House as a fresh college graduate and am leaving with a small but growing family.

I have been so blessed and honored to have served the people of Sutton, Burke, and Lyndon over these past three and a half years. However, the pandemic reinforced my belief that family is the most important thing in my life, and now I wish to spend the majority of my time with my newborn and my wife.

It has been my pleasure to have worked with you all. Thank you so much for all you do.

Patrick Seymour-Caledonia 4”

Bill Referred to Committee on Appropriations

H. 546

House bill, entitled

An act relating to racial justice statistics

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

Joint Resolution Placed on Calendar

J.R.H. 17

Joint resolution authorizing remote participation in joint committees under restricted, COVID-19-related circumstances through the remainder of 2022

Offered by: Committee on Rules

Resolved by the Senate and House of Representatives:

That Temporary Joint Rule 22A is amended to read as follows:

Rule 22A. Temporary Rule Regarding Joint Committee Meetings

(a)(1) A joint committees shall return to in-person legislating, except that a member of a joint committee may debate and vote remotely in that committee if the member confirms with notifies the committee’s chair or co-chairs a co-chair, as applicable, that the member must be absent from committee due to symptomatic illness or direct COVID-19-related circumstances meets one of the following conditions:

(A) the member has tested positive for COVID-19 and is within a required period of isolation;

(B) the member has been exposed to COVID-19 as a close contact and is within a required term of quarantine;

(C) the member has COVID-19 symptoms and is awaiting the results of a PCR test;

(D) the member has a household member who relies on the member for caregiving and the household member is required to be home due to one of the reasons set forth in subdivisions (A)–(C) of this subdivision (1) or because such a household member’s daycare or school program has a short-term closure due to COVID-19; or

(E) the member provides to the joint committee chair or a co-chair, as applicable, written documentation from a health care provider indicating that the ongoing COVID-19 pandemic requires the member to participate remotely due to the member’s health condition.

(2) The definitions, required time periods, and testing referenced in subdivision (1) of this subsection are those provided by Vermont Department of Health guidelines, including any revisions or updates

(b) The Joint Rules Committee is authorized to meet remotely as necessary to address COVID-19-related matters that may impact the operation of the General Assembly and joint committees.

(c) The remote authority set forth in this rule shall remain in effect through Tuesday, March 8, December 31, 2022.

(d) Notwithstanding the provisions of subsection (c) of this rule, if the Governor thereafter reissues capacity restrictions at gatherings and events or requires masks and physical distancing in response to COVID-19, the Joint Rules Committee is authorized to meet remotely and to permit any joint committees of the Legislature to meet and vote electronically as the Joint Rules Committee determines appropriate.

Was read by title and, in the Speaker’s discretion, placed on the Action Calendar on the next legislative day, pursuant to House Rule 52.

House Resolution Placed on Calendar

H.R. 20

House resolution authorizing remote participation in House sessions and committees under restricted, COVID-19-related circumstances through the remainder of 2022 and 2023-24 alternative procedure convening and organizing authority

Offered by: Committee on Rules

Whereas, 2022, H.R. 17 authorized through Tuesday, March 8, 2022 the ability of a House member to participate remotely in House sessions and House committees if the member had “symptomatic illness or direct COVID-19 related circumstances,” and

Whereas, the ongoing COVID-19 pandemic continues to pose a risk to the health and safety of House members, legislative staff, and members of the public, and

Whereas, the House of Representatives wants to ensure a safe process in returning to in-person legislating and to allow remote member participation if a member is specifically impacted by COVID-19, *now therefore be it*

Resolved by the House of Representatives:

That the House of Representatives and House committees shall return to in-person legislating, except that a member may debate and vote remotely in a House session or House committee if the member notifies the Speaker of the House that the member meets one of the following conditions:

(1) the member has tested positive for COVID-19 and is within a required period of isolation;

(2) the member has been exposed to COVID-19 as a close contact and is within a required term of quarantine;

(3) the member has COVID-19 symptoms and is awaiting the results of a PCR test;

(4) the member has a household member who relies on the member for caregiving and the household member is required to be home due to one of the reasons set forth in subdivisions (1)–(3) of this Resolved Clause or because such a household member’s daycare or school program has a short-term closure due to COVID-19; or

(5) the member provides to the Speaker of the House written documentation from a health care provider indicating that the ongoing COVID-19 pandemic requires the member to participate remotely due to the member’s health condition, *and be it further*

Resolved: That the definitions, required time periods, and testing referenced in the preceding Resolved Clause are those provided by Vermont Department of Health guidelines, including any revisions or updates, *and be it further*

Resolved: That the Committee on Rules is authorized to meet remotely as necessary to address COVID-19-related matters that may impact the operation of the House and its committees, *and be it further*

Resolved: That the remote authority set forth in this resolution shall remain in effect through December 31, 2022, *and be it further*

Resolved: If necessary due to the COVID-19 pandemic, the 2022 Committee on Rules may adopt alternative procedures to allow for the safe and orderly convening and organizing of the House of Representatives for the 2023-2024 legislative biennium, including the authority to allow the House of Representatives to convene and organize that biennium in a remote manner.

Was read by title and, in the Speaker's discretion, placed on the Action Calendar on the next legislative day, pursuant to House Rule 52.

Second Reading; Bill Amended; Third Reading Ordered

H. 501

Rep. McCullough of Williston, for the Committee on Natural Resources, Fish, and Wildlife, to which had been referred House bill, entitled

An act relating to physical contaminant standards for residual waste, digestate, and soil amendments

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

Sec. 1. MORATORIUM ON ISSUANCE OF SOLID WASTE FACILITY CERTIFICATIONS FOR FOOD DEPACKAGING FACILITIES

Beginning on March 1, 2022, the Secretary of Natural Resources shall not issue a new or amended solid waste facility certification under 10 V.S.A. chapter 159 for the operation of food depackaging equipment until the rules required under Sec. 3 of this act are adopted and in effect, provided that the Secretary of Natural Resources may issue an amended certification to a facility certified to conduct food depackaging on or before March 1, 2022 if the amendment authorized by the Secretary is intended to result in fewer contaminants in material produced from food depackaging and shall not allow for increased production of food depackaging materials at the facility.

Sec. 2. AGENCY OF NATURAL RESOURCES REPORT ON FOOD DEPACKAGING FACILITIES

(a) On or before January 15, 2023, the Secretary of Natural Resources shall submit to the Senate Committee on Natural Resources and Energy and the House Committee on Natural Resources, Fish, and Wildlife a report regarding the management of materials produced by food depackaging facilities certified for operation in the State. The report shall be developed through a collaborative stakeholder process that shall include the Chair of the House

Committee on Natural Resources, Fish, and Wildlife or designee; the Chair of the Senate Committee on Natural Resources, and Energy or designee; a representative of the Agency of Agriculture, Food, and Markets; and a representative from each of the following: composters, anerobic digestors, producers of food residuals, municipalities, haulers, depackagers, and environmental organizations.

(b) The report shall include:

(1) a list of the food depackaging facilities certified in the State under 10 V.S.A. chapter 159;

(2) a summary of the chain of custody of materials processed by food depackaging facilities, including the original supplier of food residuals and transporters of food residuals;

(3) the sites or facilities of final disposition of the materials processed by food depackaging facilities, including whether the materials were disposed of in landfills; transferred to composting facilities, farms, or farm fields; or introduced into foods for animal or human consumption;

(4) a summary of how the materials produced from food depackaging facilities or equipment may be used in the State, including any existing standards in statute or rule for the management of the materials;

(5) the amount of microplastics, plastics, or other contamination present in the material produced from food depackaging facilities in the State, including whether the materials have detectable levels of perfluoroalkyl and polyfluoroalkyl substances;

(6) a memorandum of understanding between the Agency of Natural Resources and the Agency of Agriculture, Food and Markets to coordinate and cooperate on the adoption of standards or rules for the materials produced from food depackaging facilities in order to provide for consistency in regulation by the two agencies;

(7) an evaluation of the practicability of implementing the food residuals hierarchy set forth in 10 V.S.A. § 6605k in a more stringent manner; and

(8) the methods used domestically and internationally by jurisdictions with physical contamination standards to evaluate the percentage by weight of physical contamination present in the material produced by depackaging facilities, residual waste, digestate, compost, and soil amendments.

Sec. 3. RULEMAKING

(a) The Secretary of Natural Resources shall adopt by rule requirements for the operation of food depackaging facilities certified to operate in the State. The rules shall establish standards for materials that may be accepted for depackaging and standards for the amount of contamination, including microplastics, allowed to be present in material produced by food depackaging facilities. The Secretary of Natural Resources shall not adopt rules under this section or authorize the issuance of permits under the rules adopted under this section that restrain agricultural activities without the consent of the Secretary of Agriculture, Food and Markets.

(b) The Secretary of Natural Resource shall not initiate rulemaking under this section until the report required by Sec. 2 of this act is submitted to the Vermont General Assembly.

Sec. 4. REPEAL

Sec. 1 (moratorium on food depackaging facilities) of this act shall be repealed on the date that the rules required under Sec. 3 of this act are adopted and in effect.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to the regulation of food depackaging facilities”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Natural Resources, Fish, and Wildlife agreed to, and third reading ordered.

House Resolution Amended; Adopted

H.R. 19

House resolution amending the Rules and Orders of the House of Representatives related to House ethics

Was taken up.

Pending the question, Shall the House adopt the resolution?, **Rep. Donahue of Northfield** moved to amend the resolution as follows:

In the first Resolved Clause (amending House Rule 90(b)), in subdivision (2)(A) (House Ethics Panel; procedures), in the last sentence, following “The Panel may meet remotely” by striking out “to debate and vote on issues designated confidential under its adopted procedures” and inserting in lieu

thereof “during adjournment to consider complaints as set forth in the Panel Procedure for Handling Ethics Complaints”

Which was agreed to. Thereupon, the resolution, as amended, was adopted.

Joint Resolution Adopted

J.R.H. 16

Joint resolution authorizing the Green Mountain Boys State educational program to use the State House

Offered by: Representative Marcotte of Coventry

Whereas, the American Legion Department of Vermont sponsors the Green Mountain Boys State educational program, providing a group of boys entering the 12th grade a special opportunity to study the workings of State government, including conducting a mock legislative session at the State House, and

Whereas, the COVID-19 pandemic has forced the temporary closure of the State House to the public, and the extent of permitted public access to the building on June 23, 2022 will be dependent on the prevailing public health situation, now therefore be it

Resolved by the Senate and House of Representatives:

That the Green Mountain Boys State educational program is authorized to use the chambers and committee rooms of the State House on Thursday, June 23, 2022, from 8:00 a.m. to 4:15 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Department of Vermont.

Was taken up and adopted on the part of the House.

Adjournment

At three o'clock and forty-five minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, February 25, 2022

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Committee Bill Introduced; Referred to Appropriations**H. 715**

By the Committee on Energy and Technology,

House bill, entitled

An act relating to the Clean Heat Standard

Was read the first time and, pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Committee Bill Introduced; Referred to Ways and Means**H. 716**

By the Committee on Education,

House bill, entitled

An act relating to making miscellaneous changes in education law

Was read the first time and, pursuant to House Rule 35(a), affecting the revenue of the State or materially affecting the revenue of one or more municipalities, was referred to the Committee on Ways and Means.

Bill Referred to Committee on Ways and Means**H. 492**

House bill, entitled

An act relating to the structure of the Natural Resources Board

Appearing 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, was referred to the Committee on Ways and Means.

Bills Referred to Committee on Appropriations

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

H. 533

House bill, entitled

An act relating to converting civil forfeiture of property in drug-related

prosecutions into a criminal process

H. 534

House bill, entitled

An act relating to sealing criminal history records

Ceremonial Reading

H.C.R. 81

House concurrent resolution in memory and recognition of Henry A. LaGue Jr. of Berlin

Offered by: Donahue of Northfield and Goslant of Northfield

Having been adopted in concurrence on Wednesday, January 12, 2022 in accord with Joint Rule 16b, was read.

Third Reading; Bill Passed

H. 501

House bill, entitled

An act relating to physical contaminant standards for residual waste, digestate, and soil amendments

Was taken up, read the third time, and passed.

Committee Bill; Second Reading;

Bill Amended; Motion to Commit Disagreed to; Third Reading Ordered

H. 697

Rep. Bongartz of Manchester spoke for the Committee on Natural Resources, Fish, and Wildlife.

House bill, entitled

An act relating to eligibility of reserve forestland for enrollment in the Use Value Appraisal Program

Rep. Masland of Thetford, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as follows:

First: In Sec. 2, 32 V.S.A. chapter 124, subchapter 1, in section 3750, after “working landscape” and before the period by striking out “and the rural character of Vermont” and inserting in lieu thereof “, preserve the rural character of Vermont, and protect the natural ecological systems and natural resources of the forestland of Vermont”

Second: By striking out Sec. 3, Department of Forests, Parks and Recreation; Management Standards for Reserve Forestland; Implementation, in its entirety and inserting in lieu thereof two new sections to read as follows:

Sec. 3. DEPARTMENT OF FORESTS, PARKS AND RECREATION;

REPORT ON ENROLLMENT OF RESERVE FORESTLAND

IN USE VALUE APPRAISAL

(a) On or before December 31, 2022, the Commissioner of Forests, Parks and Recreation, after consultation with the Division of Property Valuation and Review and the Current Use Advisory Board, shall submit to the House Committees on Natural Resources, Fish, and Wildlife, on Agriculture and Forestry, and on Ways and Means and the Senate Committees on Natural Resources and Energy, on Agriculture, and on Finance a report regarding the enrollment of reserve forestland in the Use Value Appraisal Program. The report shall include the following:

(1) The standards for the management of reserve forestland eligible for participation in the Use Value Appraisal Program under 32 V.S.A. § 3752(9)(A)(ii). The standards established by the Commissioner of Forests, Parks and Recreation shall be the same or substantially similar to the standards set forth in the Department of Forests, Parks and Recreation report on Considerations for a Reserve Forestland Subcategory in Vermont's Use Value Appraisal Program, dated October 15, 2021.

(2) A summary of how a property owner of land already enrolled in the Use Value Appraisal Program as productive forestland would enroll land as reserve forestland and how a property owner of land enrolled in the Use Value Appraisal Program as reserve forestland would transition to enrollment as productive forestland.

(b) On or before December 31, 2024, the Commissioner of Taxes, after consultation with the Commissioner of Forests, Parks and Recreation, the Secretary of Agriculture, Food, And Markets, and the Current Use Advisory Board, shall submit to the House Committees on Natural Resources, Fish, and Wildlife, on Agriculture and Forestry, and on Ways and Means and the Senate Committees on Natural Resources and Energy, on Agriculture, and on Finance a report that examines the strategies and rates for the valuation of all land enrolled in the Use Value Appraisal Program and that recommends whether and how to ensure that the fiscal return to landowners and the State is consistent among use values and uses of the different categories of enrolled land.

Sec. 3a. IMPLEMENTATION

Beginning on July 1, 2023 and pursuant to 32 V.S.A. § 3755, managed forestland shall be eligible for enrollment in the Use Value Appraisal Program as reserve forestland in accordance with the minimum acceptable standards and administrative requirements established by the Commissioner of Forests, Parks and Recreation.

Third: By striking out Sec. 5, effective dates, in its entirety and inserting in lieu thereof a new Sec. 5 to read as follows:

Sec. 5. EFFECTIVE DATES

(a) This section and Secs. 1 (findings), 3 (report on enrollment for reserve forestland), 3a (implementation), and 4 (report on enrollment) shall take effect on passage.

(b) Sec. 2 (Use Value Appraisal Program) shall take effect on July 1, 2023.

Having appeared on the Notice Calendar, the bill was taken up, read the second time, and the report of the Committee on Ways and Means was agreed to.

Thereupon, **Rep. Lefebvre of Orange** moved to commit the bill to the Committee on Agriculture and Forestry, which was disagreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Higley of Lowell** 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, 83. Nays, 43.

Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	Ode of Burlington
Anthony of Barre City	Grad of Moretown	Pajala of Londonderry
Arrison of Weathersfield	Harrison of Chittenden	Partridge of Windham
Austin of Colchester	Hooper of Montpelier	Pugh of South Burlington
Bartholomew of Hartland	Hooper of Burlington	Rogers of Waterville
Beck of St. Johnsbury	Houghton of Essex	Satcowitz of Randolph
Birong of Vergennes	James of Manchester	Scheu of Middlebury
Black of Essex	Jerome of Brandon	Shaw of Pittsford
Bluemle of Burlington	Jessup of Middlesex	Sheldon of Middlebury *
Bongartz of Manchester	Kimbell of Woodstock	Sibilia of Dover
Bos-Lun of Westminster	Kornheiser of Brattleboro	Small of Winooski
Briglin of Thetford	LaLonde of South	Squirell of Underhill
Brown of Richmond	Burlington	Stevens of Waterbury
Brownell of Pownal	Lanpher of Vergennes	Surprenant of Barnard
Brumsted of Shelburne	Lefebvre of Newark	Taylor of Colchester
Burke of Brattleboro	Lippert of Hinesburg	Till of Jericho

Burrows of West Windsor	Long of Newfane	Toleno of Brattleboro
Campbell of St. Johnsbury	Masland of Thetford	Townsend of South
Christie of Hartford	McCarthy of St. Albans City	Burlington
Coffey of Guilford	McCormack of Burlington	Walz of Barre City
Colston of Winooski	McCullough of Williston	Webb of Shelburne
Conlon of Cornwall	Morris of Springfield	White of Bethel
Copeland Hanzas of	Mulvaney-Stanak of	White of Hartford
Bradford	Burlington	Whitman of Bennington
Corcoran of Bennington	Murphy of Fairfax	Wood of Waterbury
Cordes of Lincoln	Nicoll of Ludlow	Yacovone of Morristown
Dolan of Essex	Nigro of Bennington	Yantachka of Charlotte
Durfee of Shaftsbury	Notte of Rutland City	
Elder of Starksboro	Noyes of Wolcott	
Emmons of Springfield	O'Brien of Tunbridge	

Those who voted in the negative are:

Bock of Chester	Labor of Morgan	Page of Newport City
Brennan of Colchester	LaClair of Barre Town	Palasik of Milton
Canfield of Fair Haven	Laroche of Franklin	Parsons of Newbury *
Cupoli of Rutland City	Lefebvre of Orange	Pearl of Danville
Dickinson of St. Albans	Leffler of Enosburgh	Peterson of Clarendon
Town	Marcotte of Coventry	Rosenquist of Georgia
Donahue of Northfield	Martel of Waterford	Smith of Derby
Fagan of Rutland City	Mattos of Milton	Smith of New Haven
Feltus of Lyndon	McCoy of Poultney	Strong of Albany
Goslant of Northfield	McFaun of Barre Town	Sullivan of Dorset
Graham of Williamstown	Morgan, L. of Milton	Terenzini of Rutland Town
Gregoire of Fairfield	Morgan, M. of Milton	Toof of St. Albans Town
Hango of Berkshire	Morrissey of Bennington	Walker of Swanton
Helm of Fair Haven	Norris of Sheldon	Williams of Granby
Higley of Lowell	Norris of Shoreham	

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

Achey of Middletown	Donnally of Hyde Park	Patt of Worcester
Springs	Garofano of Essex	Rachelson of Burlington
Brady of Williston	Goldman of Rockingham	Scheuermann of Stowe
Burditt of West Rutland	Hooper of Randolph	Sims of Craftsbury
Chase of Colchester	Howard of Rutland City	Stebbins of Burlington
Cina of Burlington	Killackey of South Burlington	Troiano of Stannard
Colburn of Burlington	Kitzmiller of Montpelier	Vyhovsky of Essex
Dolan of Waitsfield	Mrowicki of Putney	

Rep. Parsons of Newbury explained his vote as follows:

“Madam Speaker:

I voted 'No' on this bill specifically dealing with our current use system and the goals of our forests. We however did not seek the input of the current

use advisory board or send it to our forestry committee. I cannot support the process.”

Rep. Sheldon of Middlebury explained her vote as follows:

“Madam Speaker:

Old forests play a critical role in addressing climate change and reviving the loss of biodiversity. They sequester and store more carbon and provide necessary habitat for all species.

This bill is one small step towards increasing the amount of old forest in Vermont.”

House Resolution Adopted

H.R. 20

House resolution authorizing remote participation in House sessions and committees under restricted, COVID-19-related circumstances through the remainder of 2022 and 2023-24 alternative procedure convening and organizing authority

Was taken up.

Pending the question, Shall the House adopt the resolution?, **Rep. Kitzmiller of Montpelier** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House adopt the resolution?, was decided in the affirmative. Yeas, 108. Nays, 17.

Those who voted in the affirmative are:

Ancl of Calais	Gregoire of Fairfield	Norris of Shoreham
Arrison of Weathersfield	Hango of Berkshire	Notte of Rutland City
Austin of Colchester	Harrison of Chittenden	Noyes of Wolcott
Bartholomew of Hartland	Higley of Lowell	Ode of Burlington
Birong of Vergennes	Hooper of Montpelier	Pajala of Londonderry
Black of Essex	Houghton of Essex	Palasik of Milton
Bluemle of Burlington	James of Manchester	Parsons of Newbury
Bock of Chester	Jerome of Brandon	Partridge of Windham
Bongartz of Manchester	Jessup of Middlesex	Peterson of Clarendon
Bos-Lun of Westminster *	Kimbell of Woodstock	Pugh of South Burlington
Brennan of Colchester	Kornheiser of Brattleboro	Rogers of Waterville
Briglin of Thetford	Labor of Morgan	Rosenquist of Georgia
Brown of Richmond	LaClair of Barre Town	Satcowitz of Randolph
Brownell of Pownal	LaLonde of South	Scheu of Middlebury
Brumsted of Shelburne	Burlington	Shaw of Pittsford
Burke of Brattleboro	Lanpher of Vergennes	Sheldon of Middlebury
Burrows of West Windsor	Laroche of Franklin	Sibilia of Dover
Campbell of St. Johnsbury	Lefebvre of Orange	Smith of Derby

Canfield of Fair Haven	Leffler of Enosburgh	Smith of New Haven
Coffey of Guilford	Lippert of Hinesburg	Squirrell of Underhill
Colston of Winooski	Long of Newfane	Stevens of Waterbury
Conlon of Cornwall	Marcotte of Coventry	Sullivan of Dorset
Copeland Hanzas of Bradford	Martel of Waterford	Taylor of Colchester
Corcoran of Bennington	Masland of Thetford	Terenzini of Rutland Town
Cupoli of Rutland City	Mattos of Milton	Toleno of Brattleboro
Dickinson of St. Albans Town	McCarthy of St. Albans City	Toof of St. Albans Town
Dolan of Essex	McCormack of Burlington	Troiano of Stannard
Donahue of Northfield	McCoy of Poultney	Walker of Swanton
Durfee of Shaftsbury	McCullough of Williston *	Webb of Shelburne
Emmons of Springfield	McFaun of Barre Town	White of Bethel
Fagan of Rutland City	Morgan, L. of Milton	White of Hartford
Feltus of Lyndon	Morgan, M. of Milton	Whitman of Bennington
Gannon of Wilmington	Morris of Springfield	Williams of Granby
Goslant of Northfield	Morrissey of Bennington	Wood of Waterbury
Grad of Moretown	Murphy of Fairfax	Yantachka of Charlotte *
Graham of Williamstown	Nicoll of Ludlow	
	Nigro of Bennington	
	Norris of Sheldon	

Those who voted in the negative are:

Anthony of Barre City *	Kitzmiller of Montpelier	Small of Winooski
Beck of St. Johnsbury	Lefebvre of Newark	Strong of Albany
Christie of Hartford	Mulvaney-Stanak of Burlington	Surprenant of Barnard
Cordes of Lincoln	O'Brien of Tunbridge	Till of Jericho
Elder of Starksboro	Page of Newport City	Walz of Barre City
Hooper of Burlington		Yacovone of Morristown

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

Achey of Middletown Springs	Garofano of Essex	Rachelson of Burlington
Brady of Williston	Goldman of Rockingham	Scheuermann of Stowe
Burditt of West Rutland	Helm of Fair Haven	Sims of Craftsbury
Chase of Colchester	Hooper of Randolph	Stebbins of Burlington
Cina of Burlington	Howard of Rutland City	Townsend of South Burlington
Colburn of Burlington	Killacky of South Burlington	Vyhovsky of Essex
Dolan of Waitsfield	Mrowicki of Putney	
Donnally of Hyde Park	Patt of Worcester	
	Pearl of Danville	

Rep. Anthony of Barre City explained his vote as follows:

“Madam Speaker:

The proposed rule is inconsistent with the bedrock value of mutual and equal respect between and among all members.”

Rep. Bos-Lun of Westminster explained her vote as follows:

“Madam Speaker:

I voted to support this resolution to preserve the option of hybrid legislation. We need a flexible policy which allows legislators to participate in the legislative process remotely for varied reasons. We must keep working on this issue.”

Rep. McCullough of Williston explained his vote as follows:

“Madam Speaker:

I vote 'Yes.' This resolution is the best of two bad choices. A no vote outcome returns the Body to its historic pre-COVID rules, putting the Members and their families at an even greater risk.”

Rep. Yantachka of Charlotte explained his vote as follows:

“Madam Speaker:

I voted 'Yes' because there was no practical alternative. However, I feel that the terms of this rule are much too restrictive based on our experience with remote participation during the last two years.”

**Joint Resolution Adopted; Rules Suspended;
Resolution Messaged to Senate Forthwith**

J.R.H. 17

Joint resolution authorizing remote participation in joint committees under restricted, COVID-19-related circumstances through the remainder in 2022;

Was taken up and adopted on the part of the House.

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

Message from the Senate No. 31

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

Madam Speaker:

I am directed to inform the House that:

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

H. 367. An act relating to the management of perpetual care funds by cemetery associations.

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

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 106. House concurrent resolution in memory of Robert William Kirkbride.

H.C.R. 107. House concurrent resolution designating March 10, 2022, as Social Worker Advocacy Day at the State House.

H.C.R. 108. House concurrent resolution designating the legislative week of March 8– 11, 2022 as Early Childhood Week at the General Assembly.

Adjournment

At twelve o'clock and thirty-four minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, March 8, 2022, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 33.

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. 106

House concurrent resolution in memory of Robert William Kirkbride

H.C.R. 107

House concurrent resolution designating March 10, 2022, as Social Worker Advocacy Day at the State House

H.C.R. 108

House concurrent resolution designating the legislative week of March 8– 11, 2022 as Early Childhood Week at the General Assembly

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2022 Adjourned Session.]

Tuesday, March 8, 2022

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

Devotional Exercises

Devotional exercises were conducted by Rev. Dr. Larry Jones, East Craftsbury Presbyterian Church, Craftsbury.

Pledge of Allegiance

Page Orion Cooper of South Burlington led the House in the Pledge of Allegiance.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House of Representatives that on the 28th day of February, 2022, he returned without signature and *vetoed* a bill originating in the House of Representatives of the following title:

H. 361 An act relating to approval of amendments to the charter of the Town of Brattleboro

Governor's Veto Letter

February 28, 2022

The Honorable BetsyAnn Wrask
Clerk of the Vermont House of Representatives
115 State Street
Montpelier, VT 05633

Dear Ms. Wrask:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I am returning H.361, *An Act Relating to Approval of Amendments to the Charter of the Town of Brattleboro*, without my signature.

While I applaud 16- and 17-year-old Vermonters who take an interest in the issues affecting their communities, their state and their country, I do not support lowering the voting age in Brattleboro.

First, given how inconsistent Vermont law already is on the age of adulthood, this proposal will only worsen the problem. For example, the Legislature has repeatedly raised the age of accountability to reduce the consequences when young adults commit criminal offenses. They have argued this approach is justified because these offenders are not mature enough to contemplate the full range of risks and impacts of their actions.

Testimony given by leaders from Columbia University's Justice Lab, who said Vermont should raise the upper age of juvenile jurisdiction for most crimes, (including some violent crimes) described adolescents and what they called "emerging adults" as more volatile; more susceptible to peer influence; greater risk-takers; and less future-oriented than adults. This view was cited by the Legislature as justification to expand the definition of "child" to those 18 to 22 for purposes of criminal accountability. "Youthful offenders" up to age 22 may now avoid criminal responsibility for their crimes.

Second, if the Legislature is interested in expanding voting access to school-aged children, they should debate this policy change on a statewide basis. I do not support creating a patchwork of core election laws and policies that are different from town to town. The fundamentals of voting should be universal and implemented statewide.

For these reasons, I am returning this legislation without my signature pursuant to Chapter II, Section 11 of the Vermont Constitution.

I understand this is a well-intended local issue. I urge the Legislature to take up a thorough and meaningful debate on Vermont's age of majority and come up with consistent, statewide policy for both voting and criminal justice.

Sincerely,

/s/Philip B. Scott

Philip B. Scott
Governor

PBS/kp

Communication from the Governor

March 7, 2022

The Honorable Jill Krowinski
Speaker of the House
115 State Street, Drawer 33
Montpelier, VT 05633-5301

Dear Speaker Krowinski:

I have the great honor to inform you that I have appointed John Kascenska of East Burke, Vermont to serve in the General Assembly representing House District Caledonia-4.

Sincerely,
/s/ Philip B. Scott
Philip B. Scott
Governor

PBS/tb
CC: James Condos, Secretary of State
BetsyAnn Wrask, Clerk of the House

Message from the Senate No. 32

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

Madam Speaker:

I am directed to inform the House that:

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

H. 654. An act relating to extending COVID-19 health care regulatory flexibility.

And has passed the same in concurrence.

New Member Announced and Appointed to Committee

Rep. John Kascenska of Burke, who was recently appointed by the Governor to fill the vacancy in Caledonia-4, having taken and subscribed the oath administered by the Clerk, as required by the Constitution and laws of the

State, was seated and then appointed by the Speaker to the Committee on Commerce and Economic Development.

Committee Bill Introduced

H. 717

By the Committee on Appropriations,
House bill, entitled

An act relating to providing humanitarian assistance to the people of Ukraine

Was read the first time, and pursuant to House Rule 48, placed on the Notice Calendar.

House Bills Introduced

H. 718

By Rep. Taylor of Colchester,
House bill, entitled

An act relating to approval of the dissolution of Colchester Fire District No. 1

Was read the first time and referred to the Committee on Government Operations.

H. 719

By Rep. Anthony of Barre City,
House bill, entitled

An act relating to support for municipal services that have traditionally been provided by the State

Was read the first time and referred to the Committee on Government Operations.

Committee Bill Introduced; Referred to Committee on Appropriations

H. 720

By the Committee on Human Services,
House bill, entitled

An act relating to the system of care for individuals with developmental disabilities

Was read the first time and, pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Bill Referred to Committee on Appropriations

H. 572

House bill, entitled

An act relating to the retirement allowance for interim educators

Appearing 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. 108

House concurrent resolution designating the legislative week of March 8–11, 2022 as Early Childhood Week at the General Assembly

Offered by: Pugh of South Burlington

Having been adopted in concurrence on Friday, February 25, 2022 in accord with Joint Rule 16b, was read.

Recess

At ten o'clock and twenty-two minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At eleven o'clock and twelve minutes in the forenoon, the Speaker called the House to order.

Action on Bill Postponed

H. 517

House bill, entitled

An act relating to the Vermont National Guard Tuition Benefit Program

Was taken up, and pending the reading of the report of the Committee on General, Housing, and Military Affairs, on motion of **Rep. Stevens of Waterbury**, action on the bill was postponed until March 9, 2022.

Third Reading; Bill Passed

H. 697

House bill, entitled

An act relating to eligibility of reserve forestland for enrollment in the Use Value Appraisal Program

Was taken up and read the third time.

Pending the question, Shall the bill pass?, **Rep. LaClair of Barre Town** 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 pass?, was decided in the affirmative. Yeas, 99. Nays, 40.

Those who voted in the affirmative are:

Ancel of Calais	Garofano of Essex	Ode of Burlington
Anthony of Barre City	Goldman of Rockingham	Pajala of Londonderry
Arrison of Weathersfield	Grad of Moretown	Partridge of Windham
Austin of Colchester	Harrison of Chittenden	Patt of Worcester
Bartholomew of Hartland	Hooper of Montpelier	Pugh of South Burlington
Beck of St. Johnsbury	Hooper of Randolph	Rachelson of Burlington
Birong of Vergennes	Hooper of Burlington	Rogers of Waterville
Black of Essex	Houghton of Essex	Satcowitz of Randolph
Bluemle of Burlington	Howard of Rutland City	Scheu of Middlebury
Bongartz of Manchester	James of Manchester	Shaw of Pittsford
Bos-Lun of Westminster	Jessup of Middlesex	Sheldon of Middlebury
Brady of Williston	Killacky of South Burlington	Sibilia of Dover
Briglin of Thetford	Kimbell of Woodstock	Sims of Craftsbury
Brown of Richmond	Kitzmiller of Montpelier	Small of Winooski
Brownell of Pownal	Kornheiser of Brattleboro	Squirrell of Underhill
Brumsted of Shelburne	LaLonde of South	Stebbins of Burlington
Burke of Brattleboro	Burlington	Stevens of Waterbury
Burrows of West Windsor	Lanpher of Vergennes	Sullivan of Dorset
Campbell of St. Johnsbury	Lefebvre of Newark	Surprenant of Barnard
Christie of Hartford	Lippert of Hinesburg	Taylor of Colchester
Cina of Burlington	Long of Newfane	Till of Jericho
Coffey of Guilford	Masland of Thetford	Townsend of South
Colburn of Burlington	McCarthy of St. Albans City	Burlington
Conlon of Cornwall	McCormack of Burlington	Troiano of Stannard
Copeland Hanzas of	McCullough of Williston	Vyhovsky of Essex
Bradford	Morris of Springfield	Walz of Barre City
Corcoran of Bennington	Mrowicki of Putney	Webb of Shelburne
Cordes of Lincoln	Mulvaney-Stanak of	White of Bethel
Dolan of Essex	Burlington	White of Hartford
Dolan of Waitsfield	Murphy of Fairfax	Whitman of Bennington
Donnally of Hyde Park	Nicoll of Ludlow	Wood of Waterbury
Durfee of Shaftsbury	Nigro of Bennington	Yacovone of Morristown
Elder of Starksboro	Notte of Rutland City	Yantachka of Charlotte
Emmons of Springfield	Noyes of Wolcott	
Gannon of Wilmington	O'Brien of Tunbridge	

Those who voted in the negative are:

Achey of Middletown Springs	Hango of Berkshire	Morrissey of Bennington
Brennan of Colchester	Helm of Fair Haven	Norris of Sheldon
Burditt of West Rutland	Higley of Lowell	Norris of Shoreham
Canfield of Fair Haven	Kascenska of Burke	Page of Newport City
Cupoli of Rutland City	Labor of Morgan	Parsons of Newbury
Dickinson of St. Albans Town	LaClair of Barre Town	Pearl of Danville
Donahue of Northfield	Laroche of Franklin	Peterson of Clarendon
Fagan of Rutland City	Lefebvre of Orange	Rosenquist of Georgia
Feltus of Lyndon	Marcotte of Coventry	Scheuermann of Stowe
Goslant of Northfield	Martel of Waterford	Smith of Derby
Graham of Williamstown	Mattos of Milton	Strong of Albany
Gregoire of Fairfield	McCoy of Poultney	Toof of St. Albans Town
	McFaun of Barre Town	Walker of Swanton
	Morgan, L. of Milton	Williams of Granby

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

Bock of Chester	Leffler of Enosburgh	Terenzini of Rutland Town
Chase of Colchester	Morgan, M. of Milton	Toleno of Brattleboro
Colston of Winooski	Palasik of Milton	
Jerome of Brandon	Smith of New Haven	

Favorable Report; Second Reading; Third Reading Ordered

H. 680

Rep. Lefebvre of Orange, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to obtaining a marriage license in any town in Vermont

Reported in favor of its passage. The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Report of Committee of Conference Adopted; Rules Suspended; Action Ordered Messaged to Senate Forthwith and Delivered to the Governor Forthwith

H. 679

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

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House bill, entitled

An act relating to fiscal year 2022 budget adjustments

Respectfully reported that it has met and considered the same and recommended the following:

Report of Committee of Conference

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

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

H. 679. An act relating to fiscal year 2022 budget adjustments.

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

Sec. 1. 2021 Acts and Resolves No. 74, Sec. B.126 is amended to read:

Sec. B.126 Legislature

Personal services	5,033,474	5,138,474
Operating expenses	<u>3,768,163</u>	<u>3,768,163</u>
Total	8,801,637	8,906,637
Source of funds		
General fund	<u>8,801,637</u>	<u>8,906,637</u>
Total	8,801,637	8,906,637

Sec. 2. 2021 Acts and Resolves No. 74, Sec. B.127 is amended to read:

Sec. B.127 Joint fiscal committee

Personal services	2,288,387	2,478,387
Operating expenses	<u>158,873</u>	<u>158,873</u>
Total	2,447,260	2,637,260
Source of funds		
General fund	2,322,260	2,512,260
Interdepartmental transfers	<u>125,000</u>	<u>125,000</u>
Total	2,447,260	2,637,260

Sec. 3. 2021 Acts and Resolves No. 74, Sec. B.145 is amended to read:

Sec. B.145 Total general government

Source of funds		
General fund	98,982,912	99,277,912
Transportation fund	3,911,594	3,911,594
Special funds	16,446,601	16,446,601
Federal funds	1,150,041	1,150,041

Internal service funds	138,310,838	138,310,838
Interdepartmental transfers	7,551,641	7,551,641
Enterprise funds	6,840	6,840
Pension trust funds	7,169,079	7,169,079
Private purpose trust funds	<u>1,135,286</u>	<u>1,135,286</u>
Total	<u>274,664,832</u>	274,959,832

Sec. 4. 2021 Acts and Resolves No. 74, Sec. B.225.2 is amended to read:

Sec. B.225.2 Agriculture, Food and Markets - Clean Water

Personal services	3,249,011	3,249,011
Operating expenses	486,344	486,344
Grants	<u>4,060,891</u>	<u>5,503,348</u>
Total	<u>7,796,246</u>	9,238,703

Source of funds

General fund	1,087,080	1,087,080
Special funds	<u>6,089,920</u>	7,532,377
Federal funds	133,534	133,534
Interdepartmental transfers	<u>485,712</u>	<u>485,712</u>
Total	<u>7,796,246</u>	9,238,703

Sec. 5. 2021 Acts and Resolves No. 74, Sec. B.240 is amended to read:

Sec. B.240 Cannabis Control Board

Personal services	<u>650,000</u>	<u>850,000</u>
Total	<u>650,000</u>	850,000

Source of funds

Special funds	<u>650,000</u>	<u>850,000</u>
Total	<u>650,000</u>	850,000

Sec. 6. 2021 Acts and Resolves No. 74, Sec. B.241 is amended to read:

Sec. B.241 Total protection to persons and property

Source of funds

General fund	171,360,524	171,360,524
Transportation fund	20,250,000	20,250,000
Special funds	<u>91,319,879</u>	92,962,336
Tobacco fund	561,843	561,843
Federal funds	70,315,412	70,315,412
ARRA funds	520,000	520,000
Interdepartmental transfers	14,457,347	14,457,347
Enterprise funds	<u>12,785,618</u>	<u>12,785,618</u>
Total	<u>381,570,623</u>	383,213,080

Sec. 7. 2021 Acts and Resolves No. 74, Sec. B.300 is amended to read:

Sec. B.300 Human services - agency of human services - secretary's office

Personal services	11,427,819	11,346,910
Operating expenses	5,214,621	5,214,621
Grants	<u>2,895,202</u>	<u>2,895,202</u>
Total	19,537,642	19,456,733
Source of funds		
General fund	8,430,401	8,802,492
Special funds	135,517	135,517
Federal funds	9,959,398	9,959,398
Global Commitment fund	453,000	0
Interdepartmental transfers	<u>559,326</u>	<u>559,326</u>
Total	19,537,642	19,456,733

Sec. 8. 2021 Acts and Resolves No. 74, Sec. B.301 is amended to read:

Sec. B.301 Secretary's office - global commitment

Grants	<u>1,680,637,999</u>	<u>1,839,201,185</u>
Total	1,680,637,999	1,839,201,185
Source of funds		
General fund	559,592,034	585,702,238
Special funds	33,370,086	33,228,937
Tobacco fund	21,049,373	21,049,373
State health care resources fund	17,078,501	16,023,501
Federal funds	1,044,929,568	1,179,162,966
Interdepartmental transfers	<u>4,618,437</u>	<u>4,034,170</u>
Total	1,680,637,999	1,839,201,185

Sec. 9. 2021 Acts and Resolves No. 74, Sec. B.306 is amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	130,163,425	130,170,447
Operating expenses	26,394,423	26,444,423
Grants	<u>3,192,301</u>	<u>2,912,301</u>
Total	159,750,149	159,527,171
Source of funds		
General fund	32,776,219	33,116,885
Special funds	3,363,758	5,678,861
Federal funds	114,469,002	111,590,255
Global Commitment fund	4,314,039	4,314,039
Interdepartmental transfers	<u>4,827,131</u>	<u>4,827,131</u>
Total	159,750,149	159,527,171

Sec. 10. 2021 Acts and Resolves No. 74, Sec. B.307 is amended to read:

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Personal services	547,983	547,983
Grants	<u>757,772,233</u>	<u>855,581,847</u>
Total	<u>758,320,216</u>	<u>856,129,830</u>
Source of funds		
Global Commitment fund	<u>758,320,216</u>	<u>856,129,830</u>
Total	<u>758,320,216</u>	<u>856,129,830</u>

Sec. 11. 2021 Acts and Resolves No. 74, Sec. B.309 is amended to read:

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>42,367,754</u>	<u>50,029,823</u>
Total	<u>42,367,754</u>	<u>50,029,823</u>
Source of funds		
General fund	<u>42,315,703</u>	<u>40,459,853</u>
Global Commitment fund	<u>52,051</u>	<u>9,569,970</u>
Total	<u>42,367,754</u>	<u>50,029,823</u>

Sec. 12. 2021 Acts and Resolves No. 74, Sec. B.310 is amended to read:

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>32,842,006</u>	<u>34,768,604</u>
Total	<u>32,842,006</u>	<u>34,768,604</u>
Source of funds		
General fund	<u>12,664,602</u>	<u>12,817,789</u>
Federal funds	<u>20,177,404</u>	<u>21,950,815</u>
Total	<u>32,842,006</u>	<u>34,768,604</u>

Sec. 13. 2021 Acts and Resolves No. 74, Sec. B.311 is amended to read:

Sec. B.311 Health - administration and support

Personal services	5,753,602	5,753,602
Operating expenses	6,567,686	5,946,041
Grants	<u>6,313,608</u>	<u>6,313,608</u>
Total	<u>18,634,896</u>	<u>18,013,251</u>
Source of funds		
General fund	<u>2,982,217</u>	<u>2,360,572</u>
Special funds	<u>2,061,857</u>	<u>2,061,857</u>
Federal funds	<u>7,777,658</u>	<u>7,777,658</u>

Global Commitment fund	5,748,858	5,748,858
Interdepartmental transfers	<u>64,306</u>	<u>64,306</u>
Total	18,634,896	18,013,251

Sec. 14. 2021 Acts and Resolves No. 74, Sec. B.314 is amended to read:

Sec. B.314 Mental health - mental health

Personal services	32,985,332	34,712,990
Operating expenses	4,700,264	4,850,264
Grants	<u>246,498,959</u>	<u>234,392,478</u>
Total	284,184,555	273,955,732

Source of funds

General fund	10,281,092	10,850,067
Special funds	1,685,284	1,685,284
Federal funds	9,398,134	9,377,108
Global Commitment fund	262,745,408	251,968,636
Interdepartmental transfers	<u>74,637</u>	<u>74,637</u>
Total	284,184,555	273,955,732

Sec. 15. 2021 Acts and Resolves No. 74, Sec. B.316 is amended to read:

Sec. B.316 Department for children and families - administration & support services

Personal services	38,362,798	39,823,024
Operating expenses	17,035,520	19,109,020
Grants	<u>3,819,106</u>	<u>3,819,106</u>
Total	59,217,424	62,751,150

Source of funds

General fund	33,091,620	34,739,860
Special funds	2,711,682	2,761,682
Federal funds	21,062,298	23,494,784
Global Commitment fund	2,000,936	1,403,936
Interdepartmental transfers	<u>350,888</u>	<u>350,888</u>
Total	59,217,424	62,751,150

Sec. 16. 2021 Acts and Resolves No. 74, Sec. B.317 is amended to read:

Sec. B.317 Department for children and families - family services

Personal services	39,332,995	39,636,555
Operating expenses	4,997,338	4,997,338
Grants	<u>81,171,012</u>	<u>83,187,102</u>
Total	125,501,345	127,820,995

Source of funds

General fund	49,047,462	49,543,086

Special funds	729,587	729,587
Federal funds	31,365,138	32,373,091
Global Commitment fund	44,344,158	45,137,731
Interdepartmental transfers	<u>15,000</u>	<u>37,500</u>
Total	125,501,345	127,820,995

Sec. 17. 2021 Acts and Resolves No. 74, Sec. B.318 is amended to read:

Sec. B.318 Department for children and families - child development

Personal services	5,020,429	5,624,306
Operating expenses	848,079	921,579
Grants	<u>100,111,841</u>	<u>97,958,128</u>
Total	105,980,349	104,504,013

Source of funds

General fund	27,348,614	25,996,178
Special funds	16,820,000	16,820,000
Federal funds	50,874,814	50,623,626
Global Commitment fund	10,914,421	11,064,209
Interdepartmental transfers	<u>22,500</u>	<u>0</u>
Total	105,980,349	104,504,013

Sec. 18. 2021 Acts and Resolves No. 74, Sec. B.321 is amended to read:

Sec. B.321 Department for children and families - general assistance

Personal services	15,000	15,000
Grants	<u>2,823,574</u>	<u>2,823,574</u>
Total	2,838,574	2,838,574

Source of funds

General fund	2,441,239	2,541,239
Federal funds	111,320	11,320
Global Commitment fund	<u>286,015</u>	<u>286,015</u>
Total	2,838,574	2,838,574

Sec. 19. 2021 Acts and Resolves No. 74, Sec. B.323 is amended to read:

Sec. B.323 Department for children and families - reach up

Operating expenses	29,119	29,119
Grants	<u>31,842,843</u>	<u>31,842,843</u>
Total	31,871,962	31,871,962

Source of funds

General fund	19,904,694	19,704,694
Special funds	5,854,320	5,954,320
Federal funds	3,431,330	3,531,330
Global Commitment fund	<u>2,681,618</u>	<u>2,681,618</u>

Total	31,871,962	31,871,962

Sec. 20. 2021 Acts and Resolves No. 74, Sec. B.325 is amended to read:

Sec. B.325 Department for children and families - office of economic opportunity

Personal services	636,177	636,177
Operating expenses	43,488	43,488
Grants	<u>19,383,262</u>	<u>25,483,262</u>
Total	<u>20,062,927</u>	<u>26,162,927</u>

Source of funds

General fund	14,225,798	20,325,798
Special funds	57,990	57,990
Federal funds	4,423,154	4,423,154
Global Commitment fund	<u>1,355,985</u>	<u>1,355,985</u>
Total	<u>20,062,927</u>	<u>26,162,927</u>

Sec. 21. 2021 Acts and Resolves No. 74, Sec. B.327 is amended to read:

Sec. B.327 Department for Children and Families - Secure Residential Treatment

Personal services	258,100	258,100
Operating expenses	650,463	650,463
Grants	<u>3,476,862</u>	<u>3,773,834</u>
Total	<u>4,385,425</u>	<u>4,682,397</u>

Source of funds

General fund	4,355,425	4,652,397
Global Commitment fund	<u>30,000</u>	<u>30,000</u>
Total	<u>4,385,425</u>	<u>4,682,397</u>

Sec. 22. 2021 Acts and Resolves No. 74, Sec. B.328 is amended to read:

Sec. B.328 Department for children and families - disability determination services

Personal services	7,139,139	6,991,600
Operating expenses	<u>460,858</u>	<u>460,858</u>
Total	<u>7,599,997</u>	<u>7,452,458</u>

Source of funds

General fund	111,120	111,120
Federal funds	<u>7,488,877</u>	<u>7,341,338</u>
Total	<u>7,599,997</u>	<u>7,452,458</u>

Sec. 23. 2021 Acts and Resolves No. 74, Sec. B.329 is amended to read:

Sec. B.329 Disabilities, aging, and independent living - administration & support

Personal services	33,906,585	35,498,760
Operating expenses	<u>5,953,426</u>	<u>5,953,426</u>
Total	39,860,011	41,452,186
Source of funds		
General fund	17,731,954	19,174,129
Special funds	1,390,457	1,390,457
Federal funds	19,671,316	19,821,316
Interdepartmental transfers	<u>1,066,284</u>	<u>1,066,284</u>
Total	39,860,011	41,452,186

Sec. 24. 2021 Acts and Resolves No. 74, Sec. B.330 is amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>19,352,893</u>	<u>19,921,075</u>
Total	19,352,893	19,921,075
Source of funds		
General fund	7,644,654	7,644,654
Federal funds	7,148,466	7,148,466
Global Commitment fund	<u>4,559,773</u>	<u>5,127,955</u>
Total	19,352,893	19,921,075

Sec. 25. 2021 Acts and Resolves No. 74, Sec. B.334 is amended to read:

Sec. B.334 Disabilities, aging, and independent living - Brain injury home and community based waiver

Grants	<u>5,564,689</u>	<u>5,714,689</u>
Total	5,564,689	5,714,689
Source of funds		
Global Commitment fund	<u>5,564,689</u>	<u>5,714,689</u>
Total	5,564,689	5,714,689

Sec. 26. 2021 Acts and Resolves No. 74, Sec. B.334.1 is amended to read:

Sec. B.334.1 Disabilities, aging and independent living - Long Term Care

Grants	<u>230,505,916</u>	<u>238,018,868</u>
Total	230,505,916	238,018,868
Source of funds		
General fund	498,579	498,579
Federal funds	2,083,333	2,083,333

Global Commitment fund	<u>227,924,004</u>	<u>235,436,956</u>
Total	<u>230,505,916</u>	<u>238,018,868</u>

Sec. 27. 2021 Acts and Resolves No. 74, Sec. B.339 is amended to read:

Sec. B.339 Corrections - Correctional services-out of state beds

Personal services	<u>5,640,604</u>	<u>5,223,574</u>
Total	<u>5,640,604</u>	<u>5,223,574</u>

Source of funds

General fund	<u>5,640,604</u>	<u>5,223,574</u>
Total	<u>5,640,604</u>	<u>5,223,574</u>

Sec. 28. 2021 Acts and Resolves No. 74, Sec. B.342 is amended to read:

Sec. B.342 Vermont veterans' home - care and support services

Personal services	<u>19,020,560</u>	<u>20,520,560</u>
Operating expenses	<u>5,426,960</u>	<u>5,899,095</u>
Total	<u>24,447,520</u>	<u>26,419,655</u>

Source of funds

General fund	<u>2,843,321</u>	<u>4,025,456</u>
Special funds	<u>11,868,942</u>	<u>12,658,942</u>
Federal funds	<u>9,735,257</u>	<u>9,735,257</u>
Total	<u>24,447,520</u>	<u>26,419,655</u>

Sec. 29. 2021 Acts and Resolves No. 74, Sec. B.346 is amended to read:

Sec. B.346 Total human services

Source of funds

General fund	<u>1,022,527,917</u>	<u>1,056,891,225</u>
Special funds	<u>116,659,874</u>	<u>119,773,828</u>
Tobacco fund	<u>23,088,208</u>	<u>23,088,208</u>
State health care resources fund	<u>17,078,501</u>	<u>16,023,501</u>
Federal Coronavirus Relief Fund	<u>15,000,000</u>	<u>15,000,000</u>
Federal funds	<u>1,497,837,906</u>	<u>1,634,136,654</u>
Global Commitment fund	<u>1,641,496,441</u>	<u>1,746,171,697</u>
Internal service funds	<u>1,951,982</u>	<u>1,951,982</u>
Interdepartmental transfers	<u>25,329,631</u>	<u>24,745,364</u>
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	<u>4,360,995,460</u>	<u>4,637,807,459</u>

Sec. 30. [Deleted.]

Sec. 31. 2021 Acts and Resolves No. 74, Sec. B.400 is amended to read:

Sec. B.400 Labor - programs

Personal services	31,359,103	30,259,103
Operating expenses	7,701,210	7,701,210
Grants	<u>1,822,409</u>	<u>1,822,409</u>
Total	40,882,722	39,782,722
Source of funds		
General fund	5,394,154	5,394,154
Special funds	6,422,539	6,422,539
Federal funds	28,658,417	27,558,417
Interdepartmental transfers	<u>407,612</u>	<u>407,612</u>
Total	40,882,722	39,782,722

Sec. 32. 2021 Acts and Resolves No. 74, Sec. B.401 is amended to read:

Sec. B.401 Total labor

Source of funds		
General fund	5,394,154	5,394,154
Special funds	6,422,539	6,422,539
Federal funds	28,658,417	27,558,417
Interdepartmental transfers	<u>407,612</u>	<u>407,612</u>
Total	40,882,722	39,782,722

Sec. 33. [Deleted.]

Sec. 34. [Deleted.]

Sec. 35. 2021 Acts and Resolves No. 74, Sec. B.605 is amended to read:

Sec. B.605 Vermont student assistance corporation

Grants	<u>22,251,315</u>	<u>19,978,588</u>
Total	22,251,315	19,978,588
Source of funds		
General fund	19,978,588	19,978,588
Interdepartmental transfers	<u>2,272,727</u>	0
Total	22,251,315	19,978,588

Sec. 36. 2021 Acts and Resolves No. 74, Sec. B.608 is amended to read:

Sec. B.608 Total higher education

Source of funds		
General fund	98,861,685	98,861,685
Education fund	41,225	41,225
Global Commitment fund	409,461	409,461

Interdepartmental transfers	<u>2,272,727</u>	<u>0</u>
Total	101,585,098	99,312,371

Sec. 37. 2021 Acts and Resolves No. 74, Sec. B.702 is amended to read:

Sec. B.702 Fish and wildlife - support and field services

Personal services	18,654,752	18,754,752
Operating expenses	6,717,480	7,617,480
Grants	<u>670,446</u>	<u>670,446</u>
Total	26,042,678	27,042,678

Source of funds

General fund	6,403,816	6,403,816
Special funds	239,657	1,239,657
Fish and wildlife fund	9,561,364	9,561,364
Federal funds	8,504,410	8,504,410
Interdepartmental transfers	1,322,431	1,322,431
Permanent trust funds	<u>11,000</u>	<u>11,000</u>
Total	26,042,678	27,042,678

Sec. 38. 2021 Acts and Resolves No. 74, Sec. B.711 is amended to read:

Sec. B.711 Environmental conservation - office of water programs

Personal services	28,652,311	28,652,311
Operating expenses	6,722,953	6,722,953
Grants	<u>31,819,350</u>	<u>29,319,350</u>
Total	67,194,614	64,694,614

Source of funds

General fund	7,926,170	7,926,170
Special funds	22,601,929	20,101,929
Federal funds	36,003,082	36,003,082
Interdepartmental transfers	<u>663,433</u>	<u>663,433</u>
Total	67,194,614	64,694,614

Sec. 39. 2021 Acts and Resolves No. 74, Sec. B.713 is amended to read:

Sec. B.713 Natural resources board

Personal services	2,597,208	2,747,096
Operating expenses	<u>545,630</u>	<u>395,742</u>
Total	3,142,838	3,142,838

Source of funds

General fund	631,629	631,629
Special funds	<u>2,511,209</u>	<u>2,511,209</u>
Total	3,142,838	3,142,838

Sec. 40. 2021 Acts and Resolves No. 74, Sec. B.714 is amended to read:

Sec. B.714 Total natural resources

Source of funds

General fund	31,693,115	31,693,115
Special funds	78,151,968	76,651,968
Fish and wildlife fund	9,561,364	9,561,364
Federal funds	54,981,735	54,981,735
Interdepartmental transfers	11,534,344	11,534,344
Permanent trust funds	<u>11,000</u>	<u>11,000</u>
Total	185,933,526	184,433,526

Sec. 41. 2021 Acts and Resolves No. 74, Sec. B.900 is amended to read:

Sec. B.900 Transportation - finance and administration

Personal services	13,654,880	13,558,021
Operating expenses	2,507,103	2,507,103
Grants	<u>50,000</u>	<u>50,000</u>
Total	16,211,983	16,115,124

Source of funds

Transportation fund	15,815,083	15,718,224
Federal funds	<u>396,900</u>	<u>396,900</u>
Total	16,211,983	16,115,124

Sec. 42. 2021 Acts and Resolves No. 74, Sec. B.903 is amended to read:

Sec. B.903 Transportation - program development

Personal services	58,611,534	58,092,913
Operating expenses	227,109,245	226,965,577
Grants	<u>28,813,660</u>	<u>28,813,660</u>
Total	314,534,439	313,872,150

Source of funds

Transportation fund	48,717,849	48,055,560
TIB fund	10,597,637	10,597,637
Federal funds	254,737,875	254,737,875
Local match	<u>481,078</u>	<u>481,078</u>
Total	314,534,439	313,872,150

Sec. 43. 2021 Acts and Resolves No. 74, Sec. B.905 is amended to read:

Sec. B.905 Transportation - maintenance state system

Personal services	45,339,790	45,955,270
Operating expenses	57,902,709	58,046,377
Grants	<u>277,000</u>	<u>277,000</u>

Total	103,519,499	104,278,647
Source of funds		
Transportation fund	87,191,712	87,950,860
Federal funds	16,227,787	16,227,787
Interdepartmental transfers	<u>100,000</u>	<u>100,000</u>
Total	103,519,499	104,278,647

Sec. 44. 2021 Acts and Resolves No. 74, Sec. B.919 is amended to read:

Sec. B.919 Transportation - municipal mitigation assistance program

Operating expenses	265,000	265,000
Grants	<u>5,845,000</u>	<u>8,020,150</u>
Total	6,110,000	8,285,150
Source of funds		
Transportation fund	705,000	705,000
Special funds	3,977,000	6,152,150
Federal funds	<u>1,428,000</u>	<u>1,428,000</u>
Total	6,110,000	8,285,150

Sec. 45. 2021 Acts and Resolves No. 74, Sec. B.922 is amended to read:

Sec. B.922 Total transportation

Source of funds		
Transportation fund	271,865,668	271,865,668
TIB fund	11,397,637	11,397,637
Special funds	<u>4,027,000</u>	6,202,150
Federal funds	361,546,034	361,546,034
Internal service funds	22,202,720	22,202,720
Interdepartmental transfers	2,888,052	2,888,052
Local match	<u>1,833,316</u>	<u>1,833,316</u>
Total	675,760,427	677,935,577

Sec. 46. 2021 Acts and Resolves No. 74, Sec. B.1106 is amended to read:

Sec. B.1106 FISCAL YEAR 2022 ONE-TIME GENERAL FUND
APPROPRIATIONS

(a) In fiscal year 2022, funds are appropriated from the General Fund for new and ongoing initiatives as follows:

(1) \$38,430,000 \$39,460,000 to the Agency of Administration for the following:

(A) \$11,580,000 \$12,420,000 for distribution to departments to fund the fiscal year 2022 53rd week of Medicaid.

(B) \$12,450,000 \$12,640,000 for distribution to departments to fund

the fiscal year 2022 27th payroll pay period.

* * *

(12) \$126,000 to the Agency of Human Services Secretary's Office Department for Children and Families – administration and support services to maintain the 211-call center.

* * *

(21) \$25,000,000 to the Agency of Human Services – Central Office to address emergent and exigent circumstances following the COVID-19 pandemic.

(A) On or before March 1, 2022, the Agency of Human Services shall report to the House and Senate Committees on Appropriations on a plan to address costs associated with contract staffing for nursing homes. The plan shall include a methodology for addressing costs incurred for State fiscal year 2022, as well as a timeline for implementation. The plan shall include a timeline to address the rate setting process for future ongoing base costs starting in State fiscal year 2023.

(B) Funds appropriated in the subsection may be included among the Global Commitment appropriations referenced in 2021 Acts and Resolves No. 74, Sec. E.301.2 as available for transfers if it is determined that grants made under this provision can be included and matched in the Global Commitment waiver.

(22) \$3,300,000 to the Agency of Digital Services for a cybersecurity initiative as follows:

(A) \$2,300,000 for purchase and implementation of Security Information and Event Management software.

(B) \$1,000,000 to prepay the fiscal year 2023 annual licensing/maintenance costs for the system.

(23) \$350,000 to the Department of Environmental Conservation to evaluate and provide an analysis of the capital and ongoing operations and maintenance costs of the Green River Dam. Any unspent funds shall be directed to State-owned dams to evaluate the capital and ongoing operations and maintenance costs.

(24) \$33,000 to the Joint Fiscal Office for the expense of a consultant for the Health Reform Oversight Committee.

(25) \$350,000 to the Agency of Education to provide support for the four statewide nonprofit organizations in the Adult Education and Literacy

(AEL) network to address budget shortfalls resulting from the effects of COVID-19.

(26) \$300,000 to the Public Service Department to support the continuity of statewide public, educational, and governmental (PEG) access services.

(27) \$166,667 to the Department of Health, Public Health, to support four statewide syringe services programs.

(28) \$250,000 to the Agency of Commerce and Community Development, Housing and Community Development, to make grants to municipal planning organizations.

(29) \$112,000 to the Center for Crime Victim Services for legal services for victims.

(30) \$50,000 to the Agency of Education for the vaccine incentive program at the four historical academies of Burr and Burton Academy, Lyndon Institute, St. Johnsbury Academy, and Thetford Academy that are not eligible to receive Elementary and Secondary School Emergency Relief (ESSER) funds.

(31) \$150,000 to the Agency of Commerce and Community Development for a grant to the Town of New Haven for expenses related to the relocation of the railroad station. These funds are in addition to other funding provided to the town for the same purpose from other State entities and other sources.

(32) \$500,000 to the Green Mountain Care Board for a consultant to perform per capita benchmarking analyses with comparisons to national, peers, and better performers. This shall include an analysis of avoidable utilization and low value care.

(33) \$500,000 to the Agency of Commerce of Community Development to provide state match for the Build to Scale proposal to be submitted to the U.S. Economic Development Administration for federal funding.

Sec. 47. FISCAL YEAR 2022; VERMONT STATE EMPLOYEES'
RETIREMENT SYSTEM; RECOMMENDATIONS;
DEPARTMENT OF CORRECTIONS EMPLOYEES; LONGEVITY
INCENTIVE

(a) On or before April 15, 2022, the State Treasurer and the Board of Trustees for the Vermont State Employees Retirement System shall recommend to the House and Senate Committees on Appropriations and on Government Operations a plan for the following:

(1) the creation of a new pension benefit group for Department of Corrections employees that is actuarially neutral to the pension system and results in no additional employer pension costs; and

(2) the development of a longevity incentive that encourages Group F members who are eligible for a normal retirement a longevity incentive to continue working past their retirement date, provided that the incentive is designed to result in actuarial savings to the pension system and reduce employer pension expenses.

Sec. 48. 2021 Acts and Resolves No. 74, Sec. D.101 is amended to read:

Sec. D.101 FUND TRANSFERS, REVERSIONS AND RESERVES

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

* * *

(6) From the Clean Water Fund (21932) established by 10 V.S.A. § 1388 to the Agricultural Water Quality Special Fund (21933) created under 6 V.S.A. § 4803: \$4,521,393 \$5,963,850.

* * *

(9) From the Transportation Infrastructure Bond Fund established by 19 V.S.A. § 11f to the Transportation Infrastructure Bonds Debt Service Fund (35200) established by 32 V.S.A. § 951a for funding ~~fiscal year 2023 transportation infrastructure bonds debt service~~ the redemption of transportation infrastructure bonds prior to maturity: \$2,502,363.

(10) From the Transportation FHWA Fund (20135) to the Transportation Infrastructure Bonds Debt Service Fund (35200) established by 32 V.S.A. § 951a for funding the redemption of transportation infrastructure bonds prior to maturity: \$12,554,768.

(11) From the Transportation Fund – Non-Dedicated (20105) to the Transportation Infrastructure Bonds Debt Service Fund (35200) established by 32 V.S.A. § 951a for funding the redemption of transportation infrastructure bonds prior to maturity: \$4,863,957.

(12) From the General Fund to the Property Management Fund (58700) established by 29 V.S.A. § 160: \$5,000,000.

(13) From the General Fund to the State Liability Self-Insurance Fund (56200): \$5,000,000.

(14) From the General Fund to the Victims Compensation Special Fund (21145) established by 13 V.S.A. § 5359: \$1,300,000.

(15) From the General Fund to the Domestic and Sexual Violence Special Fund (21926) established by 13 V.S.A. § 5360: \$250,000.

(b) Notwithstanding any provisions of law to the contrary, in fiscal year 2022:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

* * *

<u>21500</u>	<u>Interdepartmental Transfer Fund – 7100000022</u>	<u>\$125,000.00</u>

* * *

(d) Notwithstanding any provision of law to the contrary, in fiscal year 2022, the following amounts shall revert to the General Fund from the accounts indicated:

2150010000	Military – administration	\$200,000.00 <u>\$316,556.00</u>
1210002000	Legislature	\$140,000.00 <u>\$435,000.00</u>
1215001000	Legislative Counsel	\$50,000.00
1220000000	Joint Fiscal Office	\$50,000.00
1225001000	Legislative IT	\$60,000.00
<u>1100010000</u>	<u>Secretary of Administration</u>	<u>\$50,000.00</u>
<u>1110003000</u>	<u>Budget & Management</u>	<u>\$117,075.64</u>
<u>1110006000</u>	<u>University of Vermont</u>	<u>\$1.00</u>
<u>1110007000</u>	<u>UVM– Morgan Horse Farm</u>	<u>\$1.00</u>
<u>1110009100</u>	<u>Vermont State Colleges</u>	<u>\$3.00</u>
<u>1130030000</u>	<u>Libraries</u>	<u>\$26,000.38</u>
<u>1140010000</u>	<u>Tax Operation Costs</u>	<u>\$200,000.00</u>
<u>1140040000</u>	<u>Homeowner Rebates</u>	<u>\$333,503.02</u>
<u>1140330000</u>	<u>Renter Rebates</u>	<u>\$1,712,964.82</u>
<u>1240001000</u>	<u>Lieutenant Governor’s Office</u>	<u>\$20,672.89</u>
<u>2130200000</u>	<u>Sheriffs</u>	<u>\$542,914.55</u>
<u>2140010000</u>	<u>DPS – State Police</u>	<u>\$13,666,973.39</u>
<u>2170010000</u>	<u>Criminal Justice Trng Council</u>	<u>\$62,049.00</u>
<u>2280001000</u>	<u>Human Rights Commission</u>	<u>\$9,101.68</u>

<u>3150891901</u>	<u>Copeland Center</u>	<u>\$5,803.03</u>
<u>3330010000</u>	<u>Green Mountain Care Board</u>	<u>\$0.44</u>
<u>3400001000</u>	<u>Secretary's Office Admin Costs</u>	<u>\$50,000.00</u>
<u>3400002000</u>	<u>RSVP Appropriation</u>	<u>\$1,035.00</u>
<u>3400891902</u>	<u>Elec Med/Health Records Syst</u>	<u>\$3,894.00</u>
<u>3410017000</u>	<u>DVHA-Programs-ST-Only Funded</u>	<u>\$76,450.02</u>
<u>3420010000</u>	<u>Administration</u>	<u>\$650,000.00</u>
<u>3420021000</u>	<u>Public Health</u>	<u>\$1,784,782.61</u>
<u>3420892110</u>	<u>VDH-Data Collection</u>	<u>\$134,000.00</u>
<u>3440060000</u>	<u>DCFS - General Assistance</u>	<u>\$4,374,450.77</u>
<u>3440891903</u>	<u>Parent Child Centers</u>	<u>\$18,089.40</u>
<u>3440891906</u>	<u>Incentivizing Child Care Profs</u>	<u>\$96,628.40</u>
<u>3440891908</u>	<u>Weatherization Assist Bridge</u>	<u>\$290,035.94</u>
<u>3460020000</u>	<u>Advocacy & Indep Living Grants</u>	<u>\$241,585.88</u>
<u>3480004000</u>	<u>Corrections-Correctional Services</u>	<u>\$6,361,238.22</u>
<u>5100010000</u>	<u>Administration</u>	<u>\$118,500.00</u>
<u>5100060000</u>	<u>Adult Basic Education</u>	<u>\$63,476.19</u>
<u>5100070000</u>	<u>Education Services</u>	<u>\$51,719.84</u>
<u>5100210000</u>	<u>Ed-Flexible Pathways</u>	<u>\$10,675.00</u>
<u>5100891807</u>	<u>Restorative Justice Grants</u>	<u>\$75,867.34</u>
<u>5100891901</u>	<u>AOE New Positions</u>	<u>\$214,729.59</u>
<u>6100040000</u>	<u>Property Tax Assessment Approp</u>	<u>\$0.93</u>
<u>6130010000</u>	<u>Administration</u>	<u>\$0.70</u>
<u>7100892107</u>	<u>ACCD-Public Access TV</u>	<u>\$30,450.10</u>
<u>7120892001</u>	<u>ThinkVermont Initiative</u>	<u>\$45,000.00</u>

(e) Notwithstanding any provision of law to the contrary, in fiscal year 2022, the following amounts shall revert to the Education Fund from the accounts indicated:

<u>1140060000</u>	<u>Reappraisal & Listing Payments</u>	<u>\$0.13</u>
<u>5100010000</u>	<u>Administration</u>	<u>\$950,949.54</u>

<u>5100040000</u>	<u>Special Education Formula</u>	<u>\$5,824,528.53</u>
<u>5100050000</u>	<u>State-Placed Students</u>	<u>\$880,000.00</u>
<u>5100090000</u>	<u>Education Grant</u>	<u>\$0.69</u>
<u>5100110000</u>	<u>Small School Grant</u>	<u>\$614,965.00</u>
<u>5100190000</u>	<u>Essential Early Educ Grant</u>	<u>\$41,295.67</u>
<u>5100200000</u>	<u>Education-Technical Education</u>	<u>\$1,841,126.00</u>
<u>5100210000</u>	<u>Ed-Flexible Pathways</u>	<u>\$1,579,282.05</u>

(f) Notwithstanding any provision of law to the contrary, in fiscal year 2022, the following amount shall revert to the Transportation Fund from the account indicated:

<u>2140010000</u>	<u>DPS-State Police</u>	<u>\$3,933,026.61</u>

(g) Notwithstanding any provision of law to the contrary, in fiscal year 2022, the following amount shall revert to the Clean Water Fund from the account indicated:

<u>6140040000</u>	<u>Environmental Conservation – Office of Water Programs</u>	
	<u>Office of Water Programs</u>	<u>\$675,149.73</u>

Sec. 49 2021 Acts and Resolves No. 74, Sec. D.102 is amended to read:

Sec. D.102 27/53 RESERVE; TRANSFER AND USE

(a) ~~\$3,740,000~~ \$4,770,000 from the General Fund shall be reserved in the 27/53 reserve in fiscal year 2022. This action is the fiscal year 2022 contribution to the reserve for the 53rd week of Medicaid as required by 32 V.S.A. § 308e and the 27th payroll reserve as required by 32 V.S.A. § 308e(b).

(b) ~~\$24,030,000~~ \$25,060,000 shall be unreserved from the 27/53 Reserve in in fiscal year 2022 to provide for the appropriations described in Secs. B.1106(a)(1)(A) and B.1106(a)(1)(B) of this act.

Sec. 50. 2021 Acts and Resolves No. 74, Sec. E.107 is amended to read:

**Sec. E.107 CORONAVIRUS RELIEF FUND APPROPRIATIONS;
REVERSION AND REALLOCATION; REPORTS**

(a) The Commissioner of Finance and Management is authorized to revert all unobligated Coronavirus Relief Fund (CRF) appropriations prior to December 31, 2021. The total amount of CRF monies reverted in accordance with this subsection shall be allocated pursuant to 32 V.S.A. § 511 to any agency or department for CRF-eligible costs incurred from July 1, 2021 ~~July 1, 2021~~ March 1, 2020 through December 31, 2021.

(b) If previously obligated CRF monies become unobligated after December 31, 2021, the Commissioner of Finance and Management is authorized to revert the unobligated CRF appropriations and allocate the monies for expenditure pursuant to 32 V.S.A. § 511 to any agency or department for CRF-eligible costs incurred from ~~July 1, 2021~~ March 1, 2020 through December 31, 2021.

Sec. 51. CORONAVIRUS RELIEF FUND REALLOCATION

(a) Pursuant to 2021 Acts and Resolves No. 74, Sec. E.107 as amended by Sec. 50 of this act, the following amount is reallocated from the Coronavirus Relief Fund to the following eligible appropriation:

(1) To the Agency of Education for Local Educational Agency (LEA) grants: \$436,217.22.

Sec. 52. [Deleted.]

Sec. 53. FISCAL YEAR 2022 UNALLOCATED RESERVE

(a) After satisfying the requirements of 32 V.S.A. § 308, and after other reserve requirements have been met, but prior to satisfying the requirements of 32 V.S.A. § 308c, the first \$86,000,000 of remaining unreserved and undesignated funds at the close of fiscal year 2022 shall remain in the General Fund and be carried forward to fiscal year 2023. These funds may be used to provide state match to the federal Infrastructure Investment and Jobs Act.

(b) After meeting the requirements of subsection (a) of this section, but prior to satisfying the requirements of 32 V.S.A. § 308c, the remaining unreserved and undesignated funds at the close of fiscal year 2022 shall be allocated as follows:

(1) \$850,000 shall be transferred to the to the Cannabis Regulation Fund (21998).

(2) \$1,700,000 to the State Liability Self-Insurance Fund (56200).

(3) \$1,877,092 to the Correctional Industries Internal Services Fund (59100).

(4) \$9,961,531 to the Agency of Human Services-Central Office-Global Commitment to offset one-time pressure related to the suspension of Medicaid eligibility redeterminations for fiscal year 2023. This appropriation is made to the extent the Global Commitment fiscal need is identified after analysis of the impact of continued enhanced pandemic related Federal Medical Assistance Percentage (FMAP) in tandem with the updated analysis on the fiscal impact related to caseload redetermination and cost per member per month. The Agency of Human Services, in consultation with the Joint Fiscal Office and

the Department of Finance and Management shall provide this analysis as part of the Medicaid end-of-year report provided the Emergency Board in July 2022.

(5) \$25,000,000 is reserved and carried forward into fiscal year 2023 to improve the debt position of the State. This may include the redemption of general obligation bonds, reducing the amount of new debt to be issued or to address negative internal fund balances.

(6) \$25,114,179 is appropriated to the extent available and, in fiscal year 2022, the Commissioner of Finance and Management is authorized to replace American Rescue Plan Act – Coronavirus State Fiscal Recovery Funds appropriated in 2021 Acts and Resolves No. 74, Sec. G.300, as amended by Sec. 68 of this act, with General Fund dollars in the following amounts:

(A) \$6,000,000 to replace the fund source in the appropriation in Sec. G.300(a)(23) (Vermont Foodbank);

(B) \$1,001,913 to replace the fund source in the appropriation in Sec. G.300(a)(26) (adult day services);

(C) \$4,934,590 to replace the fund source in the appropriation in Sec. G.300(a)(27) (Department of Corrections);

(D) \$12,803,996 to replace the fund source in the appropriation in Sec. G.300(a)(28) (Department of Labor); and

(E) \$373,680 to replace the fund source in the appropriation in Sec. G.300(a)(29) (Vermont Veterans' Home).

Sec. 54. GENERAL ASSISTANCE EMERGENCY HOUSING;
TRANSITIONAL HOUSING; SOURCE OF FUNDS

(a) The Department for Children and Families shall continue to make emergency housing available through the General Assistance Emergency Housing program to individuals and families through June 30, 2022, using eligibility criteria in effect on January 1, 2022.

(b) The Adverse Weather Conditions policy in effect on November 22, 2021 shall continue in effect until March 31, 2022 using 100 percent FEMA funds and through the end of the fiscal year using either 100 percent FEMA funds or Emergency Rental Assistance Program (ERAP) funds.

(c)(1) The Commissioner for Children and Families shall reconvene the General Assistance working group described in 2021 Acts and Resolves No. 74, sections E.321 and E.321.2 for the purpose of assisting with the development of rules for a transitional housing program, which shall be funded by federal ERAP funds. The Department shall initiate emergency rulemaking

as soon as practicable and shall be deemed to have met the emergency rulemaking criteria in 3 V.S.A. § 844. The Department shall file permanent rules pursuant to 3 V.S.A. chapter 25 concurrently with its emergency rule filing.

(2) Notwithstanding subsection (a) of this section, once emergency rules have been adopted for the ERAP-funded transitional housing program, and if the Department has located housing through facilitated occupancy agreements with motels and hotels or other housing providers on behalf of program participants, the Department shall begin transitioning participating individuals and families from the General Assistance emergency housing program funded by 100 percent FEMA funds to the transitional housing program funded by ERAP funds prior to June 30, 2022.

(3) The Department is authorized to provide supplemental services as needed for the safety of program participants and providers to the extent that ERAP or 100 percent FEMA funds are available for this purpose.

Sec. 54a. 9 V.S.A. § 4452 is amended to read:

§ 4452. EXCLUSIONS

Unless created to avoid the application of this chapter, this chapter does not apply to any of the following:

* * *

(8) transient occupancy in a hotel, motel, or lodgings during the time the occupant is a recipient of General Assistance or Emergency Assistance temporary housing assistance, or occupancy in a hotel or motel funded by federal Emergency Rental Assistance administered by the Department for Children and Families through September 30, 2025, regardless of whether the occupancy is subject to a tax levied under 32 V.S.A. chapter 225;

* * *

Sec. 55. 2021 Acts and Resolves No. 74, Sec. E.126 is amended to read:

Sec. E.126 TRANSFER OF FUNDS WITHIN LEGISLATIVE BRANCH

(a) Notwithstanding 32 V.S.A. § 706, in fiscal year 2022, appropriations within the Legislative Branch may be transferred between respective offices to ensure a balanced close-out in the fiscal year.

(b) The Joint Fiscal Office shall be reimbursed by a transfer from the Legislative budget for any costs incurred in contracting with an economist or independent consulting entity for the study created in 2021 Acts and Resolves No. 45, Sec. 14.

Sec. 56. FISCAL YEAR 2022; STATE HOUSE EXPANSION; REQUEST FOR PROPOSAL; SERGEANT AT ARMS; DEPARTMENT OF BUILDINGS AND GENERAL SERVICES; GENERAL FUND CARRYFORWARD

(a) On or before May 1, 2022, the Department of Buildings and General Services, in collaboration with the Sergeant at Arms, shall develop and issue a request for proposal (RFP) for programming, schematic design, and the initial phase of design development documents for an expansion of the State House, including the infrastructure needs for any future phases of expansion.

(b) Upon approval and funding from the General Assembly, it is the intent of the General Assembly that the Sergeant at Arms and the Department of Buildings and General Services will extend the RFP for architectural and engineering services to finalize design development and construction and bid documents.

Sec. 57. 2021 Acts and Resolves No. 74, Sec. E.215 is amended to read:

Sec. E.215 Military – Administration

(a) The amount of \$1,119,834 \$934,290 shall be disbursed to the Vermont Student Assistance Corporation for the National Guard educational assistance program established in 16 V.S.A. § 2856 and the National Guard Tuition Benefit Program established in 16 V.S.A. § 2857.

Sec. 58. [Deleted.]

Sec. 59. CANNABIS CONTROL BOARD

(a) The establishment of the following eight (8) new permanent classified positions are authorized in fiscal year 2022:

- (1) One (1) Licensing Director;
- (2) Two (2) Licensing Administrators;
- (3) One (1) Policy Enforcement Director;
- (4) Three (3) Compliance Officers; and
- (5) One (1) Financial Manager.

Sec. 59a. 2021 Acts and Resolves No. 62, Sec. 15 is amended to read:

Sec. 15. IMPLEMENTATION OF MEDICAL CANNABIS REGISTRY

(a) On January 1, 2022, the following shall transfer from the Department of Public Safety to the Cannabis Control Board:

(1) the authority to administer the Medical Cannabis Registry and the regulation of cannabis dispensaries pursuant to 18 V.S.A. chapter 86;

(2) the cannabis registration fee fund established pursuant to 18 V.S.A. chapter 86; and

(3) the positions dedicated to administering 18 V.S.A. chapter 86.

(b) The Registry shall continue to be governed by 18 V.S.A. chapter 86 and the rules adopted pursuant to that chapter until 7 V.S.A. chapters 35 and 37 and the rules adopted by the Board pursuant to those chapters take effect on ~~March 1, 2022~~ July 1, 2022 as provided in 2019 Acts and Resolves No. 164.

Sec. 59b. 2019 Acts and Resolves No. 164, Sec. 33 is amended to read:

Sec. 33. EFFECTIVE DATES

* * *

(d) ~~Secs. 9 (Medical Cannabis Registry chapter), except for 7 V.S.A. § 956 (rulemaking); 11 (Repeal); 12 (Medical Cannabis Dispensaries), except for 7 V.S.A. § 974 (rulemaking); 14 (creation of excise tax); 14a (tax license disclosure); 15 (sales tax exemption); 16 (tax exemption); 17 (tax expenditure); 17a (meals and rooms tax); 17b (meals and rooms tax expenditure); and 17c (dedicated use of sales and use tax revenue) shall take effect March 1, 2022.~~

(e) ~~See. Secs. 6d (Auditor of Accounts report); 9 (Medical Cannabis Registry chapter), except for 7 V.S.A. § 956 (rulemaking); 11 (Repeal); and 12 (Medical Cannabis Dispensaries), except for 7 V.S.A. § 974 (rulemaking), shall take effect on July 1, 2022.~~

* * *

Sec. 60. 2021 Acts and Resolves No. 74, Sec. E.301 is amended to read:

Sec. E.301 SECRETARY'S OFFICE – GLOBAL COMMITMENT:

* * *

(b) In addition to the State funds appropriated in this section, a total estimated sum of ~~\$24,993,731~~ \$25,220,180 is anticipated to be certified as State matching funds under the Global Commitment as follows:

* * *

(2) ~~\$2,773,731~~ \$3,000,180 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

(c) Up to ~~\$4,618,437~~ \$4,034,170 is transferred from the AHS Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with the amount appropriated in Sec. B.301 of this act – Secretary's Office – Global Commitment.

Sec. 60a. MEDICAID; POSTPARTUM COVERAGE; STATE PLAN
AMENDMENT

(a) The Agency of Human Services shall seek to amend Vermont's Medicaid state plan to extend Medicaid coverage to 12 months postpartum for eligible individuals as permitted under Sec. 9812 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2.

Sec. 61. DEPARTMENT FOR CHILDREN AND FAMILIES

(a) \$2,000,000 of federal spending authority for the Department for Children and Families' administrative division, to be established pursuant to 32 V.S.A. § 511, shall be used for federal matching funds to implement the first phase of the Comprehensive Child Welfare Information System in Vermont in accordance with 45 C.F.R. § 1355.55.

Sec. 62. 2021 Acts and Resolves No. 74, Sec. E.335 is amended to read:

Sec. E.335 CORRECTIONS APPROPRIATIONS; UNEXPENDED
FUNDS TRANSFER; JUSTICE REINVESTMENT; REPORT

* * *

(b) In fiscal year 2022, any unexpended funds for correctional services out-of-state beds shall be carried forward to fiscal year 2023, and the amount reported to the Joint Legislative Justice Oversight Committee in September 2022, to support provide additional funding to community-based service programs in support of Justice Reinvestment II initiatives. Funds may only be expended on community-based service programs upon approval of the Joint Legislative Justice Oversight Committee. Prior to approval, the House Committees on Appropriations and on Corrections and Institutions and the Senate Committees on Appropriations and on Judiciary shall be notified of any proposed expenditures on community-based service programs.

Sec. 63. 2021 Acts and Resolves No. 74, Sec. E.501.1(a) is amended to read:

(a) ESSER I funds. The following sums are appropriated to the Agency of Education in fiscal year 2021 from the ESSER funds provided to the State pursuant to Section 18003 of Division B of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116–136 (CARES Act); a portion of the funds may be expended in fiscal year 2020 consistent with the terms of the grant acceptance, and any unexpended amounts may be carried forward to fiscal years 2022 and after:

(1) \$953,021 for software tools to assist with the response to the COVID-19 pandemic;

(2) \$2,006,074 \$1,006,074 for learning management assistance,

including remote learning supports and materials; and

(3) \$1,000,000 for emerging State-level needs; and

(4) \$155,741 for administrative and personnel costs.

Sec. 64. 2021 Acts and Resolves No. 74, Sec. E.501.2(b) is amended to read:

(b) ESSER III funds. The federal funds appropriated in Sec. B.501 of this act shall be allocated as follows:

(1) \$1,000,000 from the ESSER funds provided to the State pursuant to Sec. 2001(f) of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 ~~to address emerging State-level needs~~ for learning management assistance, including remote learning supports and materials; and

* * *

Sec. 65. 2020 Acts and Resolves No. 120, Sec. A.51, as amended by 2020 Acts and Resolves No. 154, Sec. B. 1113 is further amended to read:

Sec. A.51. SCHOOL INDOOR AIR QUALITY GRANT PROGRAM;
CORONAVIRUS RELIEF FUND; APPROPRIATION

* * *

(c) Definition. As used in this section, “covered school” means public schools, regional career technical center school districts as defined in 16 V.S.A. 1571, regional CTE centers as defined in 16 V.S.A 1522, and approved independent schools as defined under 16 V.S.A. § 11.

* * *

Sec. 65a. ONE-TIME FISCAL YEAR 2022 TECHNICAL EDUCATION
SUPPLEMENTAL GRANT FUNDING

(a) In fiscal year 2022, \$1,725,000 is appropriated from the Education Fund to the Agency of Education to make supplemental grants to career technical education centers. The grants shall be made proportionally based on fiscal year 2019 through 2021 average headcount of attendees at each center.

Sec. 66. 2021 Acts and Resolves No. 74, Sec. E.311.3 to read:

Sec. E.311.3 EDUCATIONAL ASSISTANCE; MEDICAL STUDENT
INCENTIVE SCHOLARSHIP PROGRAM;
APPROPRIATION

* * *

(b) This funding shall remain available to VSAC until expended, and if needed, fiscally neutral adjustments to spending authority shall be included in future budget legislation.

Sec. 67. 2021 Acts and Resolves No. 74, Sec. E.602.2(c) is added to read:

(c) Vermont State College System (VSCS) shall use funds remaining with Vermont Technical College provided in 2019 Acts and Resolves No. 80 to continue to study a model for course delivery at Career and Technical Education (CTE) centers in Vermont and pilot up to two programs that offer these degree programs in up to two CTE centers. On or before January 15, 2023, the VSCS shall submit a written supplemental report to the House and Senate Committees on Education and the State Board of Education with its findings and recommendations from the pilot programs.

Sec. 67a. REAFFIRMATION OF MULTIYEAR FUNDING PRIORITIES
FOR AMERICAN RESCUE PLAN ACT (ARPA) AND OTHER
FEDERAL AND STATE FUNDS

(a) In 2021 Acts and Resolves No. 74, Sec. G.100, the General Assembly recognized that ARPA State Fiscal Relief funds, along with other federal or State funds, offer the unprecedented opportunity to invest in Vermont's recovery and long-term future by supporting Vermonters' health and well-being and by strengthening Vermont's communities, businesses, environment, and climate.

(b) In November 2021, the federal Infrastructure Investment and Jobs Act (IIJA) was enacted. This federal law includes unprecedented levels of federal investments for broadband; water, transportation, and electricity infrastructure; environmental remediation; information technology including cybersecurity; and carbon reduction and climate resilience strategies. The law authorizes approximately \$1.2 trillion of funding over five years, of which approximately \$550 billion is newly authorized spending, for transformative investments in these critical infrastructure systems. The law provides for formula funding to states, as well as competitive grants that states may apply for to seek additional funding, with nearly 50 percent of the additional funding allocated for nontransportation investments. While match requirements vary by project and funding stream, the additional state match requirements necessary to draw down the nontransportation formula and competitive grant funding will be substantial.

(c) The General Assembly reaffirms the intention of 2021 Acts and Resolves No. 74, Sec. G.100 and will seek to make the budget and appropriations processes of the 2022 legislative session consistent with the need to create State fiscal capacity to maximize the federal funding opportunities in the IIJA for broadband; information technology including cybersecurity; water; energy; and climate initiatives.

Sec. 68. 2021 Acts and Resolves No. 74, Sec. G.300 is amended to read:

Sec. G.300 INVESTMENTS IN VERMONT'S ECONOMY,
WORKFORCE, AND COMMUNITIES

(a) ~~\$109,200,000~~ \$187,114,176 in fiscal year 2022 is appropriated from the American Rescue Plan Act (ARPA) - Coronavirus State Fiscal Recovery Funds as follows:

* * *

(7) ~~\$1,000,000~~ \$2,000,000 in fiscal year 2022 to the University of Vermont.

(A) \$1,000,000 for matching funds for research grant opportunities related to COVID-19.

(B) \$1,000,000 to provide up to two free classes in calendar year 2022 for any Vermont resident who is seeking to transition to a new career or to enhance the resident's job skills.

(8) ~~\$10,000,000~~ \$19,700,000 in fiscal year 2022 to the Vermont State Colleges for the following programs; funds shall be carried forward until expended:

(A) \$2,000,000 to provide funding for up to six credits or two courses in the 2022–2023 academic year, including wraparound services for Vermonters whose employment was impacted by the COVID-19 public health emergency since March 13, 2020. The wraparound services may also be provided to students who enroll in six credit hours or two courses in the summer or fall of 2021 and spring of 2022 pursuant to 2021 Acts and Resolves No. 9, Sec. 18.

(B) \$3,000,000 to provide degree completion scholarships for up to 30 credits towards a credential of value for adult learners who have earned at least 40 credits towards an undergraduate degree and have a gap in attendance of at least two years.

(C) \$5,000,000 \$14,700,000 to provide free last dollar tuition for one year of undergraduate studies for critical occupation careers, including bookkeeping certificate, IT service desk specialist certificate, certified production technician, graphic design certificate, software and web development program, electrical and plumbing apprenticeships, dental hygiene, certificate in accounting, small business management, radiologic science, and respiratory therapy. \$540,000 of these funds shall be allocated for paramedic/EMS programs and any unexpended amount of this allocation shall be available for the broader purpose in this subdivision (C). Funds may be used for practical nursing, childcare, nursing, and mental health counseling

programs only after available federal and State financial aid is applied to ensure no cost to the student. Of this amount, \$7,350,000 shall be carried forward for the 2022–2023 school year. If demand from undergraduates is met, then funds may be used to pay for tuition for the following graduate programs:

- (i) Master in Education (all programs);
- (ii) Master in Educational Leadership;
- (iii) Master of Arts and Certificate of Advanced Graduate Studies in School Psychology;
- (iv) Masters in Counseling; and
- (v) Masters in Clinical Mental Health Counseling.

* * *

(22) \$2,320,000 to the Agency of Commerce and Community Development for Working Community Challenge grants.

(23) \$6,000,000 to the Department for Children and Families to be granted to the Vermont Foodbank.

(24) [Deleted.]

(25) \$2,000,000 to the Agency of Agriculture, Food and Markets for grants to be made to eligible projects in the Working Lands Enterprise Initiative.

(26) \$1,001,913 to the Department of Disabilities, Aging, and Independent Living to be granted to Adult Day service providers to maintain operations through June 30, 2022.

(27) \$4,934,590 to the Department of Corrections for costs associated with the collective bargaining unit related to retention and shift differential.

(28) \$12,803,996 to the Department of Labor to cover pandemic related operating costs in the Unemployment system and other programs.

(29) \$373,680 to the Vermont Veteran's Home for retention and personal protective equipment related expenses.

(30) \$6,000,000 to the Department for Children and Families to be granted to childcare providers to address emergent and exigent circumstances following the COVID-19 pandemic for workforce retention bonuses to retain early childhood staff and home-based providers. It is the intent of the General Assembly that the eligible employers awarded funds pursuant to this section shall use the funds to make retention payments to their employees. The employers shall be afforded flexibility in determining how best to provide the

financial retention assistance to their employees and how best to encourage employment beyond the terms of this program.

(A) The Department is authorized to establish parameters related to minimum hours worked for an employee or home-based provider to be eligible for a bonus under this subdivision (30), and to design a program that does not allow for duplication of bonuses to staff who work for more than one provider. Staff under a teacher contract shall not be eligible for this program.

(B) Notwithstanding any provision of Vermont law to the contrary and to the extent permitted under federal law, the amount of a recruitment or retention payment received by an employee under this section shall be disregarded for purposes of determining the employee's or employee's household's income eligibility for any benefit program.

(31) \$30,000,000 to the Agency of Human Services for a program to provide workforce recruitment and retention funding as specified in Sec. 72 of this act. These funds are combined with other funding provide in Sec. 72 for total \$60,000,000 retention payment program.

(32) \$1,500,000 to the Department of Buildings and General Services to develop and issue the request for proposal for the State House expansion planning design, provided that any funds remaining unobligated by October 1, 2023 shall be reverted and made available for reallocation.

(33) \$2,600,000.00 to the Agency of Agriculture, Food and Markets for purposes of implementing the Dairy Risk Management Assistance Program established under Sec. 77 of this act. Funds appropriated under this section that are unexpended in fiscal year 2022 shall carry forward for use by the Agency of Agriculture, Food and Markets in providing risk management assistance for dairy farmers in fiscal year 2023.

* * *

Sec. 69. 2021 Acts and Resolves No. 74, Sec. G.400 is amended to read:

Sec. G.400 HOUSING AND HOMELESSNESS INVESTMENTS

(a) ~~\$99,000,000~~ \$124,000,000 in fiscal year 2022 is appropriated from the American Rescue Plan Act (ARPA) - Coronavirus State Fiscal Recovery Funds as follows:

(1) ~~\$94,000,000~~ \$119,000,000 to the Vermont Housing and Conservation Board (VHCB) to provide housing and increase shelter capacity, with priority given to populations who may be displaced from the hotel/motel voucher problem or are currently without housing, including by providing permanent homes in mixed-income settings. VHCB shall distribute the funds in consultation with the Secretary of Human Services and may subgrant a

portion to other entities, including the Department of Housing and Community Development, the Vermont Housing Finance Agency, and regional nonprofit housing organizations, for one or more of the following purposes:

(A) if necessary, to help ensure that households and areas impacted by the pandemic are served;

(B) to undertake additional housing initiatives, such as home ownership, to the extent permitted by ARPA and related regulations and guidance; or

(C) to provide for the efficient use of the funds.

* * *

(b) \$91,000,000 \$121,000,000 is appropriated from other funds as follows:

(1) \$40,000,000 in fiscal year 2021 is appropriated from the General Fund to the Vermont Housing and Conservation Board (VHCB) for affordable housing initiatives. These funds shall carryforward into fiscal year 2022 and are in addition to funding provided to VHCB in 2021 Acts and Resolves No. 9 and \$30,000,000 in fiscal year 2022 is appropriated from the General Fund to the Vermont Housing and Conservation Board (VHCB) for affordable housing initiatives.

* * *

Sec. 69a. 2021 Acts and Resolves No. 74, Sec. G.600 is amended to read:

Sec. G.600 CLIMATE ACTION INVESTMENTS

(a) \$50,000,000 \$41,000,000 in fiscal year 2022 is appropriated from the American Rescue Plan Act - Coronavirus State Fiscal Recovery Funds as follows:

(1) \$4,000,000 to the Department for Children and Families, Office of Economic Opportunity, Home Weatherization Assistance Program to be used in fiscal years 2022 and 2023. Up to \$150,000 of these funds may be used for vermiculite remediation and home repair as part of home weatherization. These funds are in addition to the funds that are provided in Sec. B.324 of this act and the federal ARPA LIHEAP funding provided, as set forth in Sec. E.324.1 of this act.

~~(2) \$9,000,000 to the Agency of Administration to grant to the Vermont Housing Finance Agency for financial support of housing weatherization statewide. On or before January 31, 2022 and thereafter upon request from a legislative committee, the Vermont Housing Finance Agency shall issue a report to the General Assembly detailing the programs to which funds appropriated under this subdivision were provided. The report shall include the~~

~~results of its investigations into on-bill to-the-meter billing and other methods to provide weatherization financing.~~

(3) \$5,000,000 to the Department of Public Service to grant to the Efficiency Vermont for the purpose of weatherization incentives. These funds shall be deposited in Electric Efficiency Fund established under 30 V.S.A. § 209(d)(3) and shall be available for use by Efficiency Vermont through December 31, 2023.

(4)(3) \$2,000,000 to the Department of Public Service to grant to Efficiency Vermont for the purpose of workforce development initiatives and to support the expansion of NeighborWorks of Western Vermont's Heat Squad program. These funds shall be deposited in the Electric Efficiency Fund established under 30 V.S.A. § 209(d)(3) and shall be available for use by Efficiency Vermont through December 31, 2023.

(5)(4) \$20,000,000 to the Department of Public Service of which \$10,000,000 is to be used on the Affordable Community-Scale Renewable Energy Program, consistent with parameters of the Clean Energy Development Fund, to support the creation of renewable energy projects for Vermonters with low-income. In fiscal year 2022, \$5,000,000 may be allocated by the Clean Energy Development Board. The Department shall submit a plan for use of the remaining \$5,000,000 funds for approval by the General Assembly during the 2022 legislative session.

(6)(5) \$10,000,000 to the Vermont Housing Conservation Board, which may be used for conservation projects and Farm and Forest Viability Program activities that support the rural economy. Up to \$100,000 shall be used to expand the Rural Economic Development Initiative (REDI).

(b) ~~\$4,500,000~~ \$13,500,000 in fiscal year 2022 is appropriated from the General Fund as follows:

* * *

(4) \$9,000,000 to the Agency of Administration to grant to the Vermont Housing Finance Agency for financial support of housing weatherization statewide. On or before January 31, 2022 and thereafter upon request from a legislative committee, the Vermont Housing Finance Agency shall issue a report to the General Assembly detailing the programs to which funds appropriated under this subdivision were provided. The report shall include the results of its investigations into on-bill to-the-meter billing and other methods to provide weatherization financing.

Sec. 70. 2021 Acts and Resolves No. 74, Sec. G.700(a)(4)(B)(i) is amended to read:

(i) \$1,000,000 to increase the funds available for grants and loan forgiveness to replace failed or inadequate residential on-site wastewater and water supply systems.

Sec. 71. 2021 Acts and Resolves No. 74, Sec. G.700(a)(5) is amended to read:

~~(5) \$10,000,000 to the Department of Environmental Conservation for allocation by the Clean Water Board established under 10 V.S.A. § 1389, as part of their budget process in fiscal year 2022~~ for water quality initiatives to be allocated as follows:

(A) \$6,500,000 to the Department of Environmental Conservation for municipal water control grants and storm water project delivery, planning, and implementation.

(B) \$3,500,000 to the Agency of Agriculture, Food and Markets for water quality grants to partners and farmers.

Sec. 71a. AMERICAN RESCUE PLAN ACT; PREVAILING WAGE REQUIREMENT

(a)(1) Except as provided in subsection (b) of this section, any contract awarded for a maintenance, construction, or improvement project that receives \$200,000.00 or more in American Rescue Plan Act (ARPA) funds shall provide that all construction employees working on the project shall be paid not less than the mean prevailing wage published periodically by the Vermont Department of Labor in its occupational employment and wage survey plus an additional fringe benefit of 42 and one-half percent of wage, as calculated by the current Vermont prevailing wage survey.

(2) As used in this subsection, “fringe benefits” has the same meaning as used in 29 V.S.A. § 161.

(b) The requirements of subsection (a) of this section shall not apply to any maintenance, construction, or improvement project that received \$200,000.00 or more in American Rescue Plan Act (ARPA) funds appropriated prior to the effective date of this act if any of the following apply as of the effective date of this act:

(1) the project has been invited or advertised for bid;

(2) the project is under contract; or

(3) the funds are obligated.

(c) Subsection (a) of this section shall not apply to contracts awarded for

maintenance, construction, or improvements projects that are required by law to comply with the requirements of the federal Davis-Bacon Act.

Sec. 72. **WORKFORCE RECRUITMENT AND RETENTION INCENTIVE GRANT FUNDING FOR EMPLOYEES OF ELIGIBLE HEALTH CARE AND SOCIAL SERVICE EMPLOYERS**

(a)(1) Program established. The Secretary of Human Services shall establish a workforce recruitment and retention incentive grant program for employees of eligible employers, as defined in this section. Eligible employers may apply for a grant within the grant application period determined by the Secretary.

(2) The total grant award amount for each eligible employer shall be calculated at a rate of \$2,000 per full-time equivalent employee (FTE) based on the number of FTEs identified by the eligible employer in its grant application.

(3) In order to be eligible to receive a recruitment or retention incentive payment funded by a grant awarded pursuant to this section, an employee shall commit to continuing employment with the eligible employer for at least one calendar quarter following receipt of the payment.

(4) Eligible employers shall distribute the full amount of their awards within 12 months following receipt of the grant funds.

(b) Definition. As used in this section, “eligible employers” means:

(1) assisted living residences, as defined in 33 V.S.A. § 7102;

(2) nursing homes, as defined in 33 V.S.A. § 7102;

(3) residential care homes, as defined in 33 V.S.A. § 7102;

(4) home health agencies, as defined in 33 V.S.A. § 6302;

(5) designated and specialized service agencies, including shared living providers;

(6) substance use treatment providers in the Department of Health’s preferred provider network;

(7) recovery centers;

(8) adult day service providers;

(9) area agencies on aging; and

(10) programs licensed by the Department for Children and Families as residential treatment programs.

(c) Independent direct support providers. For the purpose of administering

recruitment and retention incentive payments to independent direct support providers, ARIS Solutions, as the fiscal agent for the employers of independent direct support providers, is authorized to apply for a grant in the same manner as an eligible employer and to disburse incentive payments funded by the grant to eligible independent direct support providers in a manner consistent with ARIS Solutions' payroll practices, to the extent that making those awards is not inconsistent with the terms of the collective bargaining agreement between the Agency of Human Services and the independent direct support providers.

(d) Intent; flexibility; payment disregard.

(1) It is the intent of the General Assembly that the eligible employers awarded funds pursuant to this section shall use the funds to make recruitment and retention incentive payments to their employees and prospective employees. The employers shall be afforded flexibility in determining how best to provide these incentive payments and how best to encourage continued employment beyond the service commitment set forth in subdivision (a)(3) of this section.

(2) Notwithstanding any provision of Vermont law to the contrary and to the extent permitted under federal law, the amount of a recruitment or retention incentive payment received by an existing or prospective employee of an eligible employer under the program established in this section shall be disregarded for purposes of determining the employee's or employee's household's income eligibility for any benefit program.

(e) Available funds.

(1) The sum of \$60,000,000 shall be made available to the Agency of Human Services in fiscal year 2022 to fund the workforce recruitment and retention incentive grant program established in this act, from the following sources:

(A) \$25,000,000 as appropriated in Sec. 72a(a)(2) to the Agency of Human Services in fiscal year 2022 from the Global Commitment Fund. The Agency shall amend the American Rescue Plan Act Home and Community-Based Services plan it submitted to the Centers for Medicare and Medicaid Services if needed to reflect this allocation.

(B) \$5,000,000 is appropriated to the Agency of Human Services in fiscal year 2022 from the General Fund. These funds may be included among the Global Commitment appropriations referenced in 2021 Acts and Resolves No. 74, Sec. E.301.2 as available for transfers if it is determined that grants made under this provision can be included and matched in the Global Commitment waiver. These funds shall carry forward if not fully expended in

fiscal year 2022.

(C) \$30,000,000 shall be made available to support the program from the funds allocated to the Agency of Human Services from the American Rescue Plan Act of 2021 – Coronavirus State Fiscal Recovery Fund in 2021 Acts and Resolves No. 74, as amended by Sec. 68 of this act.

(2) The Agency of Human Services may use up to 1.5 percent of funds allocated in subdivision (1) of this subsection to administer the program.

(f) Allocations. Of the funds made available in subsection (e) of this section, \$45,000,000 shall be allocated for a first round of funding, to be made available to the eligible employers identified in subsection (b) of this section. The remaining \$15,000,000 shall be reserved for a second round of funding pending identification of a set of additional health care and social service provider employers with a demonstrated need for the recruitment and retention incentive grant funding, as recommended by the Agency of Human Services and accepted by the General Assembly, or by the Joint Fiscal Committee if the General Assembly is not in session, except that the Agency is authorized to access all or a portion of the reserved funding to the extent that a funding deficiency is identified when meeting the needs of the first round of eligible employers.

(g) Reporting requirements.

(1) On or before April 15, 2022, the Secretary of Human Services shall report to the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare regarding the status of implementation of the workforce recruitment and retention incentive grant program.

(2) On or before July 1, 2022, the Secretary shall provide an update on the program to the Joint Fiscal Committee, including the amount of funding distributed to date, the amount of funding remaining for distribution, and any anticipated funding deficiency for the first round of grants based on the remaining need.

Sec. 72a. MEDICAID HOME- AND COMMUNITY-BASED SERVICES (HCBS) PLAN

(a) Pursuant to Sec. 9817 of the American Rescue Plan Act (ARPA), in October 2021, the State submitted a home- and community-based services (HCBS) spending plan to the Centers for Medicare and Medicaid Services. This plan currently totals \$146,600,000, consisting of the following major components:

(1) \$77,800,000 allocated to improve services;

(2) \$25,000,000 allocated to promote a high-performing and stable HCBS workforce; and

(3) \$43,800,000 allocated to improve HCBS care through data systems, value-based payment models, and oversight.

(b) The Agency of Human Services (AHS) is authorized to transfer General Fund appropriations made in fiscal year 2022 in the Global Commitment line to a new, one-time General Fund HCBS appropriation departmental ID. The amount transferred shall be not greater than the amount accounted for in fiscal year 2022 as a result of the 10 percent match rate allowed under ARPA Sec. 9817. The estimate of this transfer is between \$65,000,000 and \$69,000,000. Up to \$7,540,128 of the funds transferred and appropriated in this subsection may be used in fiscal year 2022 as State matching funds in 2021 Acts and Resolves No. 74, Sec. B.301 for the \$17,136,654 HCBS Global Commitment rate increases provided in 2021 Acts and Resolves No. 74. AHS shall report to the Joint Fiscal Committee in July 2022 on the actual amount transferred pursuant to this authority and the amount expended as the state match for all the HCBS plan expenditures in fiscal year 2022. Funds transferred and appropriated under this subsection shall carry forward until expended and may only be used as state matching funds for the HCBS plan.

(c) In fiscal year 2022, a total of \$59,457,740 is appropriated from the Global Commitment Fund to AHS to meet the objectives of the HCBS plan. This appropriation consists of \$17,136,654 as appropriated in 2021 Acts and Resolves No. 74 for a three percent rate increase to HCBS providers, including the assistive community care rates and children integrated services rates, and the following appropriations in distinct one-time departmental IDs:

(1) \$25,000,000 is appropriated for the retention and recruitment grant program for HCBS providers as specified in Sec. 72 of this act.

(2) \$3,447,500 is appropriated to the Agency of Human Services – Secretary’s Office.

(3) \$2,370,000 is appropriated to the Department of Disabilities, Aging, and Independent Living.

(4) \$6,171,000 is appropriated to the Department of Mental Health.

(5) \$390,000 is appropriated to the Department of Vermont Health Access.

(6) \$4,942,586 is appropriated to the Department of Health.

(d) The Global Commitment Fund appropriated in subsection (c) of this section may be obligated in fiscal year 2022 for the purposes of bringing

HCBS plan spending authority forward into fiscal year 2023. The funds appropriated in subsections (b) and (c) of this section may be transferred on a net-neutral basis in fiscal year 2022 in the same manner as the Global Commitment appropriations referenced in 2021 Acts and Resolves No. 74, Sec. E.301.2. The Agency shall report to the Joint Fiscal Committee in September 2022 on transfers of appropriations made and final amounts expended by each department in fiscal year 2022 and any obligated funds carried forward to be expended in fiscal year 2023.

Sec. 73. 2020 Acts and Resolves No. 136, Sec. 7, as amended by 2020 Acts and Resolves No. 154, Sec. B.1121, and 2021 Acts and Resolves No. 3, Sec. 50, is further amended to read:

Sec. 7. AGENCY OF HUMAN SERVICES; HEALTH CARE PROVIDER STABILIZATION GRANT PROGRAM

* * *

(d) Specific allocations. Notwithstanding any provisions of this section to the contrary, of the funds appropriated in subsection (a) of this section, the Agency of Human Services shall make the following allocations for the following purposes:

* * *

(3) Up to \$3,000,000.00 for COVID-19-related expenses incurred by designated and specialized service agencies through ~~December 30, 2020~~ December 31, 2021.

* * *

Sec. 74. HEALTH CARE PROVIDER STABILIZATION GRANT PROGRAM; ALTERNATIVE FUND DISTRIBUTION PROCESS

Notwithstanding any provision of 2020 Acts and Resolves No. 136, Sec. 7, as amended by 2020 Acts and Resolves No. 154, Sec. B.1121, 2021 Acts and Resolves No. 3, Sec. 50, and this act to the contrary, the Agency of Human Services may distribute funds from the Health Care Provider Stabilization Grant Program to eligible health care providers using an alternative process to that set forth in 2020 Acts and Resolves No. 136, Sec. 7, as amended, as deemed necessary by the Agency due to emergent and exigent circumstances attributable to the COVID-19 pandemic.

Sec. 75. 2019 Acts and Resolves No. 6, Sec. 105, as amended by 2019 Acts and Resolves No. 71, Sec. 19, is further amended to read:

Sec. 105. EFFECTIVE DATES

* * *

(b) Sec. 73 (further amending 32 V.S.A. § 10402) shall take effect on July 1, 2021 ~~2023~~.

* * *

Sec. 76. CARRYFORWARD AUTHORITY

(a) Notwithstanding any other provisions of law and subject to the approval of the Secretary of Administration, General, Transportation, Transportation Infrastructure Bond, Education Fund, Clean Water Fund (21932), and Agricultural Water Quality Fund (21933) appropriations remaining unexpended on June 30, 2022 in the Executive Branch of State government shall be carried forward and shall be designated for expenditure.

(b) Notwithstanding any other provisions of law, General Fund appropriations remaining unexpended on June 30, 2022 in the Legislative and Judicial Branches of State government shall be carried forward and shall be designated for expenditure.

Sec. 77. DAIRY MARGIN COVERAGE PROGRAM; PREMIUM ASSISTANCE

(a) As used in this section:

(1) “Dairy Margin Coverage Program” or “DMC” means a voluntary program authorized under the Farm Act that provides dairy operations with risk management coverage that will pay producers when the difference between the national price of milk and the average cost of feed falls below a certain level selected by the Program participants.

(2) “Farm Act” means the federal Agriculture Improvement Act of 2018, Pub. L. No. 115-334.

(3) “Good standing” means an applicant under this section that:

(A) does not have an active enforcement violation under any Agency of Agriculture, Food and Markets program that has reached a final order with the Secretary and is not subject to an ongoing enforcement action initiated by the Agency of Natural Resources; and

(B) is in compliance with all terms of a current grant agreement or contract with the Secretary.

(4) “Milk producer” or “producer” means a person, partnership, unincorporated association, or corporation who owns or controls one or more dairy cows, dairy goats, or dairy sheep and sells or offers for sale a part or all of the milk produced by the animals.

(5) “Secretary” means the Secretary of Agriculture, Food and Markets.

(b) The Secretary shall establish the Dairy Risk Management Assistance Program (Assistance Program) for the purpose of assisting milk producers that participate in the federal DMC management programs. A milk producer in Vermont that participates in the DMC at the first-tier coverage level may apply for reimbursement of premium payments from the Assistance Program. A milk producer shall be eligible for assistance if the producer:

(1) is in good standing with the Agency of Agriculture, Food and Markets and the Agency of Natural Resources; and

(2) provides proof of payment of an annual premium payment for participation in Tier 1 of DMC.

(c)(1) A milk producer shall apply to the Secretary on or before July 1, 2022 to participate.

(2) The Secretary shall reimburse eligible applicants in the order in which the Secretary receives administratively complete applications. The Secretary shall have the discretion to determine when an application is administratively complete.

(3) After funds are exhausted, applicants shall no longer be eligible for reimbursement from the Secretary unless or until additional funds are appropriated to the Assistance Program.

Sec. 78. EDUCATION FUND REFUND; CITY OF BARRE TIF DISTRICT;
TAX INCREMENT; FISCAL YEAR 2016 – 2019

Notwithstanding 16 V.S.A. chapter 133 and any other provision of law to the contrary, the sum of \$20,962 shall be transferred from the Education Fund to the City of Barre not later than fiscal year 2023 to compensate the City for overpayments of education property taxes in fiscal years 2016 to 2019 due to insufficient retention of tax increment from the City's Tax Increment Financing District Fund.

Sec. 79. 2021 Acts and Resolves No. 55, Sec. 20 is amended to read:

Sec. 20. MILEAGESMART

(a) The Agency is authorized to spend up to \$750,000.00 in one-time Transportation Fund monies in fiscal years 2021 and 2022 combined and up to \$500,000.00 in one-time General Fund monies in fiscal year 2022 on MileageSmart, which was established in 2019 Acts and Resolves No. 59, Sec. 34, as amended, with up to ~~40~~ 15 percent of the total amount that is distributed in incentives in fiscal year 2022, including incentive funding authorized by this section and incentive funding carried over from prior fiscal years pursuant to 2019 Acts and Resolves No. 59, Sec. 34, as amended, available for costs associated with administering MileageSmart.

Sec. 80. [Deleted.]

Sec. 81. EFFECTIVE DATES

This act shall take effect on passage except, notwithstanding 1 V.S.A. § 214:

(1) Secs. 73 (designated and specialized service agencies; COVID-19-related expenses) shall take effect retroactively on January 1, 2021;

(2) Secs. 74 (Health Care Provider Stabilization Grant Program; alternative fund distribution process) shall take effect retroactively on July 1, 2020; and

(3) Sec. 75 (health care claims tax) shall take effect retroactively on July 1, 2021.

And by renumbering all of the sections of the bill to be numerically correct (including internal references) and adjusting all of the totals to be arithmetically correct.

*M. JANE KITCHEL
RICHARD W. SEARS, JR.
RICHARD A. WESTMAN*

Committee on the part of the Senate

*MARY S. HOOPER
PETER J. FAGAN
KIMBERLY JESSUP*

Committee on the part of the House

Which was considered and adopted on the part of the House.

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

**Rules Suspended; Committee Bill Taken Up for Immediate
Consideration; Second Reading; Third Reading Ordered;
Rules Suspended; Bill Placed in All Remaining Stages of Passage;
Third Reading; Bill Passed; Rules Suspended;
Bill Messaged to Senate Forthwith**

H. 717

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

An act relating to providing humanitarian assistance to the people of Ukraine

Pending its appearance on the Notice Calendar, was taken up for immediate consideration.

Rep. Harrison of Chittenden spoke for the Committee on Appropriations.

The bill was 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. Thereupon, the bill was read the third time and passed.

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

Adjournment

At twelve o'clock and six minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Wednesday, March 9, 2022

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

Devotional Exercises

Devotional exercises were conducted by Rostyslav Yarovyk, student at Middlebury College, Middlebury, from Lviv, Ukraine.

Joint Resolution Adopted

J.R.H. 18

Joint resolution relating to the Russian invasion of Ukraine

Offered by: All Members of the House

Whereas, on Thursday, February 24, 2022, Russian President Vladimir Putin invaded the independent nation of Ukraine, which has a democratically elected government, stating that he wanted the de-Nazification of the country—despite Ukrainian President Volodymyr Zelenskyy himself being Jewish—triggering the largest military confrontation on the European continent since World War II, and

Whereas, President Putin has warned of dire historic consequences if any nation attempts to interfere in the Russian military operations in Ukraine, and he has placed the Russian nuclear arsenal on alert status, and

Whereas, deep national pride and a fierce anger at President Putin's vicious attack upon Ukraine's sovereignty has united Ukrainians, and many Ukrainian civilians have volunteered to defend their country, and

Whereas, under the inspiring leadership of President Zelenskyy, Ukrainians' astonishment at Russia's virulent invasion was shared by the rest of world; Russia's increasingly severe military tactics have sparked enormous international condemnation; and over two million Ukrainians have fled their homeland, and

Whereas, demonstrations in Russia against President Putin's attacks on Ukraine have resulted in the detention of thousands of antiwar protesters, and

Whereas, State Treasurer Beth Pearce and the Vermont Pension Investment Committee are liquidating State pension funds in Russian investments, and

Whereas, on March 3, 2022, Governor Philip B. Scott issued Executive Order No. 02-22, "Solidarity with the Ukrainian People," which expressed strong dismay at the decision of President Putin to invade Ukraine, and directed that the State of Vermont limit business, investment, and contractual relationships associated with products either produced or sourced in Russia and terminated authorization for Vermont's sister-state relationship with the Russian Republic of Karelia, and

Whereas, the General Assembly adopted 1990 Acts and Resolves No. R-157, "Joint resolution relating to strengthening ties with the peoples of Karelia within the Soviet Union," and, while the peoples of the Republic of Karelia are not responsible for the Russian invasion of Ukraine, as a statement of the General Assembly's concern over maintaining an official relationship with a Russian republic, this joint resolution warrants repeal, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly condemns the Russian invasion of Ukraine and expresses strong support for Ukraine's fight for independence, the heroic leadership of Ukrainian President Volodymyr Zelenskyy, the resoluteness of the Ukrainian people, the courage of the Russian antiwar protesters, and the actions of Governor Philip B. Scott in response to Russian aggression, and be it further

Resolved: That the General Assembly expresses its strong support for the United States' continued backing of Ukraine's heroic quest to remain a free and independent nation, and be it further

Resolved: That the General Assembly repeals 1990 Acts and Resolves No. R-157, "Joint resolution relating to strengthening ties with the peoples of Karelia within the Soviet Union," and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the embassies of Russia and Ukraine in Washington, D.C., to Governor Philip B. Scott, and to the Vermont Congressional Delegation.

Was taken up and adopted on the part of the House.

Ceremonial Reading

H.C.R. 96

House concurrent resolution recognizing July 2022 as Park and Recreation Month in Vermont and designating July 15, 2022, as Vermont Park and Recreation Professionals Day in Vermont.

Offered by: Killackey of South Burlington, LaLonde of South Burlington, Pugh of South Burlington, and Townsend of South Burlington

Having been adopted in concurrence on Friday, February 4, 2022 in accord with Joint Rule 16b, was read.

Bill Referred to Committee on Ways and Means

H. 244

House bill, entitled

An act relating to authorizing the natural organic reduction of human remains

Appearing 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, was referred to the Committee on Ways and Means.

Committee Relieved of Consideration and Bill Committed to Other Committee

H. 512

Rep. Marcotte of Coventry moved that the Committee on Commerce and Economic Development be relieved of House bill, entitled

An act relating to modernizing land records and notarial acts law

And that the bill be committed to the Committee on Government Operations, which was agreed to.

**Favorable Report; Second Reading; Amendment Offered and
Withdrawn; Third Reading Ordered**

H. 517

Rep. Hango of Berkshire, for the Committee on General, Housing, and Military Affairs, to which had been referred House bill, entitled

An act relating to the Vermont National Guard Tuition Benefit Program

Reported in favor of its passage. The bill, having appeared on the Notice Calendar, was taken up and read the second time.

Pending the question, Shall the bill be read a third time?, **Reps. Marcotte of Coventry, Dickinson of St. Albans Town, Jerome of Brandon, Kascenska of Burke, Kimbell of Woodstock, Kitzmiller of Montpelier, Laroche of Franklin, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Nigro of Bennington, and White of Bethel** moved that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 16 V.S.A. § 2857(c) is amended to read:

(c) Eligibility.

(1) To be eligible for the Program, an individual, whether a resident or nonresident, shall satisfy all of the following requirements:

~~(1)~~(A) be an active member of the Vermont National Guard;

~~(2)~~(B) have successfully completed basic training;

~~(3)~~(C) be enrolled at UVM, a Vermont State College, or any other college or university located in Vermont in a program that leads to an undergraduate certificate or degree or at an eligible training institution in a program that leads to a certificate or other credential recognized by VSAC;

~~(4)~~(D) have not previously earned an undergraduate bachelor's degree;

~~(5)~~(E) continually demonstrate satisfactory academic progress as determined by criteria established by the Vermont National Guard and VSAC, in consultation with the educational institution at which the individual is enrolled under the Program;

~~(6)~~(F) have used available post-September 11, 2001 tuition benefits and other federally funded military tuition assistance; provided, however, that this subdivision shall not apply to:

~~(A)~~(i) tuition benefits and other federally funded military tuition assistance for which the individual has not yet earned the full amount of the benefit or tuition;

- (B)(ii) Montgomery GI Bill benefits;
- (C)(iii) post-September 11, 2001 educational program housing allowances;
- (D)(iv) federal educational entitlements;
- (E)(v) National Guard scholarship grants;
- (F)(vi) loans under section 2856 of this title; and
- (G)(vii) other nontuition benefits; and

(7)(G) have submitted a statement of good standing to VSAC signed by the individual's commanding officer within 30 days prior to the beginning of each semester.

(2) An individual may receive more than one undergraduate certificate or other credential recognized by VSAC under the Program, provided that the cost of all certificates and credentials received by the individual under the Program does not exceed the full-time in-state tuition rate charged by NVU for completion of an undergraduate baccalaureate degree.

Sec. 2. VERMONT NATIONAL GUARD TUITION BENEFIT

PROGRAM EXTENSION; MASTER'S DEGREE OR A SECOND BACCALAUREATE DEGREE; PILOT

(a) The provisions of this section shall apply notwithstanding 16 V.S.A. § 2857.

(b) A National Guard member shall be eligible to pursue a second undergraduate baccalaureate degree under the Vermont National Guard Tuition Benefit Program, whether a resident or nonresident, if the individual received a first undergraduate baccalaureate degree that was not funded under the Program or any other State funding source designed exclusively for members of the Vermont National Guard.

(c)(1) A National Guard member shall be eligible to pursue a graduate degree under the Program, whether a resident or nonresident, if the individual agrees in the promissory note under 16 V.S.A. § 2857(b) to, upon receipt of the graduate degree and until the individual's service commitment under 16 V.S.A. § 2857(d) is satisfied, be employed full time in Vermont or, if unemployed, be actively seeking full-time employment in Vermont.

(2) An individual may pursue a graduate degree under the Program even if the individual has received an undergraduate baccalaureate degree under the Program.

(3) The Office of the Vermont Adjutant and Inspector General may terminate the tuition benefit provided to an individual who has earned a graduate degree under the Program for failure to satisfy the work requirement under subdivision (1) this subsection.

Sec. 3. REPEAL

Sec. 2 of this act is repealed on July 1, 2025.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

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

Thereafter, third reading was ordered.

Third Reading; Bill Passed

H. 680

House bill, entitled

An act relating to obtaining a marriage license in any town in Vermont

Was taken up, read the third time, and passed.

Senate Proposal of Amendment Concurred in

H. 367

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

An act relating to the management of perpetual care funds by cemetery associations

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

Sec. 1. 18 V.S.A. § 5384 is amended to read:

§ 5384. PAYMENT TO TREASURER; RECORD; INVESTMENT

(a) Unless otherwise directed by the donor, all monies received by a town for cemetery purposes shall be paid to the town treasurer, who shall give a receipt therefor, which shall be recorded in the office of the town clerk in a book kept for that purpose. ~~In such~~ The book shall also ~~be stated~~ state the amount received from each donor, the time when, and the specific purpose ~~to~~ for which the use thereof it is appropriated.

(b)(1) All monies so received by the town may be invested and reinvested by the treasurer, with the approval of the selectboard, by deposit in:

~~(A) banks chartered by the State~~ certificates of deposit and other evidences of deposit at Vermont, national, or federal chartered banks, and savings and loan associations that are guaranteed or insured by the Federal Deposit Insurance Corporation or its successor;

~~(B) national banks obligations of the United States, its agencies, and instrumentalities, which have a liquid market with readily determinable market value;~~

~~(C) bonds of the United States or of municipalities whose bonds are legal investment for banks chartered by the State~~ investment-grade obligations of state or local governments, instrumentalities, and public authorities; and

~~(D) bonds or notes legally issued in anticipation of taxes by a town, village, or city in this State, or first mortgages on real estate in Vermont;~~

~~(E) the shares of an investment company or an investment trust, such as a mutual fund, closed-end fund, or unit investment trust, that is registered under the federal Investment Company Act of 1940, as amended, if such fund has been in operation for at least five years and has net assets of at least \$100,000,000.00; or~~

~~(F) shares of a savings and loan association of this State, or share accounts of a federal savings and loan association with its principal office in this State, when and to the extent to which the withdrawal or repurchase value of such shares or accounts are insured by the Federal Savings and Loan Insurance Corporation.~~

* * *

Sec. 2. 18 V.S.A. § 5437 is amended to read:

§ 5437. INVESTMENT

~~A cemetery association shall invest such trust funds and shall expend the income therefrom in accordance with the provisions of~~ in the same manner as town cemeteries pursuant to section 5309 5384 of this title and may delegate the management and investment of cemetery association funds pursuant to subdivision (b)(3) of that section.

Proposal of amendment was considered and concurred in.

Action on Bill Postponed**H. 361**

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Brattleboro

Was taken up, and pending the question, Shall the bill pass, notwithstanding the Governor's refusal to approve the bill?, on motion of **Rep. Copeland Hanzas of Bradford**, action on the bill was postponed until March 11, 2022.

Adjournment

At three o'clock and forty-nine minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Thursday, March 10, 2022

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

Devotional Exercises

Devotional exercises were conducted by the Reverend Canon Walter B.A. Brownridge, Canon to the Ordinary for Cultural Transformation, The Episcopal Diocese of Vermont, Burlington.

Message from the Senate No. 33

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

Madam Speaker:

I am directed to inform the House that:

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

H. 717. An act relating to providing humanitarian assistance to the people of Ukraine.

And has passed the same in concurrence.

The Senate has on its part adopted joint resolutions of the following titles:

J.R.S. 44. Joint resolution providing for a Joint Assembly to vote on the retention of six Superior Judges.

J.R.S. 45. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

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

J.R.H. 16. Joint resolution authorizing the Green Mountain Boys State educational program to use the State House.

J.R.H. 17. Joint resolution authorizing remote participation in joint committees under restricted, COVID-19-related circumstances through the remainder in 2022.

And has adopted the same in concurrence.

Bill Referred to Committee on Appropriations

H. 711

House bill, entitled

An act relating to the creation of the Opioid Settlement Advisory Committee and the Opioid Abatement Special Fund

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

Joint Resolution Referred to Committee

J.R.H. 19

Joint resolution urging President Joseph Biden to continue, and to intensify, his administration's antitrust efforts against the meatpacking and gasoline industries and urging Governor Philip Scott to make a similar request of the President

Offered by: Representative Mrowicki of Putney

Whereas, large increases in the price of meat and gasoline were major contributors to the nation's 2021 7.0 percent inflation rate, the largest annual increase since the early 1980s, and

Whereas, in November 2021, meat prices were 16 percent higher overall than in November 2020, and, between November 2020 and December 2021, the average price per gallon of gasoline rose from \$2.09 to \$3.29, or 58.1 percent, representing the largest such increase for gasoline since 1980, and

Whereas, in April 2019, the Ranchers-Cattlemen Action Legal Fund United Stockgrowers of America and several cattle producers filed a class action lawsuit against the nation's four largest meatpackers, Tyson Foods, JBS USA Food Company, Cargill, and National Beef Packing Company, alleging that the

defendants had conspired to suppress the price of fed cattle purchased in the United States and increase the price of beef, and, in September 2021, the U.S. District Court for the District of Minnesota substantially denied the defendants' motion to dismiss the case against them, and

Whereas, in May 2020, 11 midwestern and western state attorneys general wrote a letter to then U.S. Attorney General William Barr expressing their "concerns regarding market concentration and potential anticompetitive practices by the meat packers in the cattle industry," and

Whereas, in June 2021, a bipartisan group of more than two dozen U.S. Senators wrote to current U.S. Attorney General Merrick Garland expressing concern that major meatpackers were engaged in price-fixing, stating that "the anticompetitive practices occurring in the industry today are unambiguous," and urging the Justice Department to "take decisive action," and

Whereas, in July 2021, President Biden issued an Executive Order entitled *Promoting Competition in the American Economy*, which addressed multiple facets of price competition, including those in the meatpacking industry, and

Whereas, the Executive Order directed the U.S. Department of Agriculture "to consider initiating a rulemaking or rulemakings under the Packers and Stockyards Act to strengthen the Department of Agriculture's regulations concerning unfair, unjustly discriminatory, or deceptive practices," with respect to the livestock, meat, and poultry industries, and

Whereas, the Department has yet to release any proposed rules, and

Whereas, in December 2021, the National Economic Council accused the largest meat processors of price gouging to pad profits, noting that recent data released by four of the nation's largest meat-processing companies showed that their gross margins have increased 50 percent, and their net margins more than 300 percent, since the pandemic began, and

Whereas, in November 2021, President Biden requested that the Federal Trade Commission (FTC) investigate anti-competitive activity by oil and gas companies in the setting of retail gasoline prices and "whether illegal conduct is costing families at the [gas] pump," and

Whereas, the FTC is now subjecting more proposed oil and gas sector mergers and acquisitions to "second requests," which is a more rigorous investigation process that is triggered by FTC concerns that a proposed merger or acquisition may reduce competition or otherwise violate antitrust laws, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges President Joseph Biden to continue, and to intensify, his administration's antitrust efforts against the meatpacking and gasoline industries and urges Governor Philip Scott to make a similar request of the President, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Governor Philip Scott, President Joseph Biden, Federal Trade Commission Chair Lina Khan, and the Vermont Congressional Delegation.

Was read by title, treated as bill, and referred to the Committee on Commerce and Economic Development pursuant to House Rule 52.

Joint Resolution Adopted in Concurrence

J.R.S. 45

By Senator Balint,

J.R.S. 45. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 11, 2022, it be to meet again no later than Tuesday, March 15, 2022.

Was taken up, read, and adopted in concurrence.

Ceremonial Reading

H.C.R. 107

House concurrent resolution designating March 10, 2022, as Social Worker Advocacy Day at the State House

Offered by: Vyhovsky of Essex, Pugh of South Burlington, Cina of Burlington, Ancel of Calais, Donnally of Hyde Park, and Rachelson of Burlington

Having been adopted in concurrence on Friday, February 25, 2022 in accord with Joint Rule 16b, was read.

Committee Relieved of Consideration and Bill Committed to Other Committee

H. 512

Rep. Copeland Hanzas of Bradford moved that the Committee on Government Operations be relieved of House bill, entitled

An act relating to modernizing land records and notarial acts law

And that the bill be committed to the Committee on Commerce and Economic Development, which was agreed to.

Bill Amended; Read Third Time; Bill Passed

H. 517

House bill, entitled

An act relating to the Vermont National Guard Tuition Benefit Program

Was taken up and, pending third reading of the bill, **Reps. Marcotte of Coventry, Dickinson of St. Albans Town, Jerome of Brandon, Kascenska of Burke, Kimbell of Woodstock, Kitzmiller of Montpelier, Laroche of Franklin, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Nigro of Bennington, and White of Bethel** moved that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 16 V.S.A. § 2857(c) is amended to read:

(c) Eligibility.

(1) To be eligible for the Program, an individual, whether a resident or nonresident, shall satisfy all of the following requirements:

~~(1)(A)~~ be an active member of the Vermont National Guard;

~~(2)(B)~~ have successfully completed basic training;

~~(3)(C)~~ be enrolled at UVM, a Vermont State College, or any other college or university located in Vermont in a program that leads to an undergraduate certificate or degree or at an eligible training institution in a program that leads to a certificate or other credential recognized by VSAC;

~~(4)(D)~~ have not previously earned an undergraduate bachelor's degree;

~~(5)(E)~~ continually demonstrate satisfactory academic progress as determined by criteria established by the Vermont National Guard and VSAC, in consultation with the educational institution at which the individual is enrolled under the Program;

~~(6)(F)~~ have used available post-September 11, 2001 tuition benefits and other federally funded military tuition assistance; provided, however, that this subdivision shall not apply to:

~~(A)(i)~~ tuition benefits and other federally funded military tuition assistance for which the individual has not yet earned the full amount of the benefit or tuition;

~~(B)(ii)~~ Montgomery GI Bill benefits;

~~(C)~~(iii) post-September 11, 2001 educational program housing allowances;

~~(D)~~(iv) federal educational entitlements;

~~(E)~~(v) National Guard scholarship grants;

~~(F)~~(vi) loans under section 2856 of this title; and

~~(G)~~(vii) other nontuition benefits; and

~~(7)~~(G) have submitted a statement of good standing to VSAC signed by the individual's commanding officer within 30 days prior to the beginning of each semester.

(2) An individual may receive more than one undergraduate certificate or other credential recognized by VSAC under the Program, provided that the cost of all certificates and credentials received by the individual under the Program does not exceed the full-time in-state tuition rate charged by NVU for completion of an undergraduate baccalaureate degree.

Sec. 2. VERMONT NATIONAL GUARD TUITION BENEFIT

PROGRAM EXTENSION; MASTER'S DEGREE OR A SECOND BACCALAUREATE DEGREE; PILOT

(a) The provisions of this section shall apply notwithstanding 16 V.S.A. § 2857.

(b) A National Guard member shall be eligible to pursue a second undergraduate baccalaureate degree under the Vermont National Guard Tuition Benefit Program, whether a resident or nonresident, if the individual received a first undergraduate baccalaureate degree that was not funded under the Program or any other State funding source designed exclusively for members of the Vermont National Guard.

(c)(1) A National Guard member shall be eligible to pursue a graduate degree under the Program, whether a resident or nonresident, if the individual agrees in the promissory note under 16 V.S.A. § 2857(b) to, upon receipt of the graduate degree and until the individual's service commitment under 16 V.S.A. § 2857(d) is satisfied, be employed full time in Vermont or, if unemployed, be actively seeking full-time employment in Vermont.

(2) An individual may pursue a graduate degree under the Program even if the individual has received an undergraduate baccalaureate degree under the Program.

(3) The Office of the Vermont Adjutant and Inspector General may terminate the tuition benefit provided to an individual who has earned a

graduate degree under the Program for failure to satisfy the work requirement under subdivision (1) this subsection.

Sec. 3. REPEAL

Sec. 2 of this act is repealed on July 1, 2025.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

Which was agreed to. Thereupon, the bill was read the third time and passed.

Second Reading; Bill Amended; Third Reading Ordered

H. 115

Rep. Dolan of Waitsfield, for the Committee on Natural Resources, Fish, and Wildlife, to which had been referred House bill, entitled

An act relating to household products containing hazardous substances

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

Sec. 1. FINDINGS

The General Assembly finds that:

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

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

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

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

(5) HHW collection events or permanent facilities are expensive to operate, and SWMEs spend approximately \$1.6 million a year to manage

HHW, costs that are subsequently passed on to the residents of Vermont through taxes or disposal charges.

(6) As a result of the failure to divert HHW, it is estimated that 640 tons or more per year of HHW are being disposed of in landfills.

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

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

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

(10) To improve diversion of HHW from landfills, reduce the financial burden on SWMEs and taxpayers, reduce the cost of the overall system of managing HHW, and lessen the environmental and public health risk posed by improperly disposed of HHW, the State shall implement a program to require the manufacturers of household products containing a hazardous substance to implement a stewardship organization to collect household products containing a hazardous substance free of charge to the public.

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

CHAPTER 164B. COLLECTION AND MANAGEMENT OF
HOUSEHOLD HAZARDOUS PRODUCTS

§ 7181. DEFINITIONS

As used in this chapter:

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

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

(3) “Covered entity” means any person who presents to a collection facility that is included in an approved collection plan any number of covered household hazardous products.

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

(i) The product or a component of the product is a hazardous waste under the federal Resource Conservation and Recovery Act of 1976, Pub. L. No. 94-580, as amended, including due to characteristics of ignitability, corrosivity, reactivity, or toxicity as defined in 40 C.F.R. §§ 261.20–261.24, regardless of the status of the generator of the hazardous waste.

(ii) The physical properties of the product meet the criteria for designation as a class 2, 3, 4, 5, 6, or 8 hazardous material, as defined in 49 C.F.R. Part 173, by the U.S. Department of Transportation under the Hazardous Materials Transportation Act of 1975, 49 U.S.C. §§ 5101–5128, as amended.

(iii) The product is a marine pollutant as defined in 49 C.F.R. § 171.8.

(iv) The product meets the criteria for hazardous waste code VT02 or VT08 as set forth in section 7-211 of the Vermont Hazardous Waste Management Regulations.

(v) The product is a nonrefillable propane cannister.

(vi) The product is a pesticide registered with the Agency of Agriculture, Food and Markets as a Class C pesticide and identified by the Secretary of Natural Resources by rule as requiring regulation under this chapter.

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

(i) a primary battery or rechargeable battery;

(ii) a lamp that contains mercury;

(iii) a thermostat that contains mercury;

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

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

(vi) a pharmaceutical drug.

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

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

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

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

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

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

(vi) assumes the responsibilities, obligations, and liabilities of a manufacturer as defined under subdivisions (i) through (v) of this subdivision (5)(A), provided that the Secretary may enforce the requirements of this chapter against a manufacturer defined under subdivisions (i) through (v) of this subdivision (5)(A) if a person who assumes the manufacturer's responsibilities fails to comply with the requirements of this chapter.

(B) "Manufacturer" shall not mean a person set forth under subdivisions (i) through (vi) of subdivision (5)(A) of this section if the person manufacturers, sells, licenses, or imports less than \$5,000.00 of covered products in a program year.

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

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

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

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

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

§ 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCT;

STEWARDSHIP ORGANIZATION REGISTRATION

(a) Sale prohibited. Beginning on January 1, 2025, except as set forth under section 7188 of this title, a manufacturer of a covered household

hazardous product shall not sell, offer for sale, or deliver to a retailer for subsequent sale a covered household hazardous product unless all the following have been met:

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

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

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

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

(b) Stewardship organization registration requirements.

(1) Beginning on January 1, 2024 and annually thereafter, a stewardship organization shall file a registration form with the Secretary. The Secretary shall provide the registration form to a stewardship organization. The registration form shall include:

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

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

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

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

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

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

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

§ 7183. COLLECTION PLANS

(a) Collection plan required. Prior to July 1, 2024, a stewardship organization representing manufacturers of covered household hazardous products shall submit a collection plan to the Secretary for review.

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

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

(2) Free collection of covered household hazardous products. The collection program shall provide for free collection from covered entities of covered household hazardous products statewide. A stewardship organization shall accept all covered household hazardous products collected from a covered entity and shall not refuse the collection of a covered household hazardous product based on the brand or manufacturer of the covered household hazardous product. The collection program shall also provide for the payment of collection, processing, and end-of-life management of the covered household hazardous product. Collection costs include facility and equipment costs, event contractor or facility set-up fees, facility maintenance, and labor.

(3) Convenient collection location. The stewardship organization shall develop a collection program that:

(A) allows all municipal collection programs and facilities to opt to be part of a collection plan; and

(B) maintains the current level of convenience, including hours and days available to the public, provided by programs in operation prior to July 1, 2024.

(4) Public education and outreach. The collection plan shall include an education and outreach program that will include a website and may include media advertising, retail displays, articles in trade and other journals and publications, and other public educational efforts. The education and outreach program and website shall notify the public of the following:

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

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

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

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

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

(6) Method of disposition. The collection plan shall describe how covered household hazardous products will be managed in the most environmentally and economically sound manner, including following the waste-management hierarchy. The management of covered household hazardous products under the collection plan shall use management activities in the following priority order: source reduction, reuse, recycling, energy recovery, and disposal. Collected covered household hazardous products shall be recycled when technically and economically feasible.

(7) Roles and responsibilities. A collection plan shall list all key participants in the covered household hazardous products collection chain, including:

(A) the name and location of the collection facilities accepting covered household hazardous products under the collection plan and the address and contact information for each facility;

(B) the name and contact information of the contractor responsible for transporting the covered household hazardous products; and

(C) the name and address of the recycling and disposal facilities where the covered household hazardous products collected are deposited.

(8) Participation rate. A collection plan shall include a collection participation rate as a performance goal for covered household hazardous products based on the participation rate determined by the number of total participants in the collection plan during a program year divided by the total number of households in the State. At a minimum, the collection participation rate shall be participation by five percent of the population of each county in the State. If a stewardship organization does not meet its participation rate, the Secretary may require the stewardship organization to revise the collection plan to provide for one or more of the following: additional public education and outreach, additional collection events, or additional hours of operation for collection sites.

(9) Collection plan funding. The collection plan shall describe how the stewardship organization will fund the implementation of the collection plan and collection activities under the plan, including the costs for education and outreach, collection, processing, and end-of-life management of the covered household hazardous product. Collection costs include facility and event costs including equipment costs, maintenance, and labor. The collection plan must include how municipalities will be compensated for all costs associated with collection of covered household hazardous products.

(c) Term of collection plan. A collection plan approved by the Secretary under section 7187 of this title shall have a term not to exceed five years, provided that the manufacturer remains in compliance with the requirements of this chapter and the terms of the approved collection plan.

(d) Collection plan implementation. A stewardship organization shall implement a collection plan on or before January 1, 2025.

§ 7184. STEWARDSHIP ORGANIZATIONS

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

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

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

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

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

§ 7185. ANNUAL REPORT; COLLECTION PLAN AUDIT

(a) Annual report. On or before March 1, 2026 and annually thereafter, a stewardship organization of manufacturers of covered household hazardous products shall submit a report to the Secretary that contains all of the following:

(1) A description of the collection program.

(2) The volume or weight by hazard category of covered household hazardous products collected, the disposition of the collected covered household hazardous products, and the number of covered entities

participating at each collection facility or collection event from which the covered household hazardous products were collected.

(3) An estimate of the weight or volume by hazard category of covered household hazardous products sold in the State in the previous calendar year by manufacturer participating in stewardship organization's collection plan. Sales data and other confidential business information provided under this section shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential. Confidential information shall be redacted from any final public report.

(4) A comparison of the collection plan's participation rate compared to actual participation rate and how the program will be improved if the participation rate goal was not met.

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

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

(7) A description and evaluation of the success of the education and outreach materials.

(8) Recommendations for any changes to the program.

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

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

§ 7186. ANTITRUST; CONDUCT AUTHORIZED

(a) Activity authorized. A manufacturer, group of manufacturers, or stewardship organization implementing or participating in an approved collection plan under this chapter for the collection, transport, processing, and end-of-life management of covered household hazardous products is individually or jointly immune from liability for conduct under State laws

relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce under 9 V.S.A. chapter 63, subchapter 1, to the extent that the conduct is reasonably necessary to plan, implement, and comply with the stewardship organization's chosen system for managing discarded covered household hazardous products.

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

§ 7187. AGENCY RESPONSIBILITIES

(a) Review and approve collection plans. The Secretary shall review and approve or deny collection plans submitted under section 7183 of this title. The Secretary shall approve a collection plan if the Secretary finds that the collection plan:

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

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

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

(4) promotes the collection and disposal of covered household hazardous products.

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

(c) Public input. The Secretary shall establish a process under which a collection plan for covered household hazardous products is available for public review and comment for 30 days prior to collection plan approval or amendment. In establishing such a process, the Secretary shall consult with interested persons, including manufacturers, environmental groups, wholesalers, retailers, municipalities, and solid waste districts.

(d) Registrations. The Secretary shall accept, review, and approve or deny registrations required by this chapter. The Secretary may revoke a registration

of a stewardship organization for actions that are unreasonable, unnecessary, or contrary to the requirements or the policy of this chapter.

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

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

(g) Identification of regulated pesticides. The Secretary, annually, shall confer with the Secretary of Agriculture, Food and Markets for the purpose of identifying those pesticides that are subject to regulation under this chapter due to registration with the Agency of Agriculture, Food and Markets as Class C pesticides.

§ 7188. REIMBURSEMENT; AUTHORIZATION

(a) Reimbursement of stewardship organization.

(1) A manufacturer or stewardship organization operating an approved collection plan that collects covered household hazardous products that are not listed under its approved collection plan shall be entitled to reimbursement from the manufacturer of the covered household hazardous product of reimbursable costs per unit of weight incurred in collecting the covered household hazardous products.

(2) Reimbursement may be requested by a collecting manufacturer or stewardship organization only after the stewardship organization has achieved the collection rate performance goal approved by the Secretary under section 7183 of this title.

(b) Reimbursable costs. Reimbursement shall be allowed only for those costs incurred in collecting the covered household hazardous products subject to the reimbursement request. Reimbursable costs include:

(1) costs of collection, transport, recycling, and other methods of disposition identified in a collection plan approved under section 7187 of this title; and

(2) reasonable educational, promotional, or administrative costs.

(c) Reimbursement request.

(1) A manufacturer or stewardship organization that incurs reimbursable costs under this section shall submit a request to the manufacturer of the

collected covered household hazardous product or the stewardship organization in which the manufacturer is participating.

(2) A manufacturer or stewardship organization that receives a request for reimbursement may, prior to payment and within 30 days of receipt of the request for reimbursement, request an independent audit of submitted reimbursement costs.

(3) The independent auditor shall be responsible for verifying the reasonableness of the reimbursement request, including the costs sought for reimbursement, the amount of reimbursement, and the reimbursable costs assessed by each of the two programs.

(4) If the independent audit confirms the reasonableness of the reimbursement request, the manufacturer or stewardship organization requesting the audit shall pay the cost of the audit and the amount of the reimbursement calculated by the independent auditor. If the independent audit indicates the reimbursement request was not reasonable, the manufacturer or stewardship organization that initiated the reimbursement request shall pay the cost of the audit and the amount of the reimbursement calculated by the independent auditor.

(d) Role of Agency. The Agency shall not be required to provide assistance or otherwise participate in a reimbursement request, audit, or other action under this section, unless subject to subpoena before a court of jurisdiction.

§ 7189. PRIVATE RIGHT OF ACTION

(a) Action against manufacturer with no collection plan. A manufacturer or stewardship organization in compliance with the requirements of this chapter may bring a civil action against another manufacturer or stewardship organization when:

(1) the plaintiff manufacturer or stewardship organization incurs more than \$1,000.00 in actual reimbursable costs collecting, handling, recycling, or properly disposing of covered household hazardous products sold or offered for sale in the State by the other manufacturer; and

(2) the manufacturer from whom damages are sought:

(A) can be identified as the manufacturer of the collected covered household hazardous products from a brand or marking on the discarded covered household hazardous products or from other information available to the plaintiff manufacturer or stewardship organization; and

(B) does not operate or participate in an approved stewardship organization in the State or is not otherwise in compliance with the requirements of this chapter.

(b) Action against manufacturer participating in an approved stewardship organization. A manufacturer or stewardship organization in compliance with the requirements of this chapter may bring a civil action for damages against a manufacturer or stewardship organization in the State that is in compliance with the requirements of this chapter, provided that the conditions of subsection (c) of this section have been met.

(c) Condition precedent to cause of action. Except as authorized under subsection (a) of this section, a cause of action under this section shall be allowed only if:

(1) a plaintiff manufacturer or stewardship organization submitted a reimbursement request to another manufacturer or stewardship organization under section 7188 of this title; and

(2) the manufacturer or stewardship organization does not receive reimbursement within:

(A) 90 days of the reimbursement request, if no independent audit is requested under section 7188 of this title; or

(B) 60 days after completion of an audit if an independent audit is requested under section 7188 of this title, and the audit confirms the validity of the reimbursement request.

(d) Action against individual manufacturer.

(1) A civil action under this section may be brought against an individual manufacturer only if the manufacturer is implementing its own collection plan and the manufacturer has failed to register to participate in a stewardship organization.

(2) A manufacturer participating in an approved stewardship organization covering multiple manufacturers shall not be sued individually for reimbursement.

(3) An action against a manufacturer participating in a stewardship organization covering multiple manufacturers shall be brought against the stewardship organization implementing the collection plan.

(e) Role of Agency. The Agency shall not be a party to or be required to provide assistance or otherwise participate in a civil action authorized under this section solely due to its regulatory requirements under this chapter, unless subject to subpoena before a court of jurisdiction.

(f) Damages; definition. As used in this section, “damages” means the actual, reimbursable costs a plaintiff manufacturer or stewardship organization incurs in collecting, handling, recycling, or properly disposing of covered household hazardous products identified as having originated from another manufacturer.

§ 7190. OTHER DISPOSAL PROGRAMS

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

§ 7191. RULEMAKING

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

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

On or before January 15, 2025, the Secretary of Natural Resources shall submit to the House Committees on Ways and Means and on Natural Resources, Fish, and Wildlife and the Senate Committees on Finance and on Natural Resources and Energy a recommended fee for the registration of stewardship organizations under the covered household hazardous product program under 10 V.S.A. chapter 164B.

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

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

* * *

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

Sec. 5. 10 V.S.A. § 8003 is amended to read:

§ 8003. APPLICABILITY

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

* * *

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

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

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

* * *

Sec. 6. 10 V.S.A. § 8503 is amended to read:

§ 8503. APPLICABILITY

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

(1) The following provisions of this title:

* * *

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

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

(2) 29 V.S.A. chapter 11 (management of lakes and ponds).

(3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).

(4) 3 V.S.A. § 2810 (interim environmental media standards).

* * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Natural Resources, Fish, and Wildlife agreed to, and third reading ordered.

Adjournment

At four o'clock and thirty minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, March 11, 2022

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Anthony of Barre City.

House Bill Introduced

H. 721

By Rep. Nott of Rutland City,

House bill, entitled

An act relating to the right to enroll a child in a public school where the property owned by the child's parent or guardian in the municipality is not their homestead

Was read the first time and referred to the Committee on Education.

Committee Bill Introduced

H. 722

By the Committee on Government Operations,

House bill, entitled

An act relating to final reapportionment of the House of Representatives

Was read the first time, and pursuant to House Rule 48, placed on the Notice Calendar.

Bills Referred to Committee on Ways and Means

House bills of the following titles, appearing on the Notice Calendar, affecting the revenue of the State or materially affecting the revenue of one or

more municipalities, under House Rule 35(a), were referred to the Committee on Ways and Means:

H. 518

House bill, entitled

An act relating to the creation of the Municipal Fuel Switching Grant Program

H. 551

House bill, entitled

An act relating to prohibiting racially and religiously restrictive covenants in deeds

Bills Referred to Committee on Appropriations

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

H. 96

House bill, entitled

An act relating to creating the Truth and Reconciliation Commission Development Task Force

H. 482

House bill, entitled

An act relating to the Petroleum Cleanup Fund

H. 492

House bill, entitled

An act relating to the structure of the Natural Resources Board

H. 505

House bill, entitled

An act relating to reclassification of penalties for unlawfully possessing, dispensing, and selling a regulated drug

H. 624

House bill, entitled

An act relating to supporting creative sector businesses and cultural organizations

H. 626

House bill, entitled

An act relating to the sale, use, or application of neonicotinoid pesticides

H. 716

House bill, entitled

An act relating to making miscellaneous changes in education law

Joint Resolution Placed on Calendar**J.R.S. 44**

By Senator Nitka,

J.R.S. 44. Joint resolution providing for a Joint Assembly to vote on the retention of six Superior Judges.

Whereas, declarations have been submitted by the following six Superior Judges that they be retained for another six-year term, Judge Thomas S. Durkin, Judge David Fenster, Judge Kerry A. McDonald-Cady, Judge Robert A. Mello, Judge John Pacht, and Judge Helen M. Toor, and

Whereas, the procedures of the Joint Committee on Judicial Retention require at least one public hearing and the review of information provided by each candidate and the comments of members of the Vermont bar and the public, and

Whereas, the Committee is unable to fulfill its responsibilities under subsection 608(b) of Title 4 to evaluate the judicial performance of the candidates seeking to be retained in office by March 17, 2022, the date specified in subsection 608(e) of Title 4, and

Whereas, subsection 608(g) of Title 4 permits the General Assembly to defer action on the retention of judges to a subsequent Joint Assembly when the Committee is not able to make a timely recommendation, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, March 24, 2022, at ten o'clock and thirty minutes in the forenoon to vote on the retention of six

Superior Judges. In case the vote to retain said Judges shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed until the above is completed.

Was read and placed on the Action Calendar on the next legislative day pursuant to House Rule 52.

Vote on Governor's Veto

H. 361

An act relating to approval of amendments to the charter of the Town of Brattleboro

Pursuant to Chapter II, Section 11, of the Vermont Constitution, the House is required to reconsider the bill, by voting on whether to pass it by overriding the veto with a two-thirds vote of the members present, and the vote must be taken by roll.

The Clerk proceeded to call the roll on the question, Shall the bill pass, notwithstanding the Governor's refusal to approve the bill?, which was decided in the affirmative. Yeas, 102. Nays, 47. (The necessary two-thirds vote having been attained.)

Those who voted in the affirmative are:

Ancel of Calais	Emmons of Springfield	Ode of Burlington
Anthony of Barre City	Gannon of Wilmington	Pajala of Londonderry
Arrison of Weathersfield	Garofano of Essex	Partridge of Windham
Austin of Colchester	Goldman of Rockingham	Patt of Worcester
Bartholomew of Hartland	Grad of Moretown	Pearl of Danville
Beck of St. Johnsbury	Hooper of Montpelier	Pugh of South Burlington
Birong of Vergennes	Hooper of Randolph	Rachelson of Burlington
Black of Essex	Hooper of Burlington	Rogers of Waterville
Bluemle of Burlington	Houghton of Essex	Satcowitz of Randolph
Bock of Chester	Howard of Rutland City	Scheu of Middlebury
Bongartz of Manchester	James of Manchester	Sheldon of Middlebury
Bos-Lun of Westminster	Jerome of Brandon	Sibilia of Dover
Brady of Williston	Jessup of Middlesex	Sims of Craftsbury
Brighton of Thetford	Killacky of South Burlington	Small of Winooski
Brown of Richmond	Kimbell of Woodstock	Squirrel of Underhill
Brownell of Pownal	Kitzmiller of Montpelier	Stebbins of Burlington
Brumsted of Shelburne	Kornheiser of Brattleboro	Stevens of Waterbury
Burke of Brattleboro	Krowinski of Burlington	Sullivan of Dorset
Burrows of West Windsor	LaLonde of South	Surprenant of Barnard
Campbell of St. Johnsbury	Burlington	Taylor of Colchester
Chase of Colchester	Lanpher of Vergennes	Till of Jericho
Christie of Hartford	Lippert of Hinesburg	Toleno of Brattleboro

Cina of Burlington	Long of Newfane	Townsend of South Burlington
Coffey of Guilford	Masland of Thetford	Troiano of Stannard
Colburn of Burlington	McCarthy of St. Albans City	Vyhovsky of Essex
Colston of Winooski	McCormack of Burlington	Walz of Barre City
Conlon of Cornwall	McCullough of Williston	Webb of Shelburne
Copeland Hanzas of Bradford	Morris of Springfield	White of Bethel
Corcoran of Bennington	Mrowicki of Putney	White of Hartford
Cordes of Lincoln	Mulvaney-Stanak of Burlington	Whitman of Bennington
Dolan of Essex	Nicoll of Ludlow	Wood of Waterbury
Dolan of Waitsfield	Nigro of Bennington	Yacovone of Morristown
Donnally of Hyde Park	Notte of Rutland City	Yantachka of Charlotte
Durfee of Shaftsbury	Noyes of Wolcott	
Elder of Starksboro	O'Brien of Tunbridge	

Those who voted in the negative are:

Achey of Middletown Springs	Higley of Lowell	Norris of Sheldon
Brennan of Colchester	Kascenska of Burke	Norris of Shoreham
Burditt of West Rutland	Labor of Morgan	Page of Newport City
Canfield of Fair Haven	LaClair of Barre Town	Parsons of Newbury
Cupoli of Rutland City	Laroche of Franklin	Peterson of Clarendon
Dickinson of St. Albans Town	Lefebvre of Newark	Rosenquist of Georgia
Donahue of Northfield	Lefebvre of Orange	Scheuermann of Stowe
Fagan of Rutland City	Leffler of Enosburgh	Shaw of Pittsford
Feltus of Lyndon	Marcotte of Coventry	Smith of Derby
Goslant of Northfield	Martel of Waterford	Smith of New Haven
Graham of Williamstown	Mattos of Milton	Strong of Albany
Gregoire of Fairfield	McCoy of Poultney	Terenzini of Rutland Town
Hango of Berkshire	McFaun of Barre Town	Toof of St. Albans Town
Harrison of Chittenden	Morgan, L. of Milton	Walker of Swanton
Helm of Fair Haven	Morgan, M. of Milton	Williams of Granby
	Morrissey of Bennington	
	Murphy of Fairfax	

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

Palasik of Milton

(For text of the Governor's veto letter, see House Journal of March 8, 2022.)

Third Reading; Recess; Consideration Resumed; Bill Passed

H. 115

House bill, entitled

An act relating to household products containing hazardous substances

Was taken up and read the third time.

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

At ten o'clock and twenty-eight minutes in the forenoon, the Speaker called the House to order.

Thereupon, consideration of the bill resumed. The bill passed in a vote by division: Yeas, 80; Nays, 35. (Corrected.)

Second Reading; Bill Amended; Third Reading Ordered

H. 279

Rep. Page of Newport City, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to miscellaneous changes affecting the duties of the Department of Vermont Health Access

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

Sec. 1. 33 V.S.A. § 1992 is amended to read:

§ 1992. MEDICAID COVERAGE FOR ADULT DENTAL SERVICES

(a) Vermont Medicaid shall provide coverage for medically necessary dental services provided by a dentist, dental therapist, or dental hygienist working within the scope of the provider's license as follows:

(1) ~~Up to two visits per calendar year for preventive~~ Preventive services, including prophylaxis and fluoride treatment, with no co-payment. These services shall not be counted toward the annual maximum benefit amount set forth in subdivision (2) of this subsection.

* * *

Sec. 2. 33 V.S.A. § 2001 is amended to read:

§ 2001. LEGISLATIVE OVERSIGHT

(a) ~~In connection with the Pharmacy Best Practices and Cost Control Program, the Commissioner of Vermont Health Access shall report for review by the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare prior to any modifications:~~

~~(1) the compilation that constitutes the preferred drug list or list of drugs subject to prior authorization or any other utilization review procedures;~~

(2) ~~any utilization review procedures, including any prior authorization procedures; and~~

(3) ~~the procedures by which drugs will be identified as preferred on the preferred drug list, and the procedures by which drugs will be selected for prior authorization or any other utilization review procedure.~~

(b) ~~The Committees shall closely monitor implementation of the preferred drug list and utilization review procedures to ensure that the consumer protection standards enacted pursuant to section 1999 of this title are not diminished as a result of implementing the preferred drug list and the utilization review procedures, including any unnecessary delay in access to appropriate medications. The Committees shall ensure that all affected interests, including consumers, health care providers, pharmacists, and others with pharmaceutical expertise have an opportunity to comment on the preferred drug list and procedures reviewed under this subsection.~~

(e) ~~The Notwithstanding the provisions of 2 V.S.A. § 20(d), the Commissioner of Vermont Health Access shall report annually on or before October 30 to the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare concerning the Pharmacy Best Practices and Cost Control Program and the operation of Vermont's pharmaceutical assistance programs for the most recent State fiscal year. Topics covered in the report shall include;~~

(1) ~~issues related to drug cost and utilization;~~

(2) ~~the effect of national trends on the pharmacy program programs;~~

(3) ~~comparisons to other states;~~

(4) ~~the Department's administration of Vermont's pharmaceutical assistance programs;~~

(5) ~~the Department's use of prior authorization requirements for prescription drugs; and~~

(6) ~~decisions made by the Department's Drug Utilization Review Board in relation to both drug utilization review efforts and the placement of drugs on the Department's preferred drug list.~~

(d) ~~[Repealed.]~~

(e)(b)(1) ~~[Repealed.]~~

(2) The Commissioner shall not enter into a contract with a pharmacy benefit manager unless the pharmacy benefit manager has agreed to disclose to

the Commissioner the terms and the financial impact on Vermont and on Vermont beneficiaries of:

* * *

(3)(2) The Commissioner shall not enter into a contract with a pharmacy benefit manager who has entered into an agreement or engaged in a practice described in subdivision (2)(1) of this subsection, unless the Commissioner determines that the agreement or practice furthers the financial interests of Vermont and does not adversely affect the medical interests of Vermont beneficiaries.

Sec. 3. 33 V.S.A. § 2081 is amended to read:

§ 2081. RULES AND LEGISLATIVE OVERSIGHT RULEMAKING

(a) The Agency of Human Services shall adopt rules necessary to implement and administer the provisions of this subchapter, including standards and schedules establishing coverage and exclusion of pharmaceuticals and maximum quantities of pharmaceuticals to be dispensed, and to comply with the requirements of the Medicare Modernization Act. The Agency of Human Services shall submit the proposed rule to the Health Care Oversight Committee. The Health Care Oversight Committee shall review and advise on the Agency rules and policies developed under this subsection and shall submit for consideration any recommendations to the joint Legislative Committee on Administrative Rules.

~~(b) DVHA shall report on the status of the pharmaceutical assistance programs established by this subchapter to the Health Care Oversight Committee.~~

Sec. 4. SEPARATE INDIVIDUAL AND SMALL GROUP HEALTH

INSURANCE MARKETS FOR PLAN YEAR 2023 IF FEDERAL
SUBSIDIES EXTENDED

(a) Purpose. The purpose of this section is to allow for separate individual and small group health insurance markets for plan year 2023 in the event that Congress extends increased opportunities for federal advanced premium tax credits to include plan year 2023 and that extension is enacted on or before September 1, 2022.

(b) Definitions. As used in this section, “health benefit plan,” “registered carrier,” and “small employer” have the same meanings as in 33 V.S.A. § 1811.

(c) Separate plans and community rating. Notwithstanding any provision of 33 V.S.A. § 1811 to the contrary, if the Department of Vermont Health

Access, after consultation with interested stakeholders, determines on or before September 1, 2022 that Congress has extended the increased opportunities for federal premium assistance originally made available through the American Rescue Plan Act of 2021, Pub. L. No. 117-2 to eligible households purchasing qualified health benefit plans in the individual market to include plan year 2023, or has made substantially similar opportunities available, then for plan year 2023, a registered carrier shall:

(1) offer separate health benefit plans to individuals and families in the individual market and to small employers in the small group market;

(2) apply community rating in accordance with 33 V.S.A. § 1811(f) to determine the premiums for the carrier's plan year 2023 individual market plans separately from the premiums for its small group market plans; and

(3) file premium rates with the Green Mountain Care Board pursuant to 8 V.S.A. § 4062 separately for the carrier's individual market and small group market plans.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

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

Second Reading; Bill Amended; Third Reading Ordered

H. 572

Rep. Copeland Hanzas of Bradford, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to the retirement allowance for interim educators

Reported in favor of its passage when amended as follows:

In Sec. 1, amending 16 V.S.A. § 1939, by striking out subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d)(1) Notwithstanding any other provision of law, in any fiscal year, a beneficiary who retired from the System as a Group A or a Group C member may resume service under subsection (a) of this section to serve as an interim school educator for a period not to exceed one school year and receive the beneficiary's retirement allowance for the entire period that service is resumed, provided that:

(A) the beneficiary has received a retirement allowance for six months or more prior to resuming service;

(B) the beneficiary maintains or obtains an active educator's license in the area in which the beneficiary will serve as an interim educator;

(C) the beneficiary makes contributions at the rate established for members of the beneficiary's group for the entire period that service is resumed;

(D) the source of funding for the employer's contributions for the beneficiary for the entire period that service is resumed is consistent with how contributions are paid for new members in the beneficiary's group as of the date service is resumed; and

(E) the employer of the beneficiary makes payments into the Retired Teachers' Health and Medical Benefits Fund, established in section 1944b of this title, for the entire period that service is resumed in a manner consistent with how those payments are made for new members in the beneficiary's group as of the date service is resumed.

(2) Upon subsequent retirement of a person who once again becomes a member under subdivision (1) of this subsection, the beneficiary shall not be entitled to a retirement allowance separately computed for the period that service was resumed.

(e)(1) Annually, on or before July 15 each year, each superintendent shall submit to the Agency of Education a report on the number of beneficiaries of the System who have resumed service pursuant to subsection (d) of this section.

(2) On or before August 15 each year, the Secretary of Education shall compile the data received by each superintendent pursuant to subdivision (1) of this subsection and submit a report to the Joint Pension Oversight Committee.

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Government Operations.

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

Action on Bill Postponed**H. 629**

House bill, entitled

An act relating to access to adoption records

Was taken up, and pending the reading of the report of the Committee on Judiciary, on motion of **Rep. Goslant of Northfield**, action on the bill was postponed until March 17, 2022.

Adjournment

At ten o'clock and fifty-eight minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, March 15, 2022, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 45.

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. 109

House concurrent resolution congratulating the 2022 Essex High School Hornets girls' indoor track and field team on winning a second consecutive Division I championship

H.C.R. 110

House concurrent resolution congratulating the 2022 Essex High School boys' indoor track and field team on winning a second consecutive Division I championship

H.C.R. 111

House concurrent resolution congratulating William O'Neil of Essex on his induction into the Vermont Sports Hall of Fame

H.C.R. 112

House concurrent resolution honoring the Voices of St. Joseph's Orphanage

H.C.R. 113

House concurrent resolution honoring the USS VERMONT (SSN 792)

H.C.R. 114

House concurrent resolution congratulating the 2021 Brattleboro Union

High School Colonels Division II championship boys' hockey team

H.C.R. 115

House concurrent resolution congratulating the 2022 Essex High School Hornets State championship gymnastics team

H.C.R. 116

House concurrent resolution commemorating the 250th anniversary of the New Yorkers' capture and Bennington posse's rescue of early Arlington leader and pre-Revolutionary War patriot Remember Baker Jr.

H.C.R. 117

House concurrent resolution congratulating Catamount Access Television in Bennington on its 30th anniversary

H.C.R. 118

House concurrent resolution honoring Diane Dalmasse for her extraordinary half century of State public service and leadership

H.C.R. 119

House concurrent resolution honoring Anthony Mariano for 44 years of exemplary athletics leadership at Norwich University

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2022 Adjourned Session.]

Tuesday, March 15, 2022

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

Devotional Exercises

Devotional exercises were conducted by Reps. Patt of Worcester and Rogers of Waterville.

Pledge of Allegiance

Page Anya Muller of Jericho led the House in the Pledge of Allegiance.

Message from the Senate No. 34

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 4. An act relating to procedures involving firearms.

S. 261. An act relating to municipal retention of property tax collections.

In the passage of which the concurrence of the House is requested.

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

H. 701. An act relating to cannabis license fees.

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

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 43. Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to exchange quit claim deeds with the Vermont Land Trust and the Nature Conservancy in order to confirm the boundary between the Long Trail State Forest and the land co-owned by the Vermont Land Trust and the Nature Conservancy in the Towns of Eden and Belvidere.

In the adoption of which the concurrence of the House is requested.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 109. House concurrent resolution congratulating the 2022 Essex High School Hornets girls' indoor track and field team on winning a second consecutive Division I championship.

H.C.R. 110. House concurrent resolution congratulating the 2022 Essex High School boys' indoor track and field team on winning a second consecutive Division I championship.

H.C.R. 111. House concurrent resolution congratulating William O'Neil of Essex on his induction into the Vermont Sports Hall of Fame.

H.C.R. 112. House concurrent resolution honoring the Voices of St. Joseph's Orphanage.

H.C.R. 113. House concurrent resolution honoring the USS VERMONT (SSN 792).

H.C.R. 114. House concurrent resolution congratulating the 2021 Brattleboro Union High School Colonels Division II championship boys' hockey team.

H.C.R. 115. House concurrent resolution congratulating the 2022 Essex High School Hornets State championship gymnastics team.

H.C.R. 116. House concurrent resolution commemorating the 250th anniversary of the New Yorkers' capture and Bennington posse's rescue of early Arlington leader and pre-Revolutionary War patriot Remember Baker Jr..

H.C.R. 117. House concurrent resolution congratulating Catamount Access Television in Bennington on its 30th anniversary.

H.C.R. 118. House concurrent resolution honoring Diane Dalmasse for her extraordinary half century of State public service and leadership.

H.C.R. 119. House concurrent resolution honoring Anthony Mariano for 44 years of exemplary athletics leadership at Norwich University.

Message from the Senate No. 35

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 139. An act relating to nondiscriminatory school branding.

S. 173. An act relating to the State House art collection.

S. 206. An act relating to planning and support for individuals and families impacted by Alzheimer's Disease and related disorders.

S. 283. An act relating to miscellaneous changes to education laws.

In the passage of which the concurrence of the House is requested.

The Senate has on its part considered the Governor's veto of a Senate bill of the following title:

S. 30. An act relating to prohibiting possession of firearms within hospital buildings.

And has passed the same, the refusal of the Governor to approve notwithstanding.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred to Committee or placed on the Notice Calendar as follows:

H. 723

By Rep. Cina of Burlington,

House bill, entitled

An act relating to establishing a program to encourage the implementation of year-round agricultural practices

To the Committee on Agriculture and Forestry.

H. 724

By Rep. Cina of Burlington,

House bill, entitled

An act relating to artificial intelligence and workforce development

To the Committee on Commerce and Economic Development.

H. 725

By Reps. Chase of Colchester, Patt of Worcester, White of Bethel, and Yantachka of Charlotte,

House bill, entitled

An act relating to regulating credit reporting by landlords and others

To the Committee on Commerce and Economic Development.

H. 726

By Reps. Stebbins of Burlington, Bluemle of Burlington, Cina of Burlington, Colburn of Burlington, Hooper of Burlington, McCormack of Burlington, Mulvaney-Stanak of Burlington, Ode of Burlington, Rachelson of Burlington, and Small of Winooski,

House bill, entitled

An act relating to the Agency of Natural Resources' testing of schools for the presence of PCBs

To the Committee on Natural Resources, Fish, and Wildlife.

H. 727

By the Committee on Education,

House bill, entitled

An act relating to the exploration, formation, and organization of union school districts and unified union school districts

Pursuant to House Rule 48, was placed on the Notice Calendar.

H. 728

By the Committee on Human Services,
House bill, entitled

An act relating to opioid overdose response services

Pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

H. 729

By the Committee on Judiciary,
House bill, entitled

An act relating to miscellaneous judiciary procedures

Pursuant to House Rule 35(a), affecting the revenue of the State or materially affecting the revenue of one or more municipalities, was referred to the Committee on Ways and Means.

H. 730

By the Committee on General, Housing, and Military Affairs,
House bill, entitled

An act relating to alcoholic beverages and the Department of Liquor and Lottery

Pursuant to House Rule 35(a), affecting the revenue of the State or materially affecting the revenue of one or more municipalities, was referred to the Committee on Ways and Means.

H. 731

By the Committee on Government Operations,
House bill, entitled

An act relating to technical corrections for the 2022 legislative session

Pursuant to House Rule 48, was placed on the Notice Calendar.

H. 732

By Reps. Cina of Burlington, Austin of Colchester, Burrows of West Windsor, and Harrison of Chittenden,

House bill, entitled

An act relating to hosting the Winter Olympics in Vermont

To the Committee on Commerce and Economic Development.

H. 733

By Rep. Till of Jericho,

House bill, entitled

An act relating to lowering the legal blood alcohol concentration limit to operate a motor vehicle to below 0.05

To the Committee on Transportation.

H. 734

By Rep. Grad of Moretown,

House bill, entitled

An act relating to adopting the Council of State Governments' recommendations set forth in its November of 2021 report to the Justice Reinvestment II Working Group

To the Committee on Judiciary.

H. 735

By Rep. Stebbins of Burlington,

House bill, entitled

An act relating to considering using reference-based pricing for the State employees' health plan

To the Committee on Health Care.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 4

Senate bill, entitled

An act relating to procedures involving firearms

To the Committee on Judiciary.

S. 261

Senate bill, entitled

An act relating to municipal retention of property tax collections

To the Committee on Ways and Means.

Bills Referred to the Committee on Ways and Means

House bills of the following titles, appearing on the Notice Calendar, affecting the revenue of the State or materially affecting the revenue of one or more municipalities, under House Rule 35(a), were referred to the Committee on Ways and Means:

H. 353

House bill, entitled

An act relating to pharmacy benefit management

H. 512

House bill, entitled

An act relating to modernizing land records and notarial acts law

H. 703

House bill, entitled

An act relating to promoting workforce development

H. 704

House bill, entitled

An act relating to the regulation of accessory on-farm businesses

Bills Referred to the Committee on Appropriations

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

H. 464

House bill, entitled

An act relating to the medical review process in the Reach Up program and Postsecondary Education Program eligibility

H. 465

House bill, entitled

An act relating to boards and commissions

H. 661

House bill, entitled

An act relating to licensure of mental health professionals

Joint Resolution Referred to Committee**J.R.S. 43**

By the Committee on Institutions,

J.R.S. 43. Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to exchange quit claim deeds with the Vermont Land Trust and the Nature Conservancy in order to confirm the boundary between the Long Trail State Forest and the land co-owned by the Vermont Land Trust and the Nature Conservancy in the Towns of Eden and Belvidere.

Whereas, the Department of Forests, Parks and Recreation (the Department) owns and manages certain lands in the Towns of Eden and Belvidere, known as the Long Trail State Forest, that abut lands co-owned by the Vermont Land Trust (VLT) and the Nature Conservancy (TNC), and

Whereas, approximately 3.5 miles of the common boundary between the Long Trail State Forest and the lands that VLT and TNC co-own is uncertain as to its location on the ground and in existing deeds, and

Whereas, the Department and VLT and TNC have reached an agreement to confirm and locate the shared common boundaries through the exchange of quitclaim deeds and a survey of the boundary to be recorded in the land records of the Towns of Eden and Belvidere, and

Whereas, 10 V.S.A. § 2606(b) authorizes the Commissioner of Forests, Parks and Recreation “to sell, convey, exchange or lease land, or interests in land, or to amend deeds, leases and easement interests, under his or her jurisdiction,” with the approval of the General Assembly, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly authorizes the Commissioner of Forests, Parks and Recreation to exchange quit claim deeds with the Vermont Land Trust and the Nature Conservancy in order to confirm the boundary between the Long Trail State Forest and the lands co-owned by the Vermont Land Trust and the Nature Conservancy in the Towns of Eden and Belvidere, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Commissioner of Forests, Parks and Recreation, the Vermont Land Trust, and the Nature Conservancy.

Was read by title, treated as a bill, and referred to the Committee on Corrections and Institutions, pursuant to House Rule 52.

Ceremonial Reading**H.C.R. 118**

House concurrent resolution honoring Diane Dalmasse for her extraordinary half century of State public service and leadership

Offered by: Pugh of South Burlington, Marcotte of Coventry, Wood of Waterbury and Yacovone of Morristown and Senators Lyons and Westman

Having been adopted in concurrence on Friday, March 11, 2022 in accord with Joint Rule 16b, was read.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 279

House bill, entitled

An act relating to miscellaneous changes affecting the duties of the Department of Vermont Health Access

H. 572

House bill, entitled

An act relating to the retirement allowance for interim educators

Second Reading; Bill Amended; Third Reading Ordered**H. 244**

Rep. Walz of Barre City, for the Committee on General, Housing, and Military Affairs, to which had been referred House bill, entitled

An act relating to authorizing the natural organic reduction of human remains

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

* * * Deaths, Burials, and Autopsies * * *

Sec. 1. 18 V.S.A. § 5200 is added to read:

§ 5200. DEFINITIONS

As used in this chapter:

(1) “Cemetery” has the same meaning as in section 5302 of this title.

(2) “Cremation” has the same meaning as in section 5302 of this title.

(3) “Disposition facility” has the same meaning as in section 5302 of this title.

(4) “Natural organic reduction” has the same meaning as in section 5302 of this title.

Sec. 2. 18 V.S.A. § 5201 is amended to read:

§ 5201. PERMITS; REMOVAL OF BODIES; CREMATION;

WAITING PERIOD; INVESTIGATION INTO CIRCUMSTANCES
OF DEATH

(a) ~~Burial-transfer permit.~~ A dead body shall not be buried, entombed, or removed, or otherwise disposed of without a burial-transit permit issued and signed by a municipal clerk, a county clerk, or a deputy clerk for the municipality or unorganized town or gore in which the dead body is located; a funeral director licensed in Vermont; an owner or designated manager of a ~~erematerium~~ licensed disposition facility in Vermont who is registered to perform removals; or a law enforcement officer.

* * *

(3) A funeral director licensed in Vermont or an owner or designated manager of a ~~erematory~~ licensed disposition facility in Vermont who is registered to perform removals may issue a burial-transit permit for any municipality or unorganized town or gore at any time, including during the normal business hours of a municipal clerk.

* * *

(b) ~~No~~ An operator of a ~~erematory~~ disposition facility shall not cremate or process by means of natural organic reduction or allow the cremation or processing by means of natural organic reduction of a dead human body until the passage of at least 24 hours following the death of the decedent, as indicated on the death certificate, unless, if the decedent died from a virulent, communicable disease, a Department of Health rule or order requires the cremation to occur prior to the end of that period. If the Attorney General or a State’s Attorney requests the delay of a cremation or natural organic reduction based upon a reasonable belief that the cause of death might have been due to other than accidental or natural causes, the cremation or natural organic reduction of a dead human body shall be delayed, based upon such request, a sufficient time to permit a civil or criminal investigation into the circumstances that caused or contributed to the death.

(c) The person in charge of the body shall not release for cremation or natural organic reduction the body of a person who died in Vermont until the person in charge has received a certificate from the chief, regional, or assistant medical examiner that the medical examiner has made personal inquiry into the cause and manner of death and is satisfied that no further examination or judicial inquiry concerning it is necessary. Upon request of a funeral director, the person in charge of the body, or the ~~crematory~~ operator of a disposition facility, the Chief Medical Examiner shall issue a ~~cremation~~ disposition certificate after the medical examiner has completed an autopsy. The certificate shall be retained by the ~~crematory disposition facility~~ for a period of three years. The person requesting cremation or natural organic reduction shall pay the ~~department~~ Department a fee of \$25.00.

(d)(1) For all cremations or natural organic reductions requested for the body of a person who died outside Vermont, the ~~crematory~~ operator of a disposition facility shall do the following before conducting the cremation or natural organic reduction:

(A) obtain a permit for transit ~~of~~, cremation, or natural organic reduction; and

(B) comply with the laws of the state in which the person died, including obtaining a copy of a medical examiner's permit if one is required.

(2) No additional approval from the Vermont medical examiner's office is required if compliance with the laws of the state in which the person died is achieved.

Sec. 3. 18 V.S.A. § 5207 is amended to read:

§ 5207. CERTIFICATE FURNISHED FAMILY; BURIAL-TRANSIT
PERMIT

Within 24 hours after death, the death certificate shall be made available upon request to the family of the deceased, if any, or the undertaker or person who has charge of the body. The certificate shall be filed with the person issuing the burial-transit permit obtained by the person who has charge of the body before ~~such dead body shall be buried, entombed, or removed permanent disposition or removal~~ from the town. When the death certificate is so filed, the officer or person shall immediately issue a burial-transit permit under legal restrictions and safeguards.

Sec. 4. 18 V.S.A. § 5210 is amended to read:

§ 5210. FORM OF BURIAL OR REMOVAL PERMIT

If it is desired to bury, entomb, or otherwise dispose of a dead body within the limits of a town where the death occurred, the certificate of permission shall state plainly the time, place, and manner of such burial, entombment, or disposition. If it is desired to remove a dead body from the town where the death occurred, the certificate of permission shall contain the essential facts contained in the certificate of death on which it is issued, shall accompany the body to its destination, and may be accepted as a permit for ~~burial or entombment~~ permanent disposition by a sexton or other person having the care of a cemetery, burial ground, tomb, or receiving vault.

Sec. 5. 18 V.S.A. § 5213 is amended to read:

§ 5213. REMOVAL; FORM AND DISPOSITION OF PERMIT

Such permit shall state specifically ~~where such body is to be buried, cremated, or entombed~~ the location of the body's permanent disposition and the time and manner of its removal. A town clerk issuing such a permit shall make it in duplicate if the body is to be removed from the town, one copy of which shall be delivered to the person having charge of the cemetery or tomb from which the body is to be taken and the other shall be delivered to the person having charge of the cemetery or tomb wherein it is desired to place the body.

Sec. 6. 18 V.S.A. § 5224 is amended to read:

§ 5224. DISPOSITION OF REMAINS; PERMITS

(a) Fetal remains shall be disposed of by burial, ~~or cremation, or natural organic reduction~~ unless released to an educational institution for scientific purposes or disposed of by the hospital or as directed by the attending physician in a manner ~~which~~ that will not create a public health hazard. Permission shall be obtained from one of the parents, if competent, for disposition in all cases where a funeral director is not involved. One copy of the fetal death report shall be printed in such manner that completion and signing by the physician or medical examiner shall constitute permission to make ~~final~~ permanent disposition of the fetal remains.

(b) When a funeral director is involved or when the fetal remains are to be privately buried or disposed of by a ~~commercial-crematory~~ disposition facility, the funeral director or other person taking charge of the remains shall obtain from the hospital or physician the disposition permit portion of the report and shall deliver it to the sexton or other person having care of the cemetery, tomb, vault, or ~~crematory~~ disposition facility before burial or other disposition takes

place. These permits shall be delivered each month to the clerk of the town in which burial or disposition took place, in the same manner as permits for burial of dead bodies; so also shall all other provisions of sections 5209-5216 of this title be applicable to fetal remains as are applicable to dead bodies.

* * *

Sec. 7. 18 V.S.A. chapter 107, subchapter 3 is amended to read:

Subchapter 3. Rights of Family Members, ~~and~~ Other Interested Persons,
Funeral Directors, and ~~Crematory~~ Crematory Operators of Disposition Facilities

* * *

§ 5227. RIGHT TO DISPOSITION

(a) If there is no written directive of the decedent, in the following order of priority, one or more competent adults shall have the right to determine the disposition of the remains of a decedent, including the location, manner, and conditions of disposition and arrangements for funeral goods and services:

* * *

(9) the funeral director or ~~crematory~~ disposition facility operator with custody of the body, after attesting in writing that a good faith effort has been made to contact the individuals described in subdivisions (1) through (8) of this subsection; or

* * *

(c)(1) If the disposition of the remains of a decedent is determined under subdivision (a)(9) of this section and the funeral director or ~~crematory~~ disposition facility operator has cremated or processed the remains, as applicable, the funeral director or ~~crematory~~ disposition facility operator shall retain the remains for three years and, if no interested party as provided in subdivisions (a)(1) through (8) of this section claims the decedent's remains after three years, the funeral director or ~~crematory~~ disposition facility operator shall arrange for the ~~final~~ permanent disposition of the ~~cremated~~ remains consistent with any applicable law and standard funeral practices.

(2) Notwithstanding any provision of subdivision (1) of this subsection to the contrary, a funeral director or ~~crematory~~ disposition facility operator may determine that the unclaimed ~~cremated~~ remains of a deceased veteran shall be interred at the Vermont Veterans Memorial Cemetery pursuant to 20 V.S.A. § 1586 if:

(A) at least 180 days have passed since the funeral director or ~~crematory~~ disposition facility operator cremated or processed the remains;

(B) the funeral director or ~~crematory~~ disposition facility operator either:

(i) has actual knowledge that there is no interested party as provided in subdivisions (a)(1) through (8) of this section to claim the decedent's remains; or

(ii) after making reasonable efforts, has been unable to locate and contact any known interested party as provided in subdivisions (a)(1) through (8) of this section; and

(C) the funeral director or ~~crematory~~ disposition facility operator has confirmed with the Office of Veterans Affairs that the deceased veteran is eligible to be interred at the Vermont Veterans Memorial Cemetery.

(d)(1) If the disposition of the remains of a decedent is determined under subdivision (a)(10) of this section, the Office of the Chief Medical Examiner may contract with a funeral director or ~~crematory~~ disposition facility operator to cremate the remains of the decedent.

(2)(A) If the cremation of the decedent is arranged and paid for under 33 V.S.A. § 2301, the Department for Children and Families shall pay the cremation expenses to the funeral home, up to the maximum payment permitted by rule by the Department for Children and Families.

(B) If the cremation of the decedent is not arranged and paid for under 33 V.S.A. § 2301, the Department of Health shall pay the cremation expenses to the funeral home, up to the maximum payment permitted by rule by the Department for Children and Families.

(3) The cremated remains shall be returned to the Office of the Chief Medical Examiner. The Office shall retain the remains for three years, and if no interested party, as described in subdivisions (a)(1) through (8) of this section, claims the decedent's remains after three years, the Office shall arrange for the ~~final~~ permanent disposition of the cremated remains consistent with any applicable law and standard funeral practices.

(4) Notwithstanding any provision of subdivision (3) of this subsection to the contrary, the Office of the Chief Medical Examiner may determine that the unclaimed cremated remains of a deceased veteran shall be interred at the Vermont Veterans Memorial Cemetery pursuant to 20 V.S.A. § 1586 if:

(A) at least 180 days have passed since the remains were cremated;

(B) the Office of the Chief Medical Examiner either:

(i) has actual knowledge that there is no interested party as provided in subdivisions (a)(1) through (8) of this section to claim the decedent's remains; or

(ii) after making reasonable efforts, has been unable to locate and contact any known interested party as provided in subdivisions (a)(1) through (8) of this section; and

(C) the Office of the Chief Medical Examiner has confirmed with the Office of Veterans Affairs that the deceased veteran is eligible to be interred at the Vermont Veterans Memorial Cemetery.

§ 5228. FORFEITURE

An individual recognized under section 5227 of this title to have a right of disposition shall forfeit that right in the following circumstances:

(1) the individual is identified by a law enforcement agency as a person of interest and likely to be prosecuted or is under prosecution for first or second degree murder or voluntary manslaughter in connection with the decedent's death, if the status of the investigation or the prosecution is known to the funeral director or ~~crematory~~ disposition facility operator, except that if the prosecution is not pursued or the individual is acquitted of the alleged crime before the remains are disposed of, the individual shall regain the right;

* * *

§ 5229. COST OF DISPOSITION

The cost for the disposition of remains and funeral goods or services shall be borne by the decedent's estate, subject to the limits for insolvent estates imposed by 14 V.S.A. § 1205, or by any individual who agrees to pay the costs. Nothing in this subchapter shall be construed to require a funeral director or ~~crematory~~ disposition facility operator to provide goods or services for which there is no payment.

§ 5230. RIGHTS OF FUNERAL DIRECTOR OR ~~CREMATORY~~ OPERATOR OF A DISPOSITION FACILITY

A funeral director or ~~crematory~~ disposition facility operator may determine the ~~final~~ permanent disposition of remains and may file a civil action in Probate Division of the Superior Court against a person, estate, banking institution, governmental agency, or other entity ~~which~~ that may have liability for the ~~final~~ permanent disposition, either:

(1) to seek a declaratory judgment that the director's or operator's proposed action would be in compliance with the applicable provisions of law; or

(2) to seek a judgment that the director or operator's action is in compliance with the applicable provisions of law and to recover reasonable costs and fees for the ~~final~~ permanent disposition when:

(A) the funeral director or ~~crematory~~ disposition facility operator has actual knowledge that there is no surviving family member, guardian, or individual appointed to arrange for the disposition of decedent's remains pursuant to chapter 231 of this title;

(B) the funeral director or ~~crematory~~ disposition facility operator has made reasonable efforts to locate and contact any known family member, guardian, or agent; and

(C) the appropriate local or State authority, if any, fails to assume responsibility for disposition of the remains within 36 hours of written notice, which may be delivered by hand, U.S. mail, facsimile transmission, electronic means, or telegraph.

§ 5231. CIVIL ACTION

* * *

(c) Except as provided for under subdivision (b)(4) of this section, an individual who has paid or agreed to pay for all or part of the funeral arrangements or ~~final~~ permanent disposition does not have greater priority to the right to disposition than as set forth in section 5227 of this title.

(d)(1) A funeral director or ~~crematory~~ disposition facility operator may refuse to accept bodily remains, to inter or otherwise dispose of bodily remains, or to complete the arrangements for the ~~final~~ permanent disposition until such time as the court issues an order or the parties to the action submit a final stipulation approved by the court regarding the disposition of remains.

(2) If the funeral director or ~~crematory~~ disposition facility operator retains the remains for ~~final~~ permanent disposition while an action is pending, the funeral director or ~~crematory~~ disposition facility operator may refrigerate or shelter the remains while awaiting a preliminary or final order of the court. The cost of refrigeration or sheltering shall be the responsibility of the party or parties who contracted with the funeral director or ~~crematory~~ disposition facility operator, the person or entity who is otherwise liable for the costs of ~~final~~ permanent disposition, or the estate as ordered by the court, or any combination of these, and the court may include in the order a decision concerning which of these shall be responsible for paying these costs.

(e) If a funeral director or ~~crematory~~ disposition facility operator commences an action under this section, the funeral director or ~~crematory~~ disposition facility operator may ask the court to include an order against the

estate or the parties for reasonable legal fees and costs. If the estate is insolvent and no other person should be responsible for the filing fee, the court may waive the filing fee. The court, in its discretion, may order a party or parties to pay the reasonable costs of ~~final~~ permanent disposition as a condition of the appointment to make disposition decisions. The court may order that a party, or parties, including the petitioner, pay reasonable legal fees and costs associated with the action.

(f) Any appeal from the ~~probate court~~ Probate Division shall be on the record to the Civil Division of the Superior Court. There shall be no appeal as a matter of right to the Supreme Court.

* * *

§ 5233. LIMITED LIABILITY

A funeral director or ~~erematory~~ disposition facility operator shall not be subject to civil liability or subject to disciplinary action for carrying out the disposition of the remains if he or she relied in good faith on a funeral service contract or authorization or for following the instructions of an individual ~~whom~~ who the funeral director or ~~erematory~~ disposition facility operator reasonably believes or believed holds the right of disposition.

* * *

* * * Cemeteries * * *

Sec. 8. 18 V.S.A. § 5302 is amended to read:

§ 5302. DEFINITIONS

As used in this chapter and unless otherwise required by the context:

(1) “Agencies” means town cemeteries, religious or ecclesiastical society cemeteries, cemetery associations, and any person, firm, corporation, or unincorporated association engaged in the business of a cemetery.

(2) “Cemetery” means any plot of ground used or intended to be used for the burial or permanent disposition ~~permanently~~ of the remains of the human dead in a grave, a mausoleum, a columbarium, a vault, or other receptacle.

(3) “Cemetery association” means any corporation now or hereafter organized ~~which~~ that is or shall be authorized by its articles to conduct the business of a cemetery.

(4) “Columbarium” means a structure or room or other space in a building or structure of durable and lasting fireproof construction, containing

niches, used or intended to be used, to contain ~~eremated~~ the permanent disposition of human remains.

(5) “Community mausoleum” means a structure or building of durable and lasting construction used or intended to be used for the permanent disposition of the remains of deceased persons in crypts or spaces, provided such crypts or spaces are available to or may be obtained by individuals or the public for a price in money or its equivalent.

(6) “Cremated remains” means remains of a deceased person after incineration in a ~~erematory~~ disposition facility.

(7) “Cremation” means the reducing of the remains of deceased persons, by the use of retorts, to cremated remains and the disposal thereof in a columbarium, niche, mausoleum, grave, or in any other manner not contrary to law.

~~(8) “Crematory” means a building or structure containing one or more retorts, used or intended to be used, for the reducing of the bodies of deceased persons to cremated remains.~~

~~(9)~~(8) “Crypt” means the chamber in a mausoleum of sufficient size to contain the remains of deceased persons.

(9) “Disposition facility” means a building or structure for the reducing of human remains by means of cremation, alkaline hydrolysis, or natural organic reduction.

(10) “Ecological land management practices” means utilization of land stewardship decision-making processes that account for the best available understanding of ecosystem functions and biological diversity.

(11) “Natural burial ground” means a cemetery maintained using ecological land management practices and without the use of vaults for the burial of unembalmed human remains or human remains embalmed using nontoxic embalming fluids and that rest in either no burial container or in a nontoxic, nonhazardous, plant-derived burial container or shroud.

(12) “Natural organic reduction” means the contained, accelerated conversion of human remains to soil.

~~(12)~~(13) “Niche” means a recess in a columbarium used, or intended to be used, for the permanent disposition of ~~the cremated~~ human remains of one or more deceased persons.

~~(13)~~(14) “Temporary receiving vault” means a vault or crypt in a structure of durable and lasting construction; used, or intended to be used, for

the temporary deposit of the remains of a deceased person for a period of time not exceeding one year.

Sec. 9. 18 V.S.A. § 5313 is amended to read:

§ 5313. RECORDS; BURIAL RECORDS OPEN TO PUBLIC

An agency engaged in the business of a cemetery, community mausoleum, or columbarium shall provide and maintain a suitable place of deposit for the records and files of such cemetery, community mausoleum, or columbarium, of such character as will safely keep and preserve such records and files from loss and destruction, and it shall make and file proper records in such place. The record of ~~burials, interments, and cremations~~ the permanent disposition of human remains shall at all reasonable times be open to the public.

Sec. 10. 18 V.S.A. § 5315 is amended to read:

§ 5315. SALE OF PROPERTY FOR OTHER THAN BURIAL PURPOSES;
DISPOSITION OF PROCEEDS

Either before or after the recording of the plat, as hereinbefore provided, whenever it is determined that such lands acquired for cemetery purposes, except those acquired by condemnation proceedings, are unsuitable for ~~burial purposes~~ the permanent disposition of human remains, such lands may be sold for purposes other than ~~interment~~ permanent disposition and conveyed in fee simple in such manner and upon such terms as may be provided by the agencies owning the same. The proceeds thereof shall be applied to the purchase of other lands or to general cemetery purposes. When such sales are made, the land so sold shall be returned by the agencies to the tax lists for taxation. In the case of land acquired by condemnation proceedings, it shall be disposed of under the law governing the disposal of land acquired by condemnation proceedings.

Sec. 11. 18 V.S.A. § 5319 is amended to read:

§ 5319. DISPOSITION OF REMAINS OF DEAD

(a)(1) The permanent disposition of human remains shall be by:

(A) interment in the earth ~~or~~;

(B) deposit in a chamber, vault, or tomb formed wholly or partly above the surface of the ground of a cemetery conducted and maintained pursuant to the laws of the State, ~~or by~~;

(C) deposit in a crypt of a mausoleum, ~~or by~~;

(D) cremation; ~~or~~

(E) natural organic reduction.

(2) However, this shall not be construed to prevent a private individual from setting aside a portion of his or her premises owned in fee by him or her and using the premises as a burial space for the members of his or her immediate family, ~~so long as~~ provided his or her use for such purpose is not in violation of the health laws and regulations of the State and the town in which the land is situated.

* * *

(c) ~~No deposit of the remains of the human dead~~ With the exception of human remains processed by natural organic reduction, the permanent disposition of human remains shall not be made in a single chamber, vault, or tomb wholly or partly above the surface of the ground unless the part thereof below the natural surface of the ground be of a permanent character, constructed of materials capable of withstanding extreme climatic conditions, be waterproof and air tight, and can be sealed permanently so as to prevent all escape of effluvia. That portion of the same above the natural surface of the ground shall be constructed of natural stone of a standard not less than that required by the U.S. government for monuments erected in national cemeteries, of durability sufficient to withstand all conditions of weather, and of a character to ensure its permanence.

(d) The remains of a human body after cremation or natural organic reduction may be deposited in a niche of a columbarium, ~~in a~~ or a crypt of a mausoleum; ~~be buried;~~ or disposed of in any manner not contrary to law.

Sec. 12. 18 V.S.A. § 5361 is amended to read:

§ 5361. APPROPRIATIONS AND REGULATIONS BY TOWNS

A town may vote sums of money necessary for purchasing, holding, and keeping in repair suitable grounds and other conveniences for ~~burying~~ permanent disposition of the dead. The selectboard may make necessary regulations concerning public burial grounds and for fencing and keeping the same in proper order.

Sec. 13. 18 V.S.A. § 5376 is amended to read:

§ 5376. SALE OF LOTS; TAX EXEMPTION

The board of cemetery commissioners, by one of the commissioners appointed by it for that purpose, in the name of the town, by deed, may grant and convey lots in such burial grounds to be used for the ~~burial~~ permanent disposition of the dead and on which tombs, cenotaphs, and other monuments are to be erected. Such lots shall be exempt from taxation. The deeds thereof shall be recorded in the office of the town clerk of the town wherein such lots lie.

Sec. 14. 18 V.S.A. § 5378 is amended to read:

§ 5378. BYLAWS AND REGULATIONS

The board of cemetery commissioners may make necessary bylaws and regulations in respect to such burial grounds, and ~~interment~~ permanent disposition of the dead not inconsistent with law, and may alter the same. Such bylaws and regulations shall be recorded in the office of the town clerk. A bylaw or regulation shall not be adopted to restrain a person in the free exercise of his or her religious sentiments as to the ~~burial~~ permanent disposition of the dead.

Sec. 15. 18 V.S.A. § 5434 is amended to read:

§ 5434. PENALTY FOR DOING BUSINESS AS A CEMETERY

ASSOCIATION WITHOUT AUTHORITY

A person, firm, corporation, or association, or a trust, trustee, or trustees of any person, firm, corporation, or association, who, without authority of this chapter so to do, shall exercise or attempt to exercise any powers, privileges, or franchises ~~which~~ that are specified or may be granted under this chapter to incorporated cemetery associations, or who shall by any device attempt to evade the provisions of this chapter applicable to cemetery associations in respect to the sale of ~~burial~~ lots or ~~burial~~ spaces for the permanent disposition of human remains and the disposition of the proceeds thereof, shall be fined not less than \$1,000.00 nor more than \$10,000.00, and may be enjoined from further doing of such acts at the suit of any taxpayer of the State. However, the provisions of this section shall not affect or impair the rights of a person, firm, corporation, or association or a trust, trustee, or trustees of such person, firm, corporation, or association under any existing contract or contracts between such parties and incorporated cemetery associations, nor shall the performance of the provisions of such contract or contracts subject parties thereto to the penalties imposed by this section.

Sec. 16. 18 V.S.A. § 5435 is amended to read:

§ 5435. SALES OF LOTS, CRYPTS, AND NICHES; HOW INCOME

APPLIED; RULES

(a) The income of a cemetery association, whether derived from the sale of lots, ~~burial~~ spaces, crypts, or niches for the permanent disposition of human remains, from donations, or otherwise, shall be exclusively applied to paying for the land or other cemetery property; laying out, preserving, protecting, and embellishing the cemetery and avenues leading thereto; the erection of buildings necessary for cemetery purposes; the establishing of a fund to care permanently for the cemetery; the repair and upkeep of mausoleums, vaults,

columbariums, crypts, and niches therein; and to paying the necessary expenses of the cemetery association. A debt shall not be contracted in anticipation of future receipts, except for the original purchase of the land, community mausoleum, or columbarium, laying out, enclosing, and embellishing the grounds and avenues therein and to a sum not exceeding \$50,000.00 in the whole, to be paid out of future income. ~~No part of the~~ The proceeds from the sale of lots, ~~burial~~ spaces, crypts, or niches ~~for the permanent disposition of human remains~~, or other income of such association, shall ~~ever~~ not be divided among its members. All its income shall be used exclusively for the purposes of the association, as provided in this chapter, or invested in a fund the income of which shall be so used. Such association may adopt such reasonable rules and regulations as it deems expedient for disposing of and conveying ~~burial~~ lots, spaces, crypts, and niches for the permanent disposition of human remains.

* * *

Sec. 17. 18 V.S.A. § 5436 is amended to read:

§ 5436. PERPETUAL CARE FUND

A cemetery association established prior to June 1, 1933 may create a perpetual care fund out of surplus money on hand or ~~which that~~ that has been given to it by will, deed, or otherwise. A cemetery association established after such date shall create such a perpetual care fund by applying thereto from the initial proceeds received from the sale of lots or ~~burial~~ spaces for the permanent disposition of human remains a sum ~~which that~~ that shall be equivalent to and not less than 20 percent of the sale price of each lot or ~~burial~~ space so sold, and such association may at any time increase the same by the addition of surplus money or property received by it by will, deed, or otherwise.

Sec. 18. 18 V.S.A. § 5488 is amended to read:

§ 5488. ENLARGEMENT OF CEMETERIES BY ASSOCIATIONS-
PETITION TO SUPERIOR COURT TO ACQUIRE LAND

When an incorporated cemetery association wishes to enlarge the limits of its burial ground, and votes to purchase additional land for ~~burial~~ permanent disposition purposes and the owner of such land refuses to convey the same to ~~such the~~ the cemetery association for a reasonable compensation, the trustees or president of such association, by a petition in writing, may apply to the Superior Court in the county in which such burial ground is located for the appointment of commissioners.

* * * Funeral Services * * *

Sec. 19. 26 V.S.A. § 1211 is amended to read:

§ 1211. DEFINITIONS

(a) As used in this chapter, unless a contrary meaning is required by the context:

(1) ~~“Crematory establishment” means a business registered with the Office conducted at a specific street address or location devoted to the disposition of dead human bodies by means of cremation, alkaline hydrolysis, or any other type of human reduction acceptable to the Director as established by the Director by rule. [Repealed.]~~

(2) “Director” means the Director of the Office of Professional Regulation.

(3) “Funeral director” means a licensed person who is the owner, co-owner, employee, or manager of a licensed funeral establishment and who, for compensation, engages in the practice of funeral service.

(4) “Funeral establishment” means a business registered with the Office conducted at a specific street address or location devoted to the practice of funeral service, and includes a limited services establishment.

(5) “Office” means the Office of Professional Regulation.

(6) “Practice of funeral service” means arranging, directing, or providing for the care, preparation, or disposition of dead human bodies for a fee or other compensation. This includes:

(A) meeting with the public to select a method of disposition or funeral observance and merchandise;

(B) entering into contracts, either at-need or pre-need, for the provision of dispositions, funeral observances, and merchandise;

(C) arranging, directing, or performing the removal or transportation of a dead human body;

(D) securing or filing certificates, permits, forms, or other documents;

(E) supervising or arranging a funeral, memorial, viewing, or graveside observance; and

(F) holding oneself out to be a licensed funeral director by using the words or terms “funeral director,” “mortician,” “undertaker,” or any other words, terms, title, or picture that, when considered in context, would imply that such person is engaged in the practice of funeral service or is a licensed funeral director.

(7) “Removal” means the removal of dead human bodies from places of death, hospitals, institutions, or other locations, for a fee or other compensation.

(8) “Disposition facility” means a business registered with the Office conducted at a specific street address or location devoted to the disposition of human remains by means of cremation, alkaline hydrolysis, or natural organic reduction.

(9) “Natural organic reduction” has the same meaning as in 18 V.S.A. § 5302.

* * *

(c) Notwithstanding this section, ~~crematory~~ owners of a disposition facility, and their personnel may engage in the listed activities in ~~subsection~~ subdivision (a)(6) of this section only to the extent such functions are necessary to the performance of their duties. Specifically, ~~crematory~~ personnel at a disposition facility may:

(1) provide for the disposition of dead human bodies by cremation, alkaline hydrolysis, or natural organic reduction and meet with the public to arrange and provide for the disposition;

(2) enter into contracts, without taking prepaid funds, for the provision of dispositions by cremation, alkaline hydrolysis, or natural organic reduction;

(3) arrange, direct, or perform the removal or transportation of a dead human body, ~~so long as~~ provided that removals are performed by licensed removal personnel; and

(4) secure and file certificates, permits, forms, or other documents.

Sec. 20. 26 V.S.A. § 1212 is amended to read:

§ 1212. ADVISOR APPOINTEES; DIRECTOR DUTIES; RULES

(a)(1) The Secretary of State shall appoint four persons for five-year staggered terms to serve at the Secretary’s pleasure as advisors in matters relating to funeral service. Three of the initial appointments shall be for four-, three-, and two-year terms. Appointees shall include three licensed funeral directors, one of whom is a licensed embalmer and one of whom has training or experience in the operation of ~~crematoria~~ a disposition facility. One appointee shall be a public member.

(2) The Director shall seek the advice of the advisor appointees in carrying out the provisions of this chapter.

(b) The Director shall:

* * *

(6) adopt rules regarding:

(A) minimum standards for ~~crematory establishments~~ disposition facilities, including standards for permits and documentation, body handling, containers, infectious diseases, pacemakers, body storage, sanitation, equipment and maintenance, dealing with the public, and other measures necessary to protect the public; and

(B) the transaction of business as the Director deems necessary.

(7) [Repealed.]

(8) [Repealed.]

Sec. 21. 26 V.S.A. § 1213 is amended to read:

§ 1213. INSPECTION OF PREMISES

(a) The Director or his or her designee may, at any reasonable time, inspect funeral ~~and crematory establishments~~ and disposition facilities.

(b) Each funeral ~~and crematory establishment~~ and disposition facility shall be inspected at least once every two years. Copies of the inspector's report of inspections of establishments and facilities shall be provided to the Director.

Sec. 22. 26 V.S.A. § 1251 is amended to read:

§ 1251. LICENSE REQUIREMENTS

(a) A person, partnership, corporation, association, or other organization shall not open or maintain a funeral establishment unless the establishment is licensed by the Office to conduct the business and unless the owner, a co-owner, or manager is a licensed funeral director.

(b) A person, partnership, corporation, association, or other organization shall not open or maintain a ~~crematory establishment~~ disposition facility unless the establishment is licensed by the Office.

(c) A person shall not hold himself or herself out as performing the duties of a funeral director unless licensed by the Office.

(d) Except as otherwise permitted by law, a person employed by a funeral ~~or crematory establishment~~ or disposition facility shall not perform a removal unless registered with the Office.

Sec. 23. 26 V.S.A. § 1252 is amended to read:

§ 1252. APPLICATION; QUALIFICATIONS

* * *

(d) ~~Crematory establishment~~ Disposition facility.

(1) A person, partnership, corporation, association, or other organization desiring to operate a ~~crematory establishment~~ disposition facility shall apply, in writing, to the Director for a license. The applicant, if a partnership, corporation, association, or other organization, must have a designated manager or co-owner who is responsible for the operation of the ~~establishment~~ disposition facility and who is registered with the Office under subsection (e) of this section.

(2) The application for a license shall be sworn to by the individual, or a partner or a duly authorized officer of a corporation, shall be on the form prescribed and furnished by the Director, and the applicant shall furnish information, as required by rule. The application shall be accompanied by a licensing fee. However, the applicant shall not be required to pay the fee under this subsection if the applicant pays the fee under subsection (b) of this section.

(e) ~~Crematory~~ Disposition facility personnel.

(1) Any person who desires to engage in direct handling, processing, identification, ~~or cremation, alkaline hydrolysis, or natural organic reduction~~ of dead human remains within a licensed ~~crematory establishment~~ disposition facility shall register with the Office and pay the fee established in subsection 1256(d) of this chapter. The applicant shall have attained the age of majority and be directly employed by a licensed ~~crematory establishment~~ disposition facility.

(2) The Director may prescribe, by rule, the forms for applicants, which may include proof of completion of up to three hours of education and training in programs approved by the Director.

(f) Removal personnel.

(1) Any person who desires to engage in removals shall register with the Office and pay the fee established in subsection 1256(d) of this chapter. The applicant shall have attained the age of majority and be directly employed by a licensed funeral ~~or crematory~~ establishment or disposition facility, or the University of Vermont for removals related to the University's anatomical gift program.

(2) The Director may prescribe, by rule, the forms for applicants, which may include proof of completion of up to three hours of education and training in infectious diseases in programs approved by the Director.

(3) Registrants under this subsection are authorized to perform removals only, as defined by this chapter. Unregistered personnel may accompany

registered personnel to assist in removals ~~so long as~~ provided they have been instructed in handling and precautionary procedures prior to the call.

(g) Limited services establishment.

(1) The Director may adopt rules for the issuance of limited service establishment licenses in accordance with this chapter. Limited service establishment licensees are authorized to perform only disposition services without arranging, directing, or performing embalming, public viewings, gatherings, memorials, funerals, or related ceremonies. Disposition services under this subsection include direct cremation, direct alkaline hydrolysis, direct natural organic reduction, immediate burial, or ~~direct green~~ natural burial.

(2) Limited services shall be overseen by a funeral director licensed under this chapter who is employed by the limited service establishment.

(3) Each limited service arrangement shall include a mandatory written disclosure providing notice to the purchaser that limited services do not include embalming, public viewings, gatherings, memorials, funerals, or related ceremonies.

(4) A funeral director associated with a funeral establishment licensed under subsection (c) of this section may provide limited services ~~so long as~~, provided the mandatory disclosure described under subdivision (3) of this subsection is provided to the purchaser.

Sec. 24. 26 V.S.A. § 1254 is amended to read:

§ 1254. ISSUANCE OR DENIAL OF LICENSE

If, upon review, it is found that the applicant possesses sufficient skill and knowledge of the business and has met the application and qualification requirements set forth in this chapter, the Director shall issue to him or her a license to engage in the business of funeral director, embalmer, funeral establishment, ~~crematory—establishment~~ disposition facility, or removal personnel.

Sec. 25. 26 V.S.A. § 1256 is amended to read:

§ 1256. RENEWAL OF REGISTRATION OR LICENSE

* * *

(d) Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for license	\$ 70.00
(2) Biennial renewal of license	

(A) Funeral director	\$ 350.00
(B) Embalmer	\$ 350.00
(C) Funeral establishment	\$ 800.00
(D) ~~Crematory establishment~~ <u>Disposition facility</u>	\$ 800.00
(E) ~~Crematory~~ <u>Disposition facility</u> personnel	\$ 125.00
(F) Removal personnel	\$ 125.00
(G) Limited services establishment license	\$ 800.00

* * *

Sec. 26. 26 V.S.A. § 1272 is amended to read:

§ 1272. RULES; PREPAID FUNERAL FUNDS

* * *

(9) Establishment of a funeral services trust account.

(A) For purposes of funding the Funeral Services Trust Account, the Office shall assess each funeral ~~or crematory establishment~~ or disposition facility a per funeral, burial, or disposition fee of \$6.00.

(B) The Account shall be administered by the Secretary of State and shall be used for the sole purpose of protecting prepaid funeral contract holders in the event a funeral establishment or disposition facility defaults on its obligations under the contract.

(C) The Account shall consist of all fees collected under this subdivision (9) and any assessments authorized by the General Assembly. The principal and interest remaining in the Account at the close of any fiscal year shall not revert but shall remain in the Account for use in succeeding fiscal years.

(D) Notwithstanding the provisions of this subdivision (9) to the contrary, if the fund balance at the beginning of a fiscal year is at least \$200,000.00, no fees shall be imposed during that fiscal year.

(E) Payments on consumer claims from the fund shall be made on warrants by the Commissioner of Finance and Management, at the direction of the Director.

(F) When an investigation reveals financial discrepancies within a licensed establishment or facility, the Director may order an audit to determine the existence of possible claims on the Funeral Services Trust Account. In cases where both a funeral ~~and crematory~~ establishment or disposition facility

are involved in a disposition, the party receiving the burial permit shall be responsible for the disposition fee.

* * * Fee Structure as of June 1, 2023 * * *

Sec. 27. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

* * *

(b) Unless otherwise provided by law, the following fees shall apply to all professions regulated by the Director in consultation with advisor appointees under Title 26:

(1) Application for registration, \$75.00, except application for:

(A) Private investigator and security services employees, unarmed registrants, \$60.00.

(B) Private investigator and security service employees, transitory permits, \$60.00.

(C) Private investigator and security service employees, armed registrants, \$120.00.

(2) Application for licensure or certification, \$100.00, except application for:

(A) Barbering or cosmetology schools and shops, \$300.00.

(B) Funeral directors, embalmers, ~~crematory~~ disposition facility personnel, removal personnel, funeral establishments, ~~crematory establishments~~ disposition facilities, and limited services establishments, \$70.00.

(C) Application for real estate appraisers, \$275.00.

(D) Temporary real estate appraiser license, \$150.00.

(E) Appraisal management company registration, \$600.00.

(F) Private investigator or security services agency, \$340.00.

(G) Private investigator and security services agency, \$400.00.

(H) Private investigator or security services sole proprietor, \$250.00.

(I) Private investigator or security services unarmed licensee, \$150.00.

(J) Private investigator or security services armed licensee, \$200.00.

(K) Private investigator and security services instructor, \$120.00.

-
- (3) Optician trainee registration, \$50.00.
- (4) Biennial renewal, \$240.00, except biennial renewal for:
- (A) Independent clinical social workers and master's social workers, \$150.00.
 - (B) Occupational therapists and assistants, \$150.00.
 - (C) Physical therapists and assistants, \$150.00.
 - (D) Optician trainees, \$100.00.
 - (E) Barbers, cosmetologists, nail technicians, and estheticians, \$130.00.
 - (F) Schools of barbering or cosmetology, \$300.00.
 - (G) Funeral directors and embalmers, \$280.00.
 - (H) ~~Crematory~~ Disposition facility personnel and removal personnel, \$100.00.
 - (I) Funeral establishments, ~~crematory establishments~~ disposition facilities, and limited services establishments, \$640.00.
 - (J) [Repealed.]
 - (K) Radiologic therapist, radiologic technologist, nuclear medicine technologist, \$150.00.
 - (L) Certified alcohol and drug abuse counselor, certified apprentice addiction professional, and licensed alcohol and drug abuse counselor, \$225.00.
 - (M) Private investigator or security services agency, or both, \$300.00.
 - (N) Private investigator or security services unarmed licensee, \$120.00.
 - (O) Private investigator or security services armed licensee, \$180.00.
 - (P) Private investigator or security services unarmed registrant, \$80.00.
 - (Q) Private investigator or security services armed registrant, \$130.00.
 - (R) Private investigator or security services sole proprietor, \$250.00.
 - (S) Private investigator or security services instructor, \$180.00.
- (5) Limited temporary license or work permit, \$50.00.

* * *

* * * Effective Dates and Transitional Rulemaking Provision * * *

Sec. 28. EFFECTIVE DATES

Sec. 27 (fees) shall take effect on June 1, 2023. All other sections shall take effect on January 1, 2023, except that the Director of the Office of Professional Regulation shall adopt any rules necessary prior to that date in order to perform the Director's duties under this act.

Rep. Masland of Thetford, for the Committee on Ways and Means, recommended the bill ought to pass when amended by the Committee on General, Housing, and Military Affairs.

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

Second Reading; Bill Amended; Third Reading Ordered**H. 500**

Rep. McCullough of Williston, for the Committee on Natural Resources, Fish, and Wildlife, to which had been referred House bill, entitled

An act relating to prohibiting the sale of mercury lamps in the State

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

Sec. 1. 10 V.S.A. § 7101 is amended to read:

§ 7101. LEGISLATIVE FINDINGS

The General Assembly finds and declares that:

(1) Mercury is a persistent and toxic pollutant that bioaccumulates in the environment and poses a serious threat to humans, particularly young children and the developing fetus, and wildlife.

* * *

(7) Human exposure to mercury can result in nervous system, kidney, and liver damage and impaired childhood development.

(8) There has been a threefold increase in mercury loading to the environment over the past 150 years. Much of the mercury deposited from the atmosphere is from human and natural sources, but anthropogenic emissions exceed those that occur naturally.

* * *

(13) Many of the states in the region, including Connecticut, Maine, New York, and Rhode Island, have adopted comprehensive mercury-added product legislation to identify and eliminate unnecessary uses of mercury.

(14) Significant use of mercury-added products occurs in health care facilities, schools, and dental practices, in all of which mercury use or release reduction is technically and economically feasible.

* * *

(17) Vermont's mercury product legislation passed in 1998 does not comprehensively restrict the sale and use of mercury-added products.

(18) Studies conducted for the State state of Maine show that mercury-free alternatives exist for a majority of the thousands of products containing mercury components. These products include thermometers, thermostats, flow meters, barometers, manometers, medical devices, and electrical switches and relays.

(19) Studies conducted for the State state of Maine show that manufacturers are beginning to market mercury-free versions of all types of mercury-added button cell and other miniature batteries.

(20) Novelty products using mercury have been banned from sale in several states.

(21) All fluorescent lamps contain mercury and can create an immediate public health and environmental hazard when they accidentally break during installation, use, transportation, storage, recycling, or disposal. Light-emitting diode (LED) replacements for fluorescent lamps do not contain any mercury.

(22) Fluorescent lamps are no longer the most energy-efficient lighting option in the marketplace. Lamps that contain LEDs have advanced significantly and today use approximately half the electricity as fluorescent lamps to produce the same amount of light. LEDs also last two to three times longer than fluorescent lamps.

(23) Fluorescent lamps are no longer the least life-cycle cost (LLCC) option because they cost twice as much to operate compared to an LED. LED retrofit tubes are the LLCC, and they pay for the slightly higher first cost in a matter of one to eight months, depending on price and application. After paying back initial costs, the LED tubes continue to operate for years to come, saving consumers and businesses on their lighting bills.

(24) LED retrofit lamps are widely available in a comprehensive set of sizes, shapes, lengths, and light colors. There are over 10,000 models of four-

foot LED retrofit tubes that can replace fluorescent T5, T8, and T12 in the Design Lights Consortium Qualified Product List database.

(25) Suppliers who sold fluorescent lamps in Vermont after July 1, 2012 made a profit from the sales of those lamps in the State, and they should remain responsible for ensuring the safe collection at the end-of-life of those lamps due to the toxic nature of the mercury contained in the products they sold.

(26) Citizens of Vermont, the Vermont environment, and the Agency will benefit from comprehensive mercury product legislation that further reduces mercury emissions and is consistent with model mercury product legislation developed jointly by the northeast states.

Sec. 2. 10 V.S.A. § 7102 is amended to read:

§ 7102. DEFINITIONS

As used in this chapter:

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

(2) “Elemental mercury” means the chemical symbol Hg. Elemental Hg is a silvery-white liquid (at room temperature) with an atomic number of 80 and an atomic mass of 200.57.

* * *

(9) “Mercury-added product” means a product, a commodity, a chemical, a product with one or more components, or a product that cannot function without the use of that component, that contains mercury or a mercury compound intentionally added to the product, commodity, chemical, or component in order to provide a specific characteristic, appearance, or quality, or to perform a specific function, or for any other reason. These products include formulated mercury-added products and fabricated mercury-added products.

* * *

(20) “Four-foot linear fluorescent lamp” means a general purpose, low-pressure, mercury-containing, electric-discharge light source in which a fluorescing coating transforms some of the ultraviolet energy generated by the mercury discharge into visible light, and includes all of the following characteristics:

(A) two bases or endcaps of any type, including single-pin, two-pin, or recessed double contact;

(B) light emission between a correlated color temperature of 1700K and 24000K and a Duv of +0.024 and -0.024 in the International Commission on Illumination (CIE) Uniform Color Space (CAM02-UCS);

(C) all tube diameters, including T2, T5, T8, T10, and T12; and

(D) four feet in length.

Sec. 3. 10 V.S.A. § 7105 is amended to read:

§ 7105. RESTRICTIONS ON THE SALE AND USE OF CERTAIN
MERCURY-ADDED PRODUCTS

* * *

(g) Fluorescent lamps. Beginning on January 1, 2024, no four-foot linear fluorescent lamp may be offered for final sale, sold at final sale, or distributed in Vermont as a new manufactured product.

(h) Exclusion for existing equipment. The prohibitions in subsections (e) and (f) of this section do not apply if the switch, relay, or measuring device is used to replace a switch, relay, or measuring device which that is a component of a larger product in use prior to January 1, 2007, provided the owner of that equipment has made every reasonable effort to determine that no compatible nonmercury replacement component exists.

~~(h)~~(i) Exemptions.

* * *

(7) The prohibition in subsection (g) of this section shall not apply to the following four-foot linear fluorescent lamps:

(A) lamps used for image capture and projection, including photocopying, printing directly or in pre-processing, lithography, film and video projection, and holography;

(B) lamps that have high proportions of ultraviolet light emission, including only the following:

(i) lamps with high ultraviolet content that have ultraviolet power >2 milliwatts per kilolumen (mW/klm);

(ii) lamps for germicidal use or destruction of DNA that emit a peak radiation of approximately 253.7 nanometers;

(iii) lamps used for disinfection or fly trapping where the radiation power emitted is between 250–315 nanometers represents ≥5 % or is between 315–400 nanometers represents ≥20 % of the total radiation power emitted is between 250–800 nanometers;

(iv) lamps used for the generation of ozone where the primary purpose is to emit radiation at approximately 185.1 nanometers;

(v) lamps used for coral zooxanthellae symbioses where the radiation power emitted between 400–480 nanometers represents ≥40 % of total radiation power emitted is between 250–800 nanometers; and

(vi) Any lamp intended for use in a sunlamp product, as that term is defined in 21 C.F.R. § 1040.20.

Sec. 4. 10 V.S.A. § 7161 is added to read:

§ 7161. CONTINUED IMPLEMENTATION OF APPROVED
COLLECTION PLAN

(a) Notwithstanding application of the requirements of this chapter to manufacturers of mercury containing lamps who sell, offer for sale, or deliver for subsequent sale in the State, a manufacturer that sold, offered for sale, or delivered mercury containing lamps for subsequent sale in the State prior to January 1, 2024 shall be required to continue implementation of an approved collection plan and to continue compliance with the requirements under this chapter.

(b) Beginning on January 15, 2025, and biennially thereafter, the Secretary of Natural Resources shall recommend to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy whether the General Assembly should continue to require implementation of a collection plan by manufacturers under subsection (a) of this section. The Secretary may include the recommendation required by this subsection in the biennial report on solid waste required under subsection 6004(b) of this title.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Natural Resources, Fish, and Wildlife agreed to, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 523

Rep. Morris of Springfield, for the Committee on Natural Resources, Fish, and Wildlife, to which had been referred House bill, entitled

An act relating to reducing hydrofluorocarbon emissions

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

Sec. 1. 10 V.S.A. § 586 is amended to read:

§ 586. REGULATION OF HYDROFLUOROCARBONS

* * *

(b)(1) A person may not offer any product or equipment for sale, lease, or rent, or install or otherwise cause any equipment or product to enter into commerce in Vermont if that equipment or product consists of, uses, or will use a substitute, as set forth in Appendix U or V, Subpart G of 40 C.F.R. Part 82, as those read on January 3, 2017, for the applications or end uses restricted by Appendix U or V, as those read on January 3, 2017, and consistent with the dates established in subdivision (b)(4) of this section.

* * *

(4) The restrictions under subdivision (b)(1) of this section shall take effect beginning:

* * *

(E) January 1, 2024, for centrifugal chillers and positive displacement chillers; and

(F) January 1, 2020, or the effective date of the restrictions identified in appendix U or V, Subpart G of 40 C.F.R. Part 82, as those read on January 3, 2017, whichever comes later, for all other applications and end uses for substitutes not covered by the categories listed in subdivisions (A) through (E) of this subsection (b);

(G) July 1, 2022, for the construction of or improvement to ice skating rinks; and

(H) January 1, 2023, for containers designed for consumer recharge of motor vehicle air conditioners that use substitutes prohibited under this section.

* * *

(e) The Secretary of Administration shall include in Administrative Bulletin 3.5 a requirement that State procurement contracts shall not include products that contain hydrofluorocarbons, as prohibited in this section.

Sec. 2. 10 V.S.A. § 573 is amended to read:

§ 573. MOTOR VEHICLE AIR CONDITIONING

* * *

(g) No person shall repair motor vehicle air conditioning without the use of equipment for the extraction and reclamation of hydrofluorocarbons from the air conditioners.

Sec. 3. 20 V.S.A. § 2731 is amended to read:

§ 2731. RULES; INSPECTIONS; VARIANCES

* * *

(m) Refrigerants. No statute, rule adopted under this section, or any other requirement of the State, may prohibit or otherwise limit the use of a refrigerant designated as acceptable for use pursuant to and in accordance with 42 U.S.C. 7671k, provided any equipment containing such refrigerant is listed and installed in accordance with safety standards and use conditions imposed pursuant to such designation.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Natural Resources, Fish, and Wildlife agreed to, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 606

Rep. Sheldon of Middlebury, for the Committee on Natural Resources, Fish, and Wildlife, to which had been referred House bill, entitled

An act relating to community resilience and biodiversity protection

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

Sec. 1. SHORT TITLE

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

Sec. 2. FINDINGS

The General Assembly finds:

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

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

(3) According to the United Nations:

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

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

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

(D) the causes of the drivers of changes in nature rank as: (1) changes in land and sea use, (2) direct exploitation of organisms, (3) climate change, (4) pollution, and (5) invasive species.

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

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

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

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

(8) The Staying Connected Initiative is an international partnership of public and private organizations. Its goal is to maintain, enhance, and restore landscape connectivity for wide-ranging mammals across the Northern Appalachians-Acadian region, from the Adirondacks Mountains to the Maritime Provinces. The Staying Connected Initiative has identified nine linkages across this vast region that are extremely important to wildlife. Six of these linkages lie within Vermont.

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

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

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

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

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

CHAPTER 89. COMMUNITY RESILIENCY AND BIODIVERSITY
PROTECTION

§ 2801. DEFINITIONS

As used in this section:

(1) "Ecological reserve area" means an area having permanent protection from conversion of natural land cover and is managed to maintain a natural state within which natural ecological processes and disturbance events are allowed to proceed with minimal interference.

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

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

(4) "Sustainable forest management" means the stewardship and use of forests and forest lands in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfill, now and in the future, relevant ecological, economic and social functions, at local, State, and regional levels, and that does not cause damage to other ecosystems.

§ 2802. CONSERVATION GOALS

(a) Thirty percent of Vermont's total land area shall be conserved by 2030, and 50 percent of the State's total land area shall be conserved by 2050. The Secretary of Natural Resources shall assist the State in achieving these goals. The land conserved shall include State, federal, municipal, and private land.

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

§ 2803. CONSERVATION PLAN

(1) On or before December 31, 2023, the Secretary shall develop a plan to implement the conservation goals of Vermont Conservation Design to meet the goals established in section 2802 of this title. The plan shall be submitted for review to the House Committees on Natural Resources, Fish, and Wildlife, on Agriculture and Forestry, and on Energy and Technology and the Senate Committee on Natural Resources and Energy.

(2) The plan shall include:

(A) a review of the three conservation categories defined in section 2801 of this title, and suggestions for modifications or additions to these categories;

(B) an initial inventory of the amount of land in Vermont that is permanently conserved and to the extent practical, the amount of permanently conserved land that generally falls into each of the three conservation categories defined in section 2801 of this title, including public and private land;

(C) an evaluation of the impact of intergenerational land transfer trends;

(D) a summary of the totality of conservation practices available for reaching the goals of this chapter, including what they are, what they do, how they contribute, and what metrics are available to quantify them;

(E) an assessment of how State lands will be used to increase ecological reserve areas;

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

(G) an inventory and assessment of existing programs that will be used to meet the permanent, nonconversion conservation goals of this chapter and recommendations for new programs that will be needed to meet the goals; and

(H) an assessment of existing funding and recommendations for new funding sources that will be needed for acquisition of land, staffing capacity, and long-term stewardship to meet the goals.

(3) In developing the plan, the Secretary shall hold not less than three public meetings on the plan and accept public comments. The Secretary shall solicit input from various stakeholders, including private owners of forest and agricultural lands, land trusts, conservation organizations, the Vermont Housing and Conservation Board, environmental organizations, working lands enterprises, outdoor recreation groups, Indigenous groups, regional planning commissions, conservation commissions, and relevant State and federal agencies.

(4) The conserved land inventory shall be updated annually to track progress toward meeting the goals of this chapter.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

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

Pending the question, Shall the bill be amended as recommended by the Committee on Natural Resources, Fish, and Wildlife?, **Rep. Peterson of Clarendon** 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 amended as recommended by the Committee on Natural Resources, Fish, and Wildlife?, was decided in the affirmative. Yeas, 98. Nays, 42.

Those who voted in the affirmative are:

Ancl of Calais	Gannon of Wilmington	O'Brien of Tunbridge
Anthony of Barre City	Garofano of Essex	Ode of Burlington
Arrison of Weathersfield	Goldman of Rockingham	Partridge of Windham
Austin of Colchester	Grad of Moretown	Patt of Worcester
Bartholomew of Hartland	Hooper of Montpelier	Pugh of South Burlington
Birong of Vergennes	Hooper of Randolph	Rachelson of Burlington
Black of Essex	Hooper of Burlington	Rogers of Waterville
Bluemle of Burlington	Houghton of Essex	Satcowitz of Randolph

Bock of Chester	Howard of Rutland City	Scheu of Middlebury
Bongartz of Manchester	James of Manchester	Sheldon of Middlebury
Bos-Lun of Westminster	Jerome of Brandon	Sibilia of Dover
Brady of Williston	Jessup of Middlesex	Sims of Craftsbury
Briglin of Thetford	Killackey of South Burlington	Small of Winooski
Brown of Richmond	Kimbell of Woodstock	Squirrell of Underhill
Brumsted of Shelburne	Kitzmiller of Montpelier	Stebbins of Burlington
Burke of Brattleboro	Kornheiser of Brattleboro	Stevens of Waterbury
Campbell of St. Johnsbury	LaLonde of South Burlington	Surprenant of Barnard
Chase of Colchester	Lanpher of Vergennes	Taylor of Colchester
Christie of Hartford	Lefebvre of Newark	Till of Jericho
Cina of Burlington	Lippert of Hinesburg	Toleno of Brattleboro
Coffey of Guilford	Long of Newfane	Townsend of South Burlington
Colburn of Burlington	Masland of Thetford	Troiano of Stannard
Colston of Winooski	McCarthy of St. Albans City	Vyhovsky of Essex
Conlon of Cornwall	McCormack of Burlington	Walz of Barre City
Copeland Hanzas of Bradford	McCullough of Williston	Webb of Shelburne
Corcoran of Bennington	Morris of Springfield	White of Bethel
Cordes of Lincoln	Morrissey of Bennington	White of Hartford
Dolan of Essex	Mrowicki of Putney	Whitman of Bennington
Dolan of Waitsfield	Mulvaney-Stanak of Burlington	Wood of Waterbury
Donahue of Northfield	Murphy of Fairfax	Yacovone of Morristown
Donnally of Hyde Park	Nicoll of Ludlow	Yantachka of Charlotte
Durfee of Shaftsbury	Nigro of Bennington	
Elder of Starksboro	Noyes of Wolcott	
Emmons of Springfield		

Those who voted in the negative are:

Achey of Middletown Springs	Harrison of Chittenden	Norris of Sheldon
Beck of St. Johnsbury	Helm of Fair Haven	Norris of Shoreham
Brennan of Colchester	Higley of Lowell	Page of Newport City
Burditt of West Rutland	Kascenska of Burke	Pajala of Londonderry
Canfield of Fair Haven	LaClair of Barre Town	Parsons of Newbury
Cupoli of Rutland City	Laroche of Franklin	Peterson of Clarendon
Dickinson of St. Albans Town	Lefebvre of Orange	Rosenquist of Georgia
Fagan of Rutland City	Leffler of Enosburgh	Scheuermann of Stowe
Feltus of Lyndon	Marcotte of Coventry	Shaw of Pittsford
Goslant of Northfield	Martel of Waterford	Smith of Derby
Graham of Williamstown	Mattos of Milton	Strong of Albany
Gregoire of Fairfield	McCoy of Poultney	Toof of St. Albans Town
Hango of Berkshire	McFaun of Barre Town	Walker of Swanton
	Morgan, L. of Milton	Williams of Granby
	Morgan, M. of Milton	

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

Brownell of Pownal	Notte of Rutland City	Smith of New Haven
Burrows of West Windsor	Palasik of Milton	Sullivan of Dorset
Labor of Morgan	Pearl of Danville	Terenzini of Rutland Town

Thereupon, third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 655

Rep. Houghton of Essex, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to establishing a telehealth licensure and registration system

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

* * * Telehealth Licensure and Registration * * *

Sec. 1. 26 V.S.A. chapter 56 is added to read:

CHAPTER 56. TELEHEALTH LICENSURE AND REGISTRATION FOR
OUT-OF-STATE HEALTH CARE PROFESSIONALS

§ 3051. SCOPE

(a) This chapter shall apply to the following health care professions regulated by the Office of Professional Regulation:

(1) alcohol and drug abuse counseling;

(2) allied mental health professions, including mental health counseling, marriage and family therapy, and services provided by nonlicensed and noncertified psychotherapists;

(3) applied behavior analysis;

(4) athletic training;

(5) audiology;

(6) chiropractic;

(7) dentistry;

(8) dietetics;

(9) midwifery;

(10) naturopathy;

(11) nursing;

(12) nursing home administration;

(13) occupational therapy;

(14) optometry;

- (15) osteopathy;
- (16) pharmacy;
- (17) physical therapy;
- (18) psychoanalysis;
- (19) psychology;
- (20) respiratory care;
- (21) social work;
- (22) speech language pathology; and
- (23) veterinary medicine.

(b) This chapter shall apply to the following health care professions regulated by the Board of Medical Practice:

- (1) physicians;
- (2) physician assistants; and
- (3) podiatrists.

§ 3052. DEFINITIONS

As used in this chapter:

- (1) “Board” means the Board of Medical Practice.
- (2) “Health care professional” means an individual who holds a valid license, certificate, or registration to provide health care services in any other U.S. jurisdiction in a health care profession listed in section 3051 of this chapter.
- (3) “Health care services” means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.
- (4) “In good standing” means that a health care professional holds an active license, certificate, or registration from another U.S. jurisdiction; the health care professional is not subject to a disciplinary order that conditions, suspends, or otherwise restricts the professional’s practice in any other U.S. jurisdiction; and the health care professional is not affirmatively barred from practice in Vermont for any reason, including reasons of fraud or abuse, patient care, or public safety.
- (5) “Mandatory disclosure” means the information that the health care professional must disclose to the patient at the initial telehealth visit or consultation, as determined by the relevant regulatory body by rule.

(6) “Office” means the Office of Professional Regulation.

(7) “Store and forward” means an asynchronous transmission of medical information, such as one or more video clips, audio clips, still images, x-rays, magnetic resonance imaging scans, electrocardiograms, electroencephalograms, or laboratory results, sent over a secure connection that complies with the requirements of the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191 to be reviewed at a later date by a health care provider at a distant site who is trained in the relevant specialty. In store and forward, the health care provider at the distant site reviews the medical information without the patient present in real time and communicates a care plan or treatment recommendation back to the patient or referring provider, or both.

(8) “Telehealth” means health care services delivered by telemedicine, store and forward, or audio-only telephone.

(9) “Telemedicine” means the delivery of health care services such as diagnosis, consultation, or treatment through the use of live interactive audio and video over a secure connection that complies with the requirements of the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.

§ 3053. TELEHEALTH LICENSURE OR TELEHEALTH REGISTRATION REQUIRED

(a) A health care professional who is not otherwise licensed, certified, or registered to practice in Vermont but is licensed, certified, or registered in good standing in all other U.S. jurisdictions in which the health care professional is or has been licensed, certified, or registered and who wishes to provide health care services to a patient or client located in Vermont using telehealth shall obtain a telehealth license or telehealth registration from the Office or the Board in accordance with this chapter.

(b) A telehealth license or telehealth registration issued pursuant to this chapter shall authorize a health care professional to provide services to a patient or client located in Vermont using telehealth only. Telehealth licensure or telehealth registration does not authorize the health care professional to open an office in Vermont or to provide in-person health care services to patients or clients located in Vermont.

(c) A health care professional who is not otherwise licensed, certified, or registered to practice in Vermont and provides health care services in Vermont using telehealth without a telehealth registration or telehealth license, or provides services beyond the limitations of the telehealth registration or telehealth license, is engaged in unauthorized practice as defined in 3 V.S.A.

§ 127 and section 1314 of this title and is subject to the penalties set forth in those sections.

§ 3054. SCOPE OF TELEHEALTH LICENSE AND TELEHEALTH
REGISTRATION

(a) Telehealth license.

(1) A health care professional who is not otherwise licensed, certified, or registered to practice in Vermont may obtain a telehealth license to provide health care services using telehealth to a total of not more than 20 unique patients or clients located in Vermont during the two-year license term.

(2) To be eligible to obtain a telehealth license under this chapter, a health care professional shall:

(A) complete an application in a format and with such content as prescribed by the Office or the Board;

(B) hold an active, unencumbered license, certificate, or registration in good standing in any other U.S. jurisdiction to practice the health care profession that the professional seeks to practice in Vermont using telehealth and provide verification of the license, registration, or certificate to the Office or the Board if required by the profession;

(C) if required by the rules adopted by the Office or the Board pursuant to section 3061 of this chapter, submit a copy of a mandatory disclosure that conforms to the requirements established by rule;

(D) if required by the rules adopted by the Office or the Board pursuant section 3061 of this chapter, provide documentation of professional liability coverage or financial responsibility that includes coverage or financial responsibility for services provided by telehealth to patients or clients not located in the health care professional's home state in an amount established by rule;

(E) provide any other information and documentation of qualifications required by the Office or the Board by rule; and

(F) pay the required telehealth licensure fee, which shall be 75 percent of the renewal fee for the profession as set forth in 3 V.S.A. § 125 or in the applicable chapter of this title.

(3) A health care professional may renew a telehealth license every two years upon application and payment of the required fee. A license that has expired shall be reinstated upon payment of the biennial renewal fee and the late renewal penalty, which shall be 75 percent of the late renewal penalty established in 3 V.S.A. § 127 or in section 1401a of this title, as applicable.

(b) Telehealth registration.

(1) A health care professional who is not otherwise licensed, certified, or registered to practice in Vermont may obtain a telehealth registration to provide health care services using telehealth:

(A) for a period of not more than 120 consecutive days from the date the registration was issued; and

(B) to a total of not more than 10 unique patients or clients over the 120-day period that the registration is in effect.

(2) To be eligible to obtain a telehealth registration under this chapter, a health care professional shall:

(A) complete an application in a format and with such content as prescribed by the Office or the Board;

(B) hold an active, unencumbered license, certificate, or registration in good standing in any other U.S. jurisdiction to practice the health care profession that the professional seeks to practice in Vermont using telehealth and provide verification of the license, registration, or certificate to the Office or the Board if required by the profession;

(C) if required by the rules adopted by the Office or the Board pursuant to section 3061 of this chapter, submit a copy of a mandatory disclosure that conforms to the requirements established by rule; and

(D) pay the required telehealth registration fee, which shall be 50 percent of the renewal fee for the profession as set forth in 3 V.S.A. § 125 or in the applicable chapter of this title.

(3) A health care professional may only reactivate a telehealth registration once every three years. A telehealth registration shall not be renewed or reactivated upon expiration.

(c) Other license or registration. A health care professional seeking to provide health care services to a patient or client located in Vermont using telehealth may register or apply for a full license to practice the profession in this State in accordance with the applicable provisions of this title. Nothing in this section shall be construed to prohibit a qualified health care professional from registering or obtaining a full license to practice in Vermont in accordance with relevant laws.

§ 3055. SCOPE OF PRACTICE; STANDARD OF PRACTICE

(a) In order to be eligible for a telehealth license or telehealth registration under this chapter, a health care professional shall hold a license, certificate, or registration in another U.S. jurisdiction that authorizes the provider to engage

in the same or a broader scope of practice as health care professionals in the same field are authorized to engage pursuant to a license, certificate, or registration issued in accordance with the relevant provisions of this title.

(b) While practicing in Vermont using telehealth, a health care professional holding a telehealth license or telehealth registration issued pursuant to this chapter shall:

(1) practice within the scope of practice established in this title for that profession; and

(2) practice in a manner consistent with the prevailing and acceptable professional standard of practice for a health care professional who is licensed, certified, or registered in Vermont to provide in-person health care services in that health care profession.

§ 3056. RECORDS

A health care professional holding a telehealth license or telehealth registration issued pursuant to this chapter shall document in a patient's or client's medical record the health care services delivered using telehealth in accordance with the same standard used for in-person services and shall comply with the requirements of 18 V.S.A. §§ 9361 and 9362 to the extent applicable to the profession. Records, including video, audio, electronic, or other records generated as a result of delivering health care services using telehealth, are subject to all federal and Vermont laws regarding protected health information.

§ 3057. EFFECT OF DISCIPLINARY ACTION ON OUT-OF-STATE

LICENSE, CERTIFICATE, OR REGISTRATION

(a) A health care professional shall not obtain a telehealth license or telehealth registration under this chapter if the health care professional's license, certificate, or registration to provide health care services has been revoked or is subject to a pending disciplinary investigation or action in any other U.S. jurisdiction.

(b) A health care professional holding a telehealth license or telehealth registration under this chapter shall notify the Office or the Board, as applicable, within five business days following a disciplinary action that places a warning, reprimand, condition, restriction, suspension, or any other disciplinary action on the professional's license, certificate, or registration in any other U.S. jurisdiction or of any other disciplinary action taken or pending against the health care professional in any other U.S. jurisdiction.

§ 3058. JURISDICTION; APPLICATION OF VERMONT LAWS

A health care professional holding a telehealth license or telehealth registration in accordance with this chapter is subject to the laws and jurisdiction of the State of Vermont, including 18 V.S.A. §§ 9361 and 9362 and laws regarding prescribing, health information sharing, informed consent, supervision and collaboration requirements, and unprofessional conduct.

§ 3059. EXEMPTIONS FROM REGISTRATION AND LICENSURE REQUIREMENTS

A health care professional is not required to obtain a telehealth registration or licensure solely to provide consultation services to another health care professional regarding care for a patient or client located in Vermont, provided the consulting health care professional holds a license, certificate, or registration to practice the profession in one or more U.S. jurisdictions and the consultation is based on a review of records without in-person or remote contact between the consulting health care professional and the patient or client.

§ 3060. VENUE

Venue for a civil action initiated by the Office, the Board, or a patient or client who has received telehealth services in Vermont from an out-of-state health care professional holding a telehealth license or telehealth registration shall be in the patient's or client's county of residence or in Washington County.

§ 3061. RULEMAKING

The Office or the Board may adopt rules in accordance with 3 V.S.A. chapter 25 to carry out the purposes of this chapter, including, in consultation with the appropriate boards and advisor appointees for professions regulated by the Office, rules regarding any profession-specific requirements related to telehealth licenses and telehealth registrations.

* * * Provisional Licensure for Professions Regulated by
Office of Professional Regulation * * *

Sec. 2. 3 V.S.A. § 130 is added to read:

§ 130. PROVISIONAL LICENSURE

(a) The Director may issue a 90-day provisional license to an individual who has completed an application for full licensure and:

(1) whose eligibility for licensure is contingent upon acceptable verification of licensure from another jurisdiction;

(2) whose eligibility for licensure is contingent upon completion of a background check; or

(3) who is an active-duty member of the U.S. Armed Forces assigned to duty in Vermont or the spouse of such a member.

(b) A provisional license shall be based on a voluntary agreement between the applicant and the Office to expedite the applicant's entry into the workforce, in which the applicant agrees to forgo the procedural rights associated with traditional licensure in exchange for a provisional license pending final determination of the license application.

(c) A provisional license shall only be issued to an applicant who can attest to material facts consistent with the requirements of full licensure, including the applicant's standing in other U.S. jurisdictions, criminal history, and disciplinary history. An individual to whom a provisional license is issued shall expressly agree that the Office may summarily withdraw the provisional license upon discovery of any inconsistency or inaccuracy in the application materials.

(d) An individual aggrieved by a denial or summary withdrawal of a provisional license issued under this section shall have as an exclusive remedy the right to have the individual's application for conventional licensure determined according to the usual process.

(e) The Director may extend a provisional license beyond the initial 90-day period if the reason for issuing the license, as set forth in subdivisions (a)(1)–(3) of this section, has not been resolved.

* * * Effective Dates * * *

Sec. 3. EFFECTIVE DATES

(a) Sec. 1 (26 V.S.A. chapter 56) shall take effect on July 1, 2023, except that the Office and the Board shall commence the rulemaking process prior to that date in order to have rules in place on July 1, 2023.

(b) Sec. 2 (3 V.S.A. § 130) and this section shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to telehealth licensure and registration and to provisional licensure for professions regulated by the Office of Professional Regulation”

Rep. Durfee of Shaftsbury, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the Committee on Health Care and when further amended as follows:

First: In Sec. 1, 26 V.S.A. chapter 56, in section 3054, in subdivision (b)(2), by striking out subdivision (D) in its entirety and inserting in lieu thereof a new subdivision (D) to read as follows:

(D) pay the required telehealth registration fee, which shall be the lesser of:

(i) 50 percent of the renewal fee for the profession as set forth in 3 V.S.A. § 125 or in the applicable chapter of this title; or

(ii) the application fee for a full license for the profession as set forth in 3 V.S.A. § 125 or in the applicable chapter of this title.

Second: In Sec. 1, 26 V.S.A. chapter 56, in section 3054, by adding a subsection (d) to read as follows:

(d) Transition to licensure; fee credit.

(1) If a health care professional holding a telehealth registration issued pursuant to this chapter elects to apply for a telehealth license or a full license while the professional's telehealth registration is in effect or within three years following the effective date of the professional's telehealth registration, the amount of the fee paid by the health care professional for the telehealth registration pursuant to subdivision (b)(2)(D) of this section shall be credited and applied toward the amount of the relevant telehealth license under subdivision (a)(2)(F) of this section if the professional is seeking a telehealth license or the application fee for a full license for the profession as set forth in 3 V.S.A. § 125 or in the applicable chapter of this title.

(2) If a health care professional holding a telehealth license issued pursuant to this chapter elects to apply for a full license while the professional's telehealth license is in effect, the amount of the fee paid by the health care professional for the telehealth license pursuant to subdivision (a)(2)(F) of this section shall be credited and applied toward the amount of the application fee for a full license for the profession as set forth in 3 V.S.A. § 125 or in the applicable chapter of this title.

Third: By adding a reader assistance heading and a new section to be Sec. 3 to read as follows:

* * * Appropriation * * *

Sec. 3. TELEHEALTH LICENSURE AND REGISTRATION SYSTEM; APPROPRIATION

The sum of \$360,000.00 is appropriated from the General Fund to the Office of Professional Regulation in fiscal year 2023 to develop and

implement the telehealth licensure and registration system established in this act.

Fourth: By renumbering the existing Sec. 3, effective dates, to be Sec. 4 and, in the renumbered section, by adding a subsection (c) to read as follows:

(c) Sec. 3 (telehealth licensure and registration system; appropriation) shall take effect on July 1, 2022.

Rep. Townsend of South Burlington, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committees on Health Care and on Ways and Means.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Health Care was amended as recommended by the Committee on Ways and Means. Report of the Committee on Health Care, as amended, was agreed to and third reading ordered.

Action on Resolution Postponed

J.R.S. 44

Joint Senate resolution, entitled,

Joint resolution providing for a Joint Assembly to vote on the retention of six Superior Judges

Was taken up and, on motion of **Rep. Long of Newfane**, action on the resolution was postponed until March 16, 2022.

Adjournment

At twelve o'clock and fifty-three minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, March 16, 2022

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

Devotional Exercises

Devotional exercises were conducted by Rev. Elissa Johnk, First Congregational Church of Burlington.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 15th day of March, 2022, he signed a bill originating in the House of the following title:

H. 717 An act relating to providing humanitarian assistance to the people of Ukraine

Committee Bill Introduced; Referred to Committee on Ways and Means**H. 736**

By the Committee on Transportation,

House bill, entitled

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation

Was read the first time and, pursuant to House Rule 35(a), affecting the revenue of the State or materially affecting the revenue of one or more municipalities, was referred to the Committee on Ways and Means.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 139

Senate bill, entitled

An act relating to nondiscriminatory school branding

To the Committee on Education.

S. 173

Senate bill, entitled

An act relating to the State House art collection

To the Committee on Corrections and Institutions.

S. 206

Senate bill, entitled

An act relating to planning and support for individuals and families impacted by Alzheimer's Disease and related disorders

To the Committee on Human Services.

S. 283

Senate bill, entitled

An act relating to miscellaneous changes to education laws

To the Committee on Education.

Ceremonial Reading

H.C.R. 113

House concurrent resolution honoring the USS VERMONT (SSN 792)

Offered by: Reps. Hango of Berkshire, Austin of Colchester, Birong of Vergennes, Dolan of Essex, Fagan of Rutland City, Goslant of Northfield, Gregoire of Fairfield, Harrison of Chittenden, Higley of Lowell, Houghton of Essex, Howard of Rutland City, Lefebvre of Orange, Martel of Waterford, Morgan, M. of Milton, Morrissey of Bennington, Murphy of Fairfax, Norris of Sheldon, Norris of Shoreham, Ode of Burlington, Page of Newport City, Palasik of Milton, Scheuermann of Stowe, Sibia of Dover, and Wood of Waterbury; and Senators Brock, Kitchel, and Ram Hinsdale

Having been adopted in concurrence on Friday, March 11, 2022 in accord with Joint Rule 16b, was read.

Second Reading; Bill Amended; Third Reading Ordered

H. 266

Rep. Goldman of Rockingham, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to an incremental approach to health insurance coverage for hearing aids

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

Sec. 1. PURPOSE

(a) The General Assembly recognizes the range of negative health outcomes that are associated with untreated hearing loss, including cognitive decline, dementia, falls, social isolation, and depression. All Vermonters should have access to hearing aids and related services, yet many health plans do not cover them. Vermont Medicaid currently covers hearing aids, while

most health insurance plans offered in the commercial health insurance market do not. Federal law prohibits or preempts the State from regulating the benefits provided through plans covering more than half of the population of this State, including Medicare and self-funded employer plans. Medicare does not cover hearing aids and related services, and neither do most self-funded employer plans.

(b) In 2021 Acts and Resolves No. 74, Sec. E.227, the General Assembly directed the Department of Financial Regulation and other interested stakeholders to review Vermont's benchmark plan establishing the State's essential health benefits for qualified health plans offered through the Vermont Health Benefit Exchange and recommend whether to request federal approval to modify the benchmark plan to provide certain benefits, including hearing aids. On March 2, 2022, the Green Mountain Care Board voted to approve a recommendation from the Department of Vermont Health Access to add coverage to the benchmark plan for up to one hearing aid per ear every three years and an annual hearing exam. The Department of Vermont Health Access is pursuing a change to Vermont's benchmark plan with the federal government for coverage for hearing aids and hearing exams to begin in Vermont's individual and small group insurance markets in January 2024.

(c) The purpose of this bill is to ensure continued coverage of hearing aids and related services in Vermont Medicaid, affirm ongoing efforts to make hearing aids and related services part of Vermont's benchmark plan, and make hearing aids and related services more accessible to Vermont residents by requiring coverage in large group health insurance plans, which comprise the remaining segment of the commercial health insurance market over which Vermont has regulatory authority and which do not currently offer these benefits.

Sec. 2. ESSENTIAL HEALTH BENEFITS; BENCHMARK PLAN;

HEARING AIDS; REPORT

On or before November 1, 2022, the Department of Vermont Health Access shall provide an update to the Health Reform Oversight Committee regarding the status of the Department's application to the Centers for Medicare and Medicaid Services to modify the essential health benefits in Vermont's benchmark plan to include coverage of hearing aids and related services beginning in plan year 2024.

Sec. 3. 33 V.S.A. § 1901k is added to read:

§ 1901k. MEDICAID COVERAGE FOR HEARING AIDS AND
AUDIOLOGY SERVICES

Vermont Medicaid shall provide coverage for medically necessary hearing aids and audiology services when delivered by a health care professional practicing within the scope of the professional's license, including audiologic examinations, hearing screenings, fitting of hearing aids, prescriptions for hearing aid batteries, and other services as defined by the Department of Vermont Health Access by rule.

Sec. 4. 8 V.S.A. § 4088l is added to read:

§ 4088l. COVERAGE FOR HEARING AIDS

(a) As used in this section:

(1) “Health insurance plan” means a group health insurance policy or health benefit plan offered by a health insurance company, nonprofit hospital or medical service corporation, or health maintenance organization, but does not include:

(A) a qualified health benefit plan or reflective health benefit plan offered in accordance with 33 V.S.A. chapter 18, subchapter 1;

(B) a health benefit plan offered by an intermunicipal insurance association to one or more entities providing educational services pursuant to 24 V.S.A. chapter 121, subchapter 6; or

(C) a policy or plan providing coverage for a specified disease or other limited benefit coverage.

(2) “Hearing aid” means any small, wearable electronic instrument or device designed and intended for the ear for the purpose of aiding or compensating for impaired human hearing and any related parts, attachments, or accessories, including earmolds and associated remote microphones that pair with hearing aids to improve word comprehension in difficult listening situations in live or telecommunication settings. The term does not include cords, large-audience assisted listening devices, such as those designed for auditoriums, or stand-alone assisted listening devices that can function without a hearing aid.

(3) “Hearing aid professional services” means the practice of fitting, selecting, dispensing, selling, or servicing hearing aids, or a combination, including:

(A) evaluation for a hearing aid;

(B) fitting of a hearing aid;

(C) programming of a hearing aid;

(D) hearing aid repairs;

(E) follow-up adjustments, servicing, and maintenance of a hearing aid;

(F) ear mold impressions; and

(G) auditory rehabilitation and training.

(4) “Hearing care professional” means an audiologist or hearing aid dispenser licensed under 26 V.S.A. chapter 67, a physician licensed under 26 V.S.A. chapter 23 or 33, a physician assistant licensed under 26 V.S.A. chapter 31, or an advanced practice registered nurse licensed under 26 V.S.A. chapter 28, working within that professional’s scope of practice.

(b) A health insurance plan shall cover the cost of a hearing aid for each ear and the associated hearing aid professional services when the hearing aid or aids are prescribed, fitted, and dispensed by a hearing care professional. The coverage shall include hearing aid batteries when prescribed by a hearing care professional.

(c)(1) The coverage provided by a health plan for hearing aids and associated services shall be limited only by medical necessity.

(2) A covered individual may select a hearing aid that exceeds the limits set forth in subdivision (1) of this subsection and pay the additional cost.

(d) The coverage required by this section shall not be subject to a deductible, co-payment, or coinsurance provision that is less favorable to a covered individual than the deductible, co-payment, or coinsurance provisions that apply generally to other nonprimary care items and services under the health insurance plan.

(e) A covered individual who has exhausted all applicable internal review procedures provided by the health insurance plan shall have the right to an independent external review as set forth in section 4089f of this title.

Sec. 5. EFFECTIVE DATES

(a) Sec. 4 (8 V.S.A. § 4088l) shall take effect on January 1, 2024 and shall apply to all health insurance plans issued on and January 1, 2024 on such date as a health insurer offers, issues, or renews the health insurance plan, but in no event later than January 1, 2025.

(b) The remaining sections shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to health insurance coverage for hearing aids”

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

Pending the question, Shall the bill be amended as recommended by the Committee on Health Care?, **Rep. Goldman of Rockingham** moved to amend the report of the Committee on Health Care as follows:

In Sec. 5, effective dates, following “issued on and” by inserting the word “after”

Which was agreed to. Thereupon, the report of the Committee on Health Care, as amended, was agreed to, and third reading ordered.

Action on Resolution Postponed

J.R.S. 44

Joint Senate resolution, entitled,

Joint resolution providing for a Joint Assembly to vote on the retention of six Superior Judges

Was taken up, and on motion of **Rep. Long of Newfane**, action on the resolution was postponed until March 17, 2022.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 244

House bill, entitled

An act relating to authorizing the natural organic reduction of human remains

H. 500

House bill, entitled

An act relating to prohibiting the sale of mercury lamps in the State

Bill Amended; Read Third Time; Bill Passed

H. 523

House bill, entitled

An act relating to reducing hydrofluorocarbon emissions

Was taken up and, pending third reading of the bill, **Rep. Shaw of Pittsford** moved to amend the bill as follows:

By striking out Sec. 2, 10 V.S.A. § 573, in its entirety and inserting in lieu thereof the following:

Sec. 2. 10 V.S.A. § 573 is amended to read:

§ 573. MOTOR VEHICLE AIR CONDITIONING

(a) ~~After January 1, 1991, no~~ No person, for compensation, may perform service on motor vehicle air conditioners, unless that person uses equipment that is certified by the Underwriters Laboratories, or an institution determined by the Secretary to be comparable, as meeting the Society of Automotive Engineers standard applicable to equipment for the extraction and reclamation of refrigerant or a substitute prohibited under section 586 of this title from motor vehicle air conditioners.

* * *

Which was agreed to. Thereupon, the bill was read the third time and passed.

Bill Amended; Read Third Time; Bill Passed

H. 606

House bill, entitled

An act relating to community resilience and biodiversity protection

Was taken up and, pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill as follows:

First: In Sec. 3, 10 V.S.A. chapter 89, in section 2801, by adding a subsection (5) to read:

(5) “Conserved” means protected and meeting the definition of ecological reserve area, biodiversity conservation area, or natural resource management area as defined in this section.

Second: In Sec. 3, 10 V.S.A. chapter 89, in section 2802, in subsection (b), by striking out the words “biodiversity reserve areas” and inserting in lieu thereof the words “biodiversity conservation areas”

Which was agreed to. Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed**H. 655**

House bill, entitled

An act relating to establishing a telehealth licensure and registration system

Was taken up, read the third time, and passed.

Committee Bill; Second Reading; Third Reading Ordered**H. 722**

Rep. Copeland Hanzas of Bradford spoke for the Committee on Government Operations.

House bill, entitled

An act relating to final reapportionment of the House of Representatives

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up and read the second time.

Rep. Long of Newfane presiding.

Rep. Krowinski of Burlington presiding.

Pending the question, Shall the bill be read a third time?, **Rep. Copeland Hanzas of Bradford** 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, 129. Nays, 13.

Those who voted in the affirmative are:

Achey of Middletown	Garofano of Essex	Murphy of Fairfax
Springs *	Goldman of Rockingham	Nicoll of Ludlow
Ancel of Calais	Goslant of Northfield	Nigro of Bennington
Anthony of Barre City	Grad of Moretown	Norris of Sheldon
Arrison of Weathersfield	Gregoire of Fairfield	Norris of Shoreham
Austin of Colchester	Hango of Berkshire	Notte of Rutland City
Bartholomew of Hartland	Harrison of Chittenden	Noyes of Wolcott
Beck of St. Johnsbury	Helm of Fair Haven	O'Brien of Tunbridge
Birong of Vergennes	Higley of Lowell	Ode of Burlington
Black of Essex	Hooper of Montpelier	Page of Newport City
Bluemle of Burlington	Hooper of Randolph	Pajala of Londonderry
Bock of Chester	Hooper of Burlington	Parsons of Newbury
Bongartz of Manchester	Houghton of Essex	Partridge of Windham
Bos-Lun of Westminster	Howard of Rutland City	Patt of Worcester
Brady of Williston	James of Manchester	Pearl of Danville
Brennan of Colchester	Jerome of Brandon	Peterson of Clarendon

Briglin of Thetford	Jessup of Middlesex	Pugh of South Burlington
Brown of Richmond	Killackey of South Burlington	Rachelson of Burlington
Brumsted of Shelburne	Kimbell of Woodstock	Rogers of Waterville
Burditt of West Rutland	Kornheiser of Brattleboro	Satcowitz of Randolph
Burke of Brattleboro	LaClair of Barre Town	Scheu of Middlebury
Burrows of West Windsor	LaLonde of South	Shaw of Pittsford
Campbell of St. Johnsbury	Burlington	Sheldon of Middlebury
Canfield of Fair Haven	Lanpher of Vergennes	Sims of Craftsbury
Chase of Colchester	Laroche of Franklin	Small of Winooski
Christie of Hartford	Lefebvre of Newark	Squirrell of Underhill
Cina of Burlington	Lefebvre of Orange *	Stebbins of Burlington
Coffey of Guilford	Leffler of Enosburgh	Stevens of Waterbury
Colburn of Burlington	Lippert of Hinesburg	Taylor of Colchester
Conlon of Cornwall	Long of Newfane	Till of Jericho
Copeland Hanzas of	Marcotte of Coventry	Toleno of Brattleboro
Bradford	Martel of Waterford	Toof of St. Albans Town
Corcoran of Bennington	Masland of Thetford	Townsend of South
Cordes of Lincoln	McCarthy of St. Albans City	Burlington
Cupoli of Rutland City	*	Troiano of Stannard
Dickinson of St. Albans	McCormack of Burlington	Vyhovsky of Essex
Town	McCoy of Poultney	Walker of Swanton
Dolan of Essex	McCullough of Williston	Walz of Barre City
Dolan of Waitsfield	McFaun of Barre Town	Webb of Shelburne
Donahue of Northfield	Morgan, L. of Milton	White of Hartford
Donnelly of Hyde Park	Morgan, M. of Milton	Whitman of Bennington
Durfee of Shaftsbury	Morris of Springfield	Wood of Waterbury
Elder of Starksboro	Morrissey of Bennington	Yacovone of Morristown
Emmons of Springfield	Mrowicki of Putney	Yantachka of Charlotte
Feltus of Lyndon	Mulvaney-Stanak of	
Gannon of Wilmingon	Burlington	

Those who voted in the negative are:

Fagan of Rutland City	Scheuermann of Stowe	Surprenant of Barnard
Graham of Williamstown	Sibilia of Dover	Terenzini of Rutland Town
Kascenska of Burke	Smith of Derby *	Williams of Granby
Mattos of Milton	Smith of New Haven	
Rosenquist of Georgia	Strong of Albany	

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

Brownell of Pownal	Labor of Morgan	White of Bethel
Colston of Winooski	Palasik of Milton	
Kitzmiller of Montpelier	Sullivan of Dorset	

Rep. Achey of Middletown Springs explained her vote as follows:

“Madam Speaker:

I voted ‘yes’ reluctantly. My district did not need to be changed. We could have even added back the part of Tinmouth that had been separated for 10

years. However, the neighboring district had lost population that required a change. We looked at many other options, but in the end that chosen solution was to divide the town of Wells. They did not want to be split and I did not want to lose any part of that town. We all have to decide to accept the decision.”

Rep. Lefebvre of Orange explained her vote as follows:

“Madam Speaker:

My vote in support of H.722 was due to the communication, public engagement, and detail that went into redistricting the state of Vermont. I’m discouraged that the town of Williamstown was divided when there was no constitutional reason to. There were many options brought forward that were denied.”

Rep. McCarthy of St. Albans City explained his vote as follows:

“Madam Speaker:

I vote yes. The decennial reapportionment is a difficult task. This map meets constitutional and statutory requirements to apportion the 150 seats in the Vermont House.”

Rep. Smith of Derby explained his vote as follows:

“Madam Speaker:

While I will be proud to serve the town I grew up in, I feel the other towns in my district have been shortchanged by this decision.”

Thereupon, third reading was ordered.

Action on Bill Postponed

H. 287

House bill, entitled

An act relating to patient financial assistance policies and medical debt protection

Was taken up, and pending the reading of the report of the Committee on Health Care, on motion of **Rep. Lippert of Hinesburg**, action on the bill was postponed until March 17, 2022.

Second Reading; Bill Amended; Third Reading Ordered**H. 399**

Rep. Donnally of Hyde Park, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to incarceration terms for criminal defendants who are primary caretakers of dependent children

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

Sec. 1. PURPOSE

The purpose of this act is to:

(1) prevent unnecessary harm to children caused by separation from parents, guardians, caretakers, or family members during incarceration; and

(2) ensure the fair and compassionate treatment of children whose parents, guardians, caretakers, or family members are involved in the criminal justice system by affording certain basic considerations to these children when decisions are made that affect them.

Sec. 2. 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; and the risk to self, others, and the community at large presented by the defendant:

* * *

Sec. 3. 28 V.S.A. § 204 is amended to read:

§ 204. SUBMISSION OF WRITTEN REPORT; PRODUCTION OF RECORDS

* * *

(g) The presentence investigation report ordered by the court under this section or section of 204a of this title shall set forth information concerning the defendant's custodial relationships pursuant to 13 V.S.A. § 7030.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

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

Second Reading; Bill Amended; Third Reading Ordered

H. 475

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

An act relating to the classification system for criminal offenses

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

Sec. 1. 13 V.S.A. § 1023 is amended to read:

§ 1023. SIMPLE ASSAULT

(a) A person is guilty of simple assault if he or she:

(1) attempts to cause or purposely, knowingly, or recklessly causes bodily injury to another; ~~or~~

(2) negligently causes bodily injury to another with a deadly weapon; or

(3) attempts by physical menace to put another in fear of imminent serious bodily injury.

(b) A person who is convicted of simple assault ~~shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both~~ commits a Class B misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00, unless the offense is committed in a fight or scuffle entered into by mutual consent, in which case a person convicted of simple assault shall be imprisoned not more than 60 days or fined not more than \$500.00, or both commits a Class D misdemeanor.

Sec. 2. 13 V.S.A. § 1024 is amended to read:

§ 1024. AGGRAVATED ASSAULT

(a) A person is guilty of aggravated assault if the person:

(1) attempts to cause serious bodily injury to another, or causes such injury purposely, knowingly, or recklessly under circumstances manifesting extreme indifference to the value of human life;

(2) attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon;

(3) for a purpose other than lawful medical or therapeutic treatment, the person intentionally causes stupor, unconsciousness, or other physical or mental impairment or injury to another person by administering to the other person without the other person's consent a drug, substance, or preparation capable of producing the intended harm;

(4) with intent to prevent a law enforcement officer from performing a lawful duty, the person causes physical injury to any person; or

(5) is armed with a deadly weapon and threatens to use the deadly weapon on another person.

(b) A person found guilty of violating a provision of subdivision (a)(1) or (2) of this section ~~shall be imprisoned for not more than 15 years or fined not more than \$10,000.00, or both~~ commits a Class C felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$10,000.00.

(c) A person found guilty of violating a provision of subdivision (a)(3), (4), or (5) of this section ~~shall be imprisoned for not more than five years or fined not more than \$5,000.00, or both~~ commits a Class D felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$5,000.00.

* * *

Sec. 3. 13 V.S.A. § 1026 is amended to read:

§ 1026. DISORDERLY CONDUCT

(a) A person is guilty of disorderly conduct if ~~he or she~~ the person, with intent to cause public inconvenience or annoyance, or recklessly creates a risk thereof:

(1) engages in fighting or in violent, tumultuous, or threatening behavior;

(2) makes unreasonable noise;

(3) in a public place, uses abusive or obscene language;

(4) without lawful authority, disturbs any lawful assembly or meeting of persons; or

(5) obstructs vehicular or pedestrian traffic.

(b) A person who is convicted of disorderly conduct ~~shall be imprisoned for not more than 60 days or fined not more than \$500.00, or both. A person who is convicted of a second or subsequent offense under this section shall be~~

~~imprisoned for not more than 120 days or fined not more than \$1,000.00, or both commits a Class D misdemeanor.~~

Sec. 4. 13 V.S.A. § 1026a is amended to read:

§ 1026a. AGGRAVATED DISORDERLY CONDUCT

(a) A person is guilty of aggravated disorderly conduct if he or she engages in a course of conduct directed at a specific person with the intent to cause the person inconvenience or annoyance, or to disturb the person's peace, quiet, or right of privacy and:

(1) engages in fighting or in violent, tumultuous, or threatening behavior;

(2) makes unreasonable noise;

(3) in a public place, uses abusive or obscene language; or

(4) threatens bodily injury or serious bodily injury, or threatens to commit a felony crime of violence as defined in section 11a of this title.

(b) A person who is convicted of aggravated disorderly conduct ~~shall be imprisoned not more than 180 days or fined not more than \$2,000.00, or both commits a Class C misdemeanor.~~

Sec. 5. 13 V.S.A. § 1027 is amended to read:

§ 1027. DISTURBING PEACE BY USE OF TELEPHONE OR OTHER
ELECTRONIC COMMUNICATIONS

(a) A person who, with intent to terrify, intimidate, threaten, harass, or annoy, makes contact by means of a telephonic or other electronic communication with another and makes any request, suggestion, or proposal that is obscene, lewd, lascivious, or indecent; threatens to inflict injury or physical harm to the person or property of any person; or disturbs, or attempts to disturb, by repeated telephone calls or other electronic communications, whether or not conversation ensues, the peace, quiet, or right of privacy of any person at the place where the communication or communications are received ~~shall be fined not more than \$250.00 or be imprisoned not more than three months, or both. If the defendant has previously been convicted of a violation of this section or of an offense under the laws of another state or of the United States that would have been an offense under this section if committed in this State, the defendant shall be fined not more than \$500.00 or imprisoned for not more than six months, or both commits a Class D misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$250.00.~~

* * *

Sec. 6. 13 V.S.A. § 1028 is amended to read:

§ 1028. ASSAULT OF PROTECTED PROFESSIONAL; ASSAULT WITH
BODILY FLUIDS

(a)(1) A person convicted of a simple or aggravated assault against a protected professional as defined in subdivision (d)(1) of this section while the protected professional is performing a lawful duty, or with the intent to prevent the protected professional from performing ~~his or her~~ the professional's lawful duty, in addition to any other penalties imposed under sections 1023 and 1024 of this title, ~~shall~~:

~~(1)(A)~~ for the first offense, ~~be imprisoned not more than one year~~ commits a Class B misdemeanor;

~~(2)(B)~~ for the second offense and subsequent offenses, ~~be imprisoned not more than 10 years~~ commits a Class C felony.

(2) Notwithstanding section 53 of this title, a person who violates this subsection shall not be subject to an additional fine beyond that provided in sections 1023 and 1024 of this title.

(b)(1) No person shall intentionally cause blood, vomitus, excrement, mucus, saliva, semen, or urine to come in contact with a protected professional while the person is performing a lawful duty.

~~(2) A person who violates this subsection shall be imprisoned not more than one year or fined not more than \$1,000.00, or both~~ commits a Class B misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00.

* * *

Sec. 7. 13 V.S.A. § 1028a is amended to read:

§ 1028a. ASSAULT OF CORRECTIONAL OFFICER; ASSAULT WITH
BODILY FLUIDS

(a)(1) A person convicted of a simple or aggravated assault against an employee of the Department of Corrections whose official duties or job classification includes the supervision or monitoring of a person on parole, probation, or serving any sentence of incarceration whether inside or outside a correctional facility, and who was performing a lawful duty, in addition to any other penalties imposed under sections 1023 and 1024 of this title, ~~shall~~:

~~(1)(A)~~ for the first offense, ~~be imprisoned not more than one year~~ commits a Class B misdemeanor; and

~~(2)(B) for the second offense and subsequent offenses, be imprisoned not more than 10 years~~ commits a Class C felony.

(2) Notwithstanding section 53 of this title, a person who violates this subsection shall not be subject to an additional fine beyond that provided in sections 1023 and 1024 of this title.

(b) No person shall intentionally cause blood, vomitus, excrement, mucus, saliva, semen, or urine to come in contact with:

(1) any person lawfully present in a correctional facility unless the person's presence within the facility requires the contact; or

(2) an employee of a correctional facility acting in the scope of employment unless the employee's scope of employment requires the contact.

~~(c) A person who violates subsection (b) of this section shall be imprisoned not more than two years or fined not more than \$1,000.00, or both~~ commits a Class A misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00.

(d) A sentence imposed for a conviction of this section shall be served consecutively with and not concurrently with any other sentence.

Sec. 8. 13 V.S.A. § 1030 is amended to read:

§ 1030. VIOLATION OF AN ABUSE PREVENTION ORDER, AN ORDER AGAINST STALKING OR SEXUAL ASSAULT, OR A PROTECTIVE ORDER CONCERNING CONTACT WITH A CHILD

(a) A person who intentionally commits an act prohibited by a court or who fails to perform an act ordered by a court, in violation of an abuse prevention order issued under 15 V.S.A. chapter 21 or 33 V.S.A. chapter 69, a protective order that concerns contact with a child and is issued under 33 V.S.A. chapter 51, or an order against stalking or sexual assault issued under 12 V.S.A. chapter 178, after the person has been served notice of the contents of the order as provided in those chapters; or in violation of a foreign abuse prevention order or an order against stalking or sexual assault issued by a court in any other state, federally recognized Indian tribe, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia ~~shall be imprisoned not more than one year or fined not more than \$5,000.00, or both~~ commits a Class B misdemeanor.

(b) A person who is convicted of a second or subsequent offense under this section or is convicted of an offense under this section and has previously been

convicted of domestic assault under section 1042 of this title, first degree aggravated domestic assault under section 1043 of this title, or second degree aggravated domestic assault under section 1044 of this title ~~shall be imprisoned not more than three years or fined not more than \$25,000.00, or both~~ commits a Class E felony.

* * *

Sec. 9. 13 V.S.A. § 1031 is amended to read:

§ 1031. INTERFERENCE WITH ACCESS TO EMERGENCY SERVICES

A person who, during or after the commission of a crime, willfully prevents or attempts to prevent a person from seeking or receiving emergency medical assistance, emergency assistance from a third party, or emergency assistance from law enforcement ~~shall be imprisoned not more than one year or fined not more than \$5,000.00, or both~~ commits a Class B misdemeanor.

Sec. 10. 13 V.S.A. § 1042 is amended to read:

§ 1042. DOMESTIC ASSAULT

Any person who attempts to cause or willfully or recklessly causes bodily injury to a family or household member or willfully causes a family or household member to fear imminent serious bodily injury ~~shall be imprisoned not more than 18 months or fined not more than \$5,000.00, or both~~ commits a Class B misdemeanor and shall, in addition to the penalty for that offense, be imprisoned not more than an additional six months.

Sec. 11. 13 V.S.A. § 1043 is amended to read:

§ 1043. FIRST DEGREE AGGRAVATED DOMESTIC ASSAULT

(a) A person commits the crime of first degree aggravated domestic assault if the person:

(1) attempts to cause or willfully or recklessly causes serious bodily injury to a family or household member; or

(2) uses, attempts to use, or is armed with a deadly weapon and threatens to use the deadly weapon on a family or household member; or

(3) commits the crime of domestic assault and has been previously convicted of aggravated domestic assault.

(b) A person who commits the crime of first degree aggravated domestic assault ~~shall be imprisoned not more than 15 years or fined not more than \$25,000.00, or both~~ commits a Class C felony and shall, in addition to the penalty for that offense, be imprisoned not more than an additional five years.

(c) Conduct constituting the offense of first degree aggravated domestic assault under this section shall be considered a violent act for the purpose of determining bail.

Sec. 12. 13 V.S.A. § 1044 is amended to read:

§ 1044. SECOND DEGREE AGGRAVATED DOMESTIC ASSAULT

(a) A person commits the crime of second degree aggravated domestic assault if the person:

(1) Commits the crime of domestic assault and such conduct violates:

(A) specific conditions of a criminal court order in effect at the time of the offense imposed to protect that other person;

(B) a final abuse prevention order issued under 15 V.S.A. § 1103 or a similar order issued in another jurisdiction;

(C) a final order against stalking or sexual assault issued under 12 V.S.A. § 5133 or a similar order issued in another jurisdiction; or

(D) a final order against abuse of a vulnerable adult issued under 33 V.S.A. § 6935 or a similar order issued in another jurisdiction.

(2) Commits the crime of domestic assault; and:

(A) has a prior conviction within the last 10 years for violating an abuse prevention order issued under section 1030 of this title; or

(B) has a prior conviction for domestic assault under section 1042 of this title or a prior conviction in another jurisdiction for an offense that, if committed within the State, would constitute a violation of section 1042 of this title.

(3) As used in this subsection:

(A) “Issued in another jurisdiction” means issued by a court in any other state; in a federally recognized Indian tribe, territory, or possession of the United States; in the Commonwealth of Puerto Rico; or in the District of Columbia.

(B) “Prior conviction in another jurisdiction” means a conviction issued by a court in any other state; in a federally recognized Indian tribe, territory, or possession of the United States; in the Commonwealth of Puerto Rico; or in the District of Columbia.

(b) A person who commits the crime of second degree aggravated domestic assault ~~shall be imprisoned not more than five years or fined not more than \$10,000.00, or both~~ commits a Class D felony.

* * *

Sec. 13. 13 V.S.A. § 1062 is amended to read:

§ 1062. STALKING

Any person who intentionally stalks another person ~~shall be imprisoned not more than two years or fined not more than \$5,000.00, or both~~ commits a Class A misdemeanor.

Sec. 14 13 V.S.A. § 1063 is amended to read:

§ 1063. AGGRAVATED STALKING

(a) A person commits the crime of aggravated stalking if the person intentionally stalks another person, and:

(1) such conduct violates a court order that prohibits stalking and is in effect at the time of the offense;

(2) has been previously convicted of stalking or aggravated stalking;

(3) has been previously convicted of an offense an element of which involves an act of violence against the same person;

(4) the person being stalked is under 16 years of age; or

(5) had a deadly weapon, as defined in section 1021 of this title, in ~~his or her~~ the person's possession while engaged in the act of stalking.

(b) A person who commits the crime of aggravated stalking ~~shall be imprisoned not more than five years or be fined not more than \$25,000.00, or both~~ commits a Class D felony.

* * *

Sec. 15. 13 V.S.A. § 1201 is amended to read:

§ 1201. BURGLARY

(a) A person is guilty of burglary if ~~he or she~~ the person enters any building or structure knowing that ~~he or she~~ the person is not licensed or privileged to do so, with the intent to commit a felony, petit larceny, simple assault, or unlawful mischief. This provision shall not apply to a licensed or privileged entry, or to an entry that takes place while the premises are open to the public, unless the person, with the intent to commit a crime specified in this subsection, surreptitiously remains in the building or structure after the license or privilege expires or after the premises no longer are open to the public.

(b) As used in this section:

(1) “Building,” “premises,” and “structure” shall, in addition to their common meanings, include and mean any portion of a building, structure, or premises that differs from one or more other portions of such building, structure, or premises with respect to license or privilege to enter, or to being open to the public.

(2) “Occupied dwelling” means a building used as a residence, either full time or part time, regardless of whether someone is actually present in the building at the time of entry.

(c)(1) A person convicted of burglary ~~shall be imprisoned not more than 15 years or fined not more than \$1,000.00, or both~~ commits a Class C felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00.

(2) A person convicted of burglary and who carries a dangerous or deadly weapon, openly or concealed, shall, in addition to the penalty for the underlying crime, be imprisoned not more than 20 five years ~~or fined not more than \$10,000.00, or both.~~

(3) A person convicted of burglary into an occupied dwelling:

(A) ~~shall be imprisoned not more than 25 years or fined not more than \$1,000.00, or both; or~~

(B) shall, in addition to the penalty for the underlying crime, be imprisoned not more than 30 five years ~~or fined not more than \$10,000.00, or both, if the person carried a dangerous or deadly weapon, openly or concealed, during commission of the offense.~~

(4) When imposing a sentence under this section, the court shall consider as an aggravating factor whether, during commission of the offense, the person entered the building when someone was actually present or used or threatened to use force against the occupant.

Sec. 16. 13 V.S.A. § 1204 is amended to read:

§ 1204. MAKING OR HAVING BURGLAR’S TOOLS

A person who manufactures or knowingly has in ~~his or her~~ the person’s possession any engine, machine, tool, or implement, adapted and designed for cutting through, forcing or breaking open any building, room, vault, safe, or other depository, in order to steal therefrom money or other property, knowing the same to be adapted and designed for such purpose, with intent to use or employ the same therefor, ~~shall be imprisoned not more than 20 years or fined not more than \$10,000.00, or both~~ commits a Class D felony.

Sec. 17. 13 V.S.A. § 2405 is amended to read:

§ 2405. KIDNAPPING

* * *

(b) Kidnapping is ~~punishable by a maximum sentence of life imprisonment or a fine of not more than \$50,000.00, or both a Class A felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$50,000.00.~~ It is, however, an affirmative defense ~~which~~ that reduces the penalty to ~~imprisonment for not more than 30 years or a fine of not more than \$50,000.00, or both, a Class B felony~~ that the defendant voluntarily caused the release of the victim alive in a safe place before arraignment without having caused serious bodily injury to the victim.

Sec. 18. 13 V.S.A. § 2406 is amended to read:

§ 2406. UNLAWFUL RESTRAINT IN THE SECOND DEGREE

(a) A person commits the crime of unlawful restraint in the second degree if the person:

(1) not being a relative of a person under ~~the age of 18~~ years of age, knowingly takes, entices, or harbors that person, without the consent of the person's custodian, knowing that he or she has no right to do so; ~~or~~

(2) knowingly takes or entices from lawful custody or harbors any person who is mentally incompetent, or other person entrusted by authority of law to the custody of another person or an institution, without the consent of the person or institution, knowing that he or she has no right to do so; or

(3) knowingly restrains another person.

(b) It is a defense to a prosecution under this section that the defendant acted reasonably and in good faith to protect the person from imminent physical or emotional danger.

(c) Unlawful restraint in the second degree is ~~punishable by imprisonment for not more than five years or a fine of not more than \$25,000.00, or both a Class D felony.~~

Sec. 19. 13 V.S.A. § 2407 is amended to read:

§ 2407. UNLAWFUL RESTRAINT IN THE FIRST DEGREE

(a) A person commits the crime of unlawful restraint in the first degree if that person:

(1) knowingly restrains another person under circumstances exposing that person to a risk of serious bodily injury; or

(2) holds another person in a condition of involuntary servitude.

(b) Unlawful restraint in the first degree is ~~punishable by imprisonment for not more than 15 years or a fine of not more than \$50,000.00, or both~~ a Class C felony.

Sec. 20. 13 V.S.A. § 2451 is amended to read:

§ 2451. CUSTODIAL INTERFERENCE

(a) A person commits custodial interference by taking, enticing, or keeping a child from the child's lawful custodian, knowingly, without a legal right to do so, when the person is a relative of the child and the child is less than 18 years ~~old~~ of age.

(b) A person who commits custodial interference ~~shall be imprisoned not more than five years or fined not more than \$5,000.00, or both~~ commits a Class D felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$5,000.00.

* * *

Sec. 21. 13 V.S.A. § 608 is amended to read:

§ 608. ASSAULT AND ROBBERY

(a) A person who assaults another and robs, steals, or takes from ~~his or her~~ the other person or in ~~his or her~~ the other person's presence money or other property that may be the subject of larceny ~~shall be imprisoned for not more than 10 years~~ commits a Class C felony, provided that, notwithstanding section 53 of this title, the person shall not be fined.

(b) A person who, being armed with a dangerous weapon, assaults another and robs, steals, or takes from ~~his or her~~ the other person or in ~~his or her~~ the other person's presence money or other property that may be the subject of larceny shall, in addition to the penalty for the underlying crime, be imprisoned for not more than ~~15~~ five years nor less than one year.

(c) If in the attempt or commission of an offense under subsection (a) or (b) of this section, a person causes bodily injury, ~~such~~ the person shall, in addition to the penalty for the underlying crime, be imprisoned for not more than ~~20~~ five years nor less than one year. ~~Any penalty imposed under this subsection shall be in lieu of any penalty imposed under subsection (a) or (b) of this section.~~

Sec. 22. 13 V.S.A. § 2303 is amended to read:

§ 2303. PENALTIES FOR FIRST AND SECOND DEGREE MURDER

(a)(1) ~~The punishment for murder~~ Murder in the first degree shall be a Class A felony punishable by imprisonment for:

(A) a minimum term of not less than 35 years and a maximum term of life; or

(B) life without the possibility of parole.

(2) ~~The punishment for murder~~ Murder in the second degree shall be a Class A felony punishable by imprisonment for:

(A) a minimum term of not less than 20 years and a maximum term of life; or

(B) life without the possibility of parole.

(3) Notwithstanding any other provision of law, this subsection shall apply only if the murder was committed on or after ~~the effective date of this act~~ May 1, 2006.

(b) ~~The punishment for murder~~ Murder in the first degree shall be a Class A felony punishable by imprisonment for life and for a minimum term of 35 years unless a jury finds that there are aggravating or mitigating factors which that justify a different minimum term. If the jury finds that the aggravating factors outweigh any mitigating factors, the court may set a minimum term longer than 35 years, up to and including life without parole. If the jury finds that the mitigating factors outweigh any aggravating factors, the court may set a minimum term at less than 35 years but not less than 15 years.

(c) ~~The punishment for murder~~ Murder in the second degree shall be a Class A felony punishable by imprisonment for life and for a minimum term of 20 years unless a jury finds that there are aggravating or mitigating factors which that justify a different minimum term. If the jury finds that the aggravating factors outweigh any mitigating factors, the court may set a minimum term longer than 20 years, up to and including life without parole. If the jury finds that the mitigating factors outweigh any aggravating factors, the court may set a minimum term at less than 20 years but not less than 10 years.

* * *

(g) Subsections (b)–(f) of this section shall apply only if the murder was committed before ~~the effective date of this act~~ May 1, 2006, and:

(1) the defendant was not sentenced before ~~the effective date of this act~~ May 1, 2006; or

(2) the defendant's sentence was stricken and remanded for resentencing pursuant to the Vermont Supreme Court's decision in *State v. Provost*, 2005 VT 134 (2005).

(h) Notwithstanding section 53 of this title, a person who violates this section shall not be fined.

Sec. 23. 13 V.S.A. § 2304 is amended to read:

§ 2304. MANSLAUGHTER- PENALTIES

A person who commits manslaughter shall be fined not more than \$3,000.00 or imprisoned for not less than one year nor more than 15 years, or both commits a Class C felony and shall, in addition to the penalty for that offense, be imprisoned not more than an additional five years, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$3,000.00.

Sec. 24. 13 V.S.A. § 1378 is amended to read:

§ 1378. NEGLECT

(a) A caregiver who intentionally or recklessly neglects a vulnerable adult shall be imprisoned not more than 18 months or fined not more than \$10,000.00, or both commits a Class B misdemeanor and shall, in addition to the penalty for that offense, be imprisoned not more than an additional six months.

(b) A caregiver who violates subsection (a) of this section, and as a result of such neglect, serious bodily injury occurs to the vulnerable adult, shall be imprisoned not more than 15 years or fined not more than \$10,000.00, or both commits a Class C felony and shall, in addition to the penalty for that offense, be imprisoned not more than an additional five years, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$10,000.00.

Sec. 25. 13 V.S.A. § 205 is amended to read:

§ 205. INTERMARRIAGE OF OR FORNICATION BY PERSONS PROHIBITED TO MARRY

Persons between whom marriages are prohibited by the laws of this State who shall not intermarry or commit fornication with each other shall be imprisoned not more than five years or fined not more than \$1,000.00, or both. A person who violates this section commits a Class D felony, provided that,

notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00.

Sec. 26. 13 V.S.A. § 1379 is amended to read:

§ 1379. SEXUAL ABUSE

(a) A person who volunteers for or is paid by a caregiving facility or program shall not engage in any sexual activity with a vulnerable adult. It shall be an affirmative defense to a prosecution under this subsection that the sexual activity was consensual between the vulnerable adult and a caregiver who was hired, supervised, and directed by the vulnerable adult. A person who violates this subsection ~~shall be imprisoned for not more than two years or fined not more than \$10,000.00, or both~~ commits a Class A misdemeanor.

(b) No person, whether or not the person has actual knowledge of the victim's vulnerable status, shall engage in sexual activity with a vulnerable adult if:

(1) the vulnerable adult does not consent to the sexual activity; or

(2) the person knows or should know that the vulnerable adult is incapable of resisting, declining, or consenting to the sexual activity due to his or her specific vulnerability or due to fear of retribution or hardship.

(c) A person who violates subsection (b) of this section ~~shall be:~~

(1) ~~imprisoned for not more than five years or fined not more than \$10,000.00, or both;~~ commits a Class D felony if the sexual activity involves lewd and lascivious conduct;

(2) ~~imprisoned for not more than 20 years or fined not more than \$10,000.00, or both~~ commits a Class B felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$10,000.00, if the sexual activity involves a sexual act.

(d) A caregiver who violates subsection (b) of this section ~~shall be:~~

(1) ~~imprisoned for not more than seven years or fined not more than \$10,000.00, or both~~ commits a Class D felony and shall, in addition to the penalty for that offense, be imprisoned not more than an additional two years, if the sexual activity involves lewd and lascivious conduct.

(2) ~~imprisoned for not more than 25 years or fined not more than \$10,000.00, or both~~ commits a Class B felony and shall, in addition to the penalty for that offense, be imprisoned not more than an additional five years, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$10,000.00, if the sexual activity involves a sexual act.

Sec. 27. 13 V.S.A. § 2601 is amended to read:

§ 2601. LEWD AND LASCIVIOUS CONDUCT

A person guilty of open and gross lewdness and lascivious behavior ~~shall be imprisoned not more than five years or fined not more than \$300.00, or both~~ commits a Class D felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$300.00.

Sec. 28. 13 V.S.A. § 2601a is amended to read:

§ 2601a. PROHIBITED CONDUCT

(a) No person shall engage in open and gross lewdness.

(b) A person who violates this section shall:

(1) ~~be imprisoned not more than one year or fined not more than \$300.00, or both~~ commits a Class B misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$300.00, for a first offense; and

(2) ~~be imprisoned not more than two years or fined not more than \$1,000.00, or both~~ commits a Class A misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00, for a second or subsequent offense.

Sec. 29. 13 V.S.A. § 2602 is amended to read:

§ 2602. LEWD OR LASCIVIOUS CONDUCT WITH CHILD

(a)(1) No person shall willfully and lewdly commit any lewd or lascivious act upon or with the body, or any part or member thereof, of a child under the age of 16 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of such person or of such child.

(2) This section shall not apply if the person is less than 19 years old, the child is at least 15 years old, and the conduct is consensual.

(b) A person who violates subsection (a) of this section shall be:

(1) For a first offense, ~~imprisoned not less than two years and not more than 15 years, and, in addition, may be fined not more than \$5,000.00, or both~~ commits a Class C felony provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$5,000.00 and shall:

(A) in addition to the penalty for that offense, be imprisoned not more than an additional five years; and

(B) be imprisoned not less than two years.

(2) For a second offense, ~~imprisoned not less than five years and a maximum term of life, and, in addition, may be fined not more than \$25,000.00, or both~~ commits a Class A felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$25,000.00 and shall be imprisoned not less than five years.

(3) For a third or subsequent offense, ~~imprisoned not less than 10 years and a maximum term of life, and, in addition, may be fined not more than \$25,000.00, or both~~ commits a Class A felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$25,000.00 and shall be imprisoned not less than 10 years.

(c)(1) Except as provided in subdivision (2) of this subsection, a sentence ordered pursuant to subdivision (b)(2) of this section shall include at least a five-year term of imprisonment and a sentence ordered pursuant to subdivision (b)(3) of this section shall include at least a 10-year term of imprisonment. The five-year and 10-year terms of imprisonment required by this subdivision shall be served and may not be suspended, deferred, or served as a supervised sentence. The defendant shall not be eligible for probation, parole, furlough, or any other type of early release until the expiration of the five-year or 10-year term of imprisonment.

(2) The court may depart downwardly from the five-year and 10-year terms of imprisonment required by subdivisions (b)(2) and (3) of this section and impose a lesser term of incarceration if the court makes written findings on the record that the downward departure will serve the interests of justice and public safety.

(d) A person convicted of violating subdivision (b)(2) or (3) of this section shall be sentenced under section 3271 of this title.

* * *

Sec. 30. 13 V.S.A. § 2605 is amended to read:

§ 2605. VOYEURISM

* * *

(b) No person shall intentionally view, photograph, film, or record in any format:

(1) the intimate areas of another person without that person's knowledge and consent while the person being viewed, photographed, filmed, or recorded is in a place where he or she would have a reasonable expectation of privacy; or

(2) the intimate areas of another person without that person's knowledge and consent and under circumstances in which the person has a reasonable expectation of privacy.

(c) No person shall display or disclose to a third party any image recorded in violation of subsection (b), (d), or (e) of this section.

(d) No person shall intentionally conduct surveillance or intentionally photograph, film, or record in any format a person without that person's knowledge and consent while the person being surveilled, photographed, filmed, or recorded is in a place where he or she would have a reasonable expectation of privacy within a home or residence. Bona fide private investigators and bona fide security guards engaged in otherwise lawful activities within the scope of their employment are exempt from this subsection.

(e) No person shall intentionally photograph, film, or record in any format a person without that person's knowledge and consent while that person is in a place where a person has a reasonable expectation of privacy and that person is engaged in sexual conduct.

* * *

(j) For a first offense, a person who violates subsection (b), (d), or (e) of this section shall be imprisoned not more than two years or fined not more than \$1,000.00, or both commits a Class A misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00. For a second or subsequent offense, a person who violates subsection (b), (d), or (e) of this section shall be imprisoned not more than three years or fined not more than \$5,000.00, or both commits a Class E felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$5,000.00. A person who violates subsection (c) of this section shall be imprisoned not more than five years or fined not more than \$5,000.00, or both commits a Class D felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$5,000.00.

Sec. 31. 13 V.S.A. § 2606 is amended to read:

§ 2606. DISCLOSURE OF SEXUALLY EXPLICIT IMAGES WITHOUT
CONSENT

* * *

(b)(1) A person violates this section if he or she knowingly discloses a visual image of an identifiable person who is nude or who is engaged in sexual conduct, without his or her consent, with the intent to harm, harass, intimidate, threaten, or coerce the person depicted, and the disclosure would cause a

reasonable person to suffer harm. A person may be identifiable from the image itself or information offered in connection with the image. Consent to recording of the visual image does not, by itself, constitute consent for disclosure of the image. A person who violates this subdivision (1) ~~shall be imprisoned not more than two years or fined not more than \$2,000.00, or both~~ commits a Class A misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$2,000.00.

(2) A person who violates subdivision (1) of this subsection with the intent of disclosing the image for financial profit ~~shall be imprisoned not more than five years or fined not more than \$10,000.00, or both~~ commits a Class D felony.

* * *

Sec. 32. 13 V.S.A. § 2632 is amended to read:

§ 2632. PROSTITUTION

(a) A person shall not:

(1) occupy a place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation;

(2) knowingly permit a place, structure, building, or conveyance owned by the person or under the person's control to be used for the purpose of prostitution, lewdness, or assignation;

(3) receive or offer, or agree to receive, a person into a place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation;

(4) permit a person to remain in a place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation;

(5) direct, take or transport, or offer or agree to take or transport a person to a place, structure, building, or conveyance or to any other person knowingly, or with reasonable cause to know that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation;

(6) procure or solicit or offer to procure or solicit a person for the purpose of prostitution, lewdness, or assignation;

(7) reside in, enter or remain in a place, structure, or building or enter or remain in a conveyance for the purpose of prostitution, lewdness, or assignation;

(8) engage in prostitution, lewdness, or assignation; or

(9) aid or abet prostitution, lewdness, or assignation, by any means whatsoever.

(b) A person who violates a provision of subsection (a) of this section ~~shall be fined not more than \$100.00 or may be imprisoned not more than one year~~ commits a Class B misdemeanor. For a second offense, such person ~~shall be imprisoned for not more than three years~~ commits a Class A misdemeanor. Notwithstanding section 53 of this title, a person who violates this section shall not be fined more than \$100.00.

Sec. 33. 13 V.S.A. § 2635 is amended to read:

§ 2635. SLAVE TRAFFIC

(a) A person shall not:

(1) induce, entice, or procure a person to come into the State or to go from the State for the purpose of prostitution or for any immoral purpose or to enter a house of prostitution in the State;

(2) willfully or knowingly aid such person in obtaining transportation to or within the State for such purposes;

(3) place a person in the charge or custody of another person for immoral purposes or in a house of prostitution;

(4) induce, entice, procure, or compel such person to reside in a house of prostitution; or

(5) induce, entice, procure, or compel such person to live a life of prostitution.

(b) ~~A person violating a provision hereof shall be imprisoned not more than 10 years nor less than one year or fined not more than \$2,000.00 nor less than \$200.00, or both who violates this section commits a Class C felony and shall be imprisoned not less than one year, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$2,000.00 or less than \$200.00.~~

Sec. 34. 13 V.S.A. § 2636 is amended to read:

§ 2636. UNLAWFUL PROCUREMENT

(a) A person shall not:

(1) induce, entice, procure, or compel a person, for the purpose of prostitution or for any other immoral purposes, to enter a house of prostitution;

(2) receive money or other valuable consideration for or on account of placing a person in a house of prostitution;

(3) pay money or other valuable consideration to procure a person for the purpose of placing such person for immoral purposes in a house of prostitution, with or without the person's consent; or

(4) knowingly receive money or other valuable thing for or on account of procuring or placing a person in a house of prostitution for immoral purposes, with or without the person's consent.

~~(b) A person violating a provision hereof shall be punished as provided in section 2635 of this title who violates this section commits a Class C felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$2,000.00 or less than \$200.00.~~

Sec. 35. 13 V.S.A. § 2637 is amended to read:

§ 2637. APPROPRIATING OR LEVYING UPON EARNINGS OF
PROSTITUTE

(a) A person shall not:

(1) hold, detain, or restrain a person in a house of prostitution for the purpose of compelling such person, directly or indirectly, by the person's voluntary or involuntary service or labor, to pay, liquidate, or cancel a debt, dues, or obligations incurred or claimed to have been incurred in such house of prostitution; or

(2) accept, receive, levy, or appropriate money or other valuable thing from the proceeds or earnings of a person engaged in prostitution.

(b) An acceptance, receipt, levy, or appropriation of such money or valuable thing shall be presumptive evidence of lack of consideration.

~~(c) A person who violates a provision of this section shall be punished as provided in section 2635 of this title commits a Class C felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$2,000.00 or less than \$200.00.~~

Sec. 36. 13 V.S.A. § 2652 is amended to read:

§ 2652. HUMAN TRAFFICKING

(a) No person shall knowingly:

(1) recruit, entice, harbor, transport, provide, or obtain by any means a person under ~~the age of 18~~ years of age for the purpose of having the person engage in a commercial sex act;

(2) recruit, entice, harbor, transport, provide, or obtain a person through force, fraud, or coercion for the purpose of having the person engage in a commercial sex act;

(3) compel a person through force, fraud, or coercion to engage in a commercial sex act;

(4) benefit financially or by receiving anything of value from participation in a venture, knowing that force, fraud, or coercion was or will be used to compel any person to engage in a commercial sex act as part of the venture;

(5) subject a person to labor servitude;

(6) recruit, entice, harbor, transport, provide, or obtain a person for the purpose of subjecting the person to labor servitude; or

(7) benefit financially or by receiving anything of value from participation in a venture, knowing that a person will be subject to labor servitude as part of the venture.

(b) A person who violates subsection (a) of this section ~~shall be imprisoned for a term up to and including life or fined not more than \$500,000.00, or both~~ commits a Class A felony.

* * *

Sec. 37. 13 V.S.A. § 2653 is amended to read:

§ 2653. AGGRAVATED HUMAN TRAFFICKING

(a) A person commits the crime of aggravated human trafficking if the person commits human trafficking in violation of section 2652 of this title under any of the following circumstances:

(1) the offense involves a victim of human trafficking who is a child ~~under the age of 18 years of age;~~

(2) the person has previously been convicted of a violation of section 2652 of this title;

(3) the victim of human trafficking suffers serious bodily injury or death; or

(4) the actor commits the crime of human trafficking under circumstances that constitute the crime of sexual assault as defined in section 3252 of this title, aggravated sexual assault as defined in section 3253 of this title, or aggravated sexual assault of a child as defined in section 3253a of this title.

(b) A person who violates this section ~~shall be imprisoned not less than 20 years and a maximum term of life or fined not more than \$100,000.00, or both~~ commits a Class A felony and shall be imprisoned not less than 20 years.

(c) The provisions of this section do not limit or restrict the prosecution for murder or manslaughter.

Sec. 38. 13 V.S.A. § 2654 is amended to read:

§ 2654. PATRONIZING OR FACILITATING HUMAN TRAFFICKING

(a) No person shall knowingly:

(1) permit a place, structure, or building owned by the person or under the person's control to be used for the purpose of human trafficking;

(2) receive or offer or agree to receive or offer a person into a place, structure, or building for the purpose of human trafficking; or

(3) permit a person to remain in a place, structure, building, or conveyance for the purpose of human trafficking.

(b) A person who violates this section ~~shall be imprisoned not more than five years or fined not more than \$100,000.00, or both~~ commits a Class D felony.

Sec. 39. 13 V.S.A. § 2655 is amended to read:

§ 2655. SOLICITATION

(a) No person shall knowingly solicit a commercial sex act from a victim of human trafficking.

(b) A person who violates this section ~~shall be imprisoned not more than five years or fined not more than \$100,000.00, or both~~ commits a Class D felony.

Sec. 40. 13 V.S.A. § 2802b is amended to read:

§ 2802b. MINOR ELECTRONICALLY DISSEMINATING INDECENT
MATERIAL TO ANOTHER PERSON

(a)(1) No minor shall knowingly and voluntarily and without threat or coercion use a computer or electronic communication device to transmit an indecent visual depiction of ~~himself or herself~~ themselves to another person.

(2) No person shall possess a visual depiction transmitted to the person in violation of subdivision (1) of this subsection. It shall not be a violation of this subdivision if the person took reasonable steps, whether successful or not, to destroy or eliminate the visual depiction.

(b) Penalties; minors.

(1) Except as provided in subdivision (3) of this subsection, a minor who violates subsection (a) of this section shall be adjudicated delinquent. An

action brought under this subdivision (1) shall be filed in family court and treated as a juvenile proceeding pursuant to 33 V.S.A. chapter 52, and may be referred to the juvenile diversion program of the district in which the action is filed.

(2) A minor who violates subsection (a) of this section and who has not previously been adjudicated in violation of that section shall not be prosecuted under chapter 64 of this title (sexual exploitation of children), and shall not be subject to the requirements of chapter 167, subchapter 3 of this title (sex offender registration).

(3) A minor who violates subsection (a) of this section who has previously been adjudicated in violation of that section may be adjudicated in ~~family court as~~ the Family Division under subdivision (b)(1) of this section or prosecuted ~~for a Class C misdemeanor in district court~~ the Criminal Division under chapter 64 of this title (sexual exploitation of children), but shall not be subject to the requirements of chapter 167, subchapter 3 of this title (sex offender registration), provided that, notwithstanding section 53 of this title, the minor shall not be fined.

(4) Notwithstanding any other provision of law, the records of a minor who is adjudicated delinquent under this section shall be expunged when the minor reaches 18 years of age.

(c) Penalties; adults. A person 18 years of age or older who violates subdivision (a)(2) of this section ~~shall be fined not more than \$300.00 or imprisoned for not more than six months, or both~~ commits a Class C misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$300.00.

* * *

Sec. 41. 13 V.S.A. § 2807 is amended to read:

§ 2807. PENALTY

A person who violates any provision of section 2802, 2802a, 2803, 2804, 2804a, or 2804b of this title ~~shall be imprisoned not more than one year or fined not more than \$1,000.00, or both~~ commits a Class B misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$1,000.00.

Sec. 42. 13 V.S.A. § 2825 is amended to read:

§ 2825. PENALTIES

(a) A person who violates section 2822, 2823, or 2824 of this title ~~shall be imprisoned not more than 10 years or fined not more than \$20,000.00, or both~~

commits a Class C felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$20,000.00.

(b) Upon conviction for a violation of section 2822, 2823, or 2824 of this title of a person who has earlier been convicted under any of those sections, the person shall be ~~imprisoned not less than one year nor more than 15 years or fined not more than \$50,000.00, or both~~ punished for a Class C felony and shall:

(1) in addition to the penalty for that offense, be imprisoned not more than an additional five years; and

(2) be imprisoned not less than one year.

(c) A person who violates section 2827 this title by possessing or accessing with intent to view a photograph, film, or visual depiction, including a depiction stored electronically, ~~which that~~ constitutes:

(1) a clearly lewd exhibition of a child's genitals or anus, other than a depiction of sexual conduct by a child, shall be imprisoned not more than two years or fined not more than \$5,000.00, or both commits a Class A misdemeanor;

(2) sexual conduct by, with, or on a child, shall be imprisoned not more than five years or fined not more than \$10,000.00, or both commits a Class D felony.

(d) A person who violates section 2827 of this title after being convicted of a previous violation of the same section ~~shall be imprisoned not more than 10 years or fined not more than \$50,000.00, or both~~ commits a Class C felony.

(e) A person who violates section 2828 of this title ~~shall be imprisoned not more than five years or fined not more than \$10,000.00, or both~~ commits a Class D felony.

Sec. 43. 13 V.S.A. § 3252 is amended to read:

§ 3252. SEXUAL ASSAULT

* * *

(f)(1) A person who violates subsection (a), (b), (d), or (e) of this section ~~shall be imprisoned not less than three years and for a maximum term of life and, in addition, may be fined not more than \$25,000.00~~ commits a Class A felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$25,000.00 and shall be imprisoned not less than three years.

(2) A person who violates subsection (c) of this section shall be imprisoned for not more than 20 years, and, in addition, may be fined not more than \$10,000.00 commits a Class B felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$10,000.00.

* * *

Sec. 44. 13 V.S.A. § 3253 is amended to read:

§ 3253. AGGRAVATED SEXUAL ASSAULT

(a) A person commits the crime of aggravated sexual assault if the person commits sexual assault under any one of the following circumstances:

(1) At the time of the sexual assault, the actor causes serious bodily injury to the victim or to another.

(2) The actor is joined or assisted by one or more persons in physically restraining, assaulting, or sexually assaulting the victim.

(3) The actor commits the sexual act under circumstances ~~which~~ that constitute the crime of kidnapping.

(4) The actor has previously been convicted in this State of sexual assault under subsection 3252(a) or (b) of this title or aggravated sexual assault or has been convicted in any jurisdiction in the United States or territories of an offense ~~which~~ that would constitute sexual assault under subsection 3252(a) or (b) of this title or aggravated sexual assault if committed in this State.

(5) At the time of the sexual assault, the actor is armed with a deadly weapon and uses or threatens to use the deadly weapon on the victim or on another.

(6) At the time of the sexual assault, the actor threatens to cause imminent serious bodily injury to the victim or to another and the victim reasonably believes that the actor has the present ability to carry out the threat.

(7) At the time of the sexual assault, the actor applies deadly force to the victim.

(8) The victim is under ~~the age of~~ 13 years of age and the actor is at least 18 years of age.

(9) The victim is subjected by the actor to repeated nonconsensual sexual acts as part of the same occurrence, or the victim is subjected to repeated nonconsensual sexual acts as part of the actor's common scheme and plan.

(b) A person who commits the crime of aggravated sexual assault ~~shall be imprisoned not less than ten years and a maximum term of life, and, in addition, may be fined not more than \$50,000.00~~ commits a Class A felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$50,000.00, and shall be imprisoned not less than 10 years.

(c)(1) Except as provided in subdivision (2) of this subsection, a sentence ordered pursuant to subsection (b) of this section shall include at least a ten-year term of imprisonment. The ten-year term of imprisonment required by this subdivision shall be served and may not be suspended, deferred, or served as a supervised sentence. The defendant shall not be eligible for probation, parole, furlough, or any other type of early release until the expiration of the five-year or ten-year term of imprisonment.

(2) The court may depart downwardly from the ten-year term of imprisonment required by subsection (b) of this section and impose a lesser term of incarceration if the court makes written findings on the record that the downward departure will serve the interests of justice and public safety, provided that in no event may the court impose a term of incarceration of less than five years.

* * *

Sec. 45. 13 V.S.A. § 3253a is amended to read:

§ 3253a. AGGRAVATED SEXUAL ASSAULT OF A CHILD

(a) A person commits the crime of aggravated sexual assault of a child if the actor is at least 18 years of age and commits sexual assault against a child ~~under the age of 16 years of age~~ in violation of section 3252 of this title and at least one of the following circumstances exists:

(1) At the time of the sexual assault, the actor causes serious bodily injury to the victim or to another.

(2) The actor is joined or assisted by one or more persons in physically restraining, assaulting, or sexually assaulting the victim.

(3) The actor commits the sexual act under circumstances ~~which~~ that constitute the crime of kidnapping.

(4) The actor has previously been convicted in this State of sexual assault under subsection 3252(a) or (b) of this title, aggravated sexual assault under section 3253 of this title, or aggravated sexual assault of a child under this section, or has been convicted in any jurisdiction in the United States or territories of an offense ~~which~~ that would constitute sexual assault under subsection 3252(a) or (b) of this title, aggravated sexual assault under section

3253 of this title, or aggravated sexual assault of a child under this section if committed in this State.

(5) At the time of the sexual assault, the actor is armed with a deadly weapon and uses or threatens to use the deadly weapon on the victim or on another.

(6) At the time of the sexual assault, the actor threatens to cause imminent serious bodily injury to the victim or to another, and the victim reasonably believes that the actor has the present ability to carry out the threat.

(7) At the time of the sexual assault, the actor applies deadly force to the victim.

(8) The victim is subjected by the actor to repeated nonconsensual sexual acts as part of the same occurrence, or the victim is subjected to repeated nonconsensual sexual acts as part of the actor's common scheme and plan.

(b) ~~A person who commits the crime of aggravated sexual assault of a child shall be imprisoned for not less than 25 years with a maximum term of life, and, in addition, may be fined not more than \$50,000.00~~ commits a Class A felony, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$50,000.00. A sentence ordered pursuant to subsection (b) of this section shall include at least a 25-year term of imprisonment. The 25-year term of imprisonment required by this subsection shall be served and may not be suspended, deferred, or served as a supervised sentence. The defendant shall not be eligible for probation, parole, furlough, or any other type of early release until the expiration of the 25-year term of imprisonment.

Sec. 46. 13 V.S.A. § 3257 is amended to read:

§ 3257. SEXUAL EXPLOITATION OF A PERSON UNDER THE

SUPERVISION OF THE DEPARTMENT OF CORRECTIONS

(a) A correctional employee, contractor, or other person providing services to offenders on behalf of the Department of Corrections or pursuant to a court order or in accordance with a condition of parole, probation, supervised community sentence, or furlough shall not engage in a sexual act with:

(1) a person who the employee, contractor, or other person providing services knows is confined to a correctional facility; or

(2) any offender being supervised by the Department of Corrections while on parole, probation, supervised community sentence, or furlough, where the employee, contractor, or other service provider knows or reasonably should have known that the offender is being supervised by the Department,

unless the offender and the employee, contractor, or person providing services were married, parties to a civil union, or engaged in a consensual sexual relationship at the time of sentencing for the offense for which the offender is being supervised by the Department.

(b) A person who violates subsection (a) of this section ~~shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both commits a Class D felony.~~

Sec. 47. 13 V.S.A. § 3258 is amended to read:

§ 3258. SEXUAL EXPLOITATION OF A MINOR

(a) No person shall engage in a sexual act with a minor if:

(1) the actor is at least 48 months older than the minor; and

(2) the actor is in a position of power, authority, or supervision over the minor by virtue of the actor's undertaking the responsibility, professionally or voluntarily, to provide for the health or welfare of minors, or guidance, leadership, instruction, or organized recreational activities for minors.

(b) A person who violates subsection (a) of this section ~~shall be imprisoned for not more than one year or fined not more than \$2,000.00, or both commits a Class B misdemeanor, provided that, notwithstanding section 53 of this title, the person shall not be fined more than \$2,000.00.~~

(c) A person who violates subsection (a) of this section and who abuses his ~~or her~~ the person's position of power, authority, or supervision over the minor in order to engage in a sexual act ~~shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both commits a Class D felony.~~

Sec. 48. 13 V.S.A. § 3259 is amended to read:

§ 3259. SEXUAL EXPLOITATION OF A PERSON IN THE CUSTODY OF
A LAW ENFORCEMENT OFFICER

(a) No law enforcement officer shall engage in a sexual act with a person whom the officer is detaining, arresting, or otherwise holding in custody or who the officer knows is being detained, arrested, or otherwise held in custody by another law enforcement officer.

(b) A person who violates subsection (a) of this section ~~shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both commits a Class D felony.~~

Sec. 49. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

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

Second Reading; Bill Amended; Third Reading Ordered

H. 548

Rep. Gannon of Wilmington, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to miscellaneous cannabis establishment procedures

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

Sec. 1. 7 V.S.A. § 862a is added to read:

§ 862a. SYNTHETIC AND HEMP-DERIVED CANNABINOIDS

The Board shall have the authority to regulate synthetic cannabinoids and hemp-derived cannabinoids, including delta-8 and delta-10 tetrahydrocannabinol.

Sec. 2. 7 V.S.A. § 881 is amended to read:

§ 881. RULEMAKING; CANNABIS ESTABLISHMENTS

(a) The Board shall adopt rules to implement and administer this chapter in accordance with subdivisions (1)–(7) of this subsection.

(1) Rules concerning any cannabis establishment shall include:

* * *

(I) regulation of additives to cannabis and cannabis products, including ~~these cannabidiol derived from hemp~~ and substances that are toxic or designed to make the product more addictive, more appealing to persons under 21 years of age, or to mislead consumers;

* * *

(3) Rules concerning product manufacturers shall include:

(A) requirements that a single package of a cannabis product shall not contain more than 50 milligrams of THC, except in the case of:

(i) cannabis products that are not consumable, including topical preparations; and

(ii) solid concentrates, oils, and tinctures; and

(iii) cannabis products sold to a dispensary pursuant to 18 V.S.A. chapter 86 and regulations issued pursuant to that chapter;

* * *

(5) Rules concerning retailers shall include:

* * *

(C) requirements that if the retailer sells hemp or hemp products, the hemp and hemp products are clearly labeled as such ~~and displayed separately from cannabis and cannabis products;~~

(D) requirements for opaque, child-resistant packaging of ~~cannabis~~ and cannabis products at point of sale to customer; and

* * *

Sec. 3. 7 V.S.A. § 884 is amended to read:

§ 884. CANNABIS ESTABLISHMENT IDENTIFICATION CARD

(a) Every owner, principal, and employee of a cannabis establishment shall obtain an identification card issued by the Board. A person may apply for an identification card prior to obtaining employment with a licensee. An employee identification card shall authorize the person to work for any licensee.

(b)(1) Prior to issuing the identification card, the Board shall obtain from the Vermont Crime Information Center a copy of the person's Vermont fingerprint-based criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation.

(2) The Board shall adopt rules that set forth standards for determining whether a person should be denied a cannabis establishment identification card because of his or her criminal history record based on factors that demonstrate whether the applicant presently poses a threat to public safety or the proper functioning of the regulated market. Nonviolent drug offenses shall not automatically disqualify an applicant.

(c) Once an identification card application has been submitted, a person may serve as an employee of a cannabis establishment pending the background check, provided the person is supervised in his or her duties by someone who is a cardholder. The Board shall issue a temporary permit to the person for this purpose, which shall expire upon the issuance of the identification card or disqualification of the person in accordance with this section.

(d) An identification card shall expire one year after its issuance or, in the case of owners and principals, upon the expiration of the cannabis establishment's license, whichever occurs first.

Sec. 4. 7 V.S.A. § 901(d)(3) is amended to read:

(3)(A) Except as provided in ~~subdivision~~ subdivisions (B) and (C) of this subdivision (3), an applicant and its affiliates may obtain a maximum of one type of each type of license as provided in subdivisions (1)(A)–(E) of this subsection (d). Each license shall permit only one location of the establishment.

* * *

(C) An applicant and its affiliates may obtain multiple testing laboratory licenses.

Sec. 5. 7 V.S.A. § 907 is amended to read:

§ 907. RETAILER LICENSE

(a) A retailer licensed under this chapter may:

(1) purchase cannabis from a licensed cultivator, wholesaler, or integrated licensee, and cannabis products from a licensed wholesaler, product manufacturer, integrated licensee, and dispensary; and

(2) transport, possess, package, and sell cannabis and cannabis products to the public for consumption off the registered premises.

* * *

Sec. 6. 7 V.S.A. § 909(c) is added to read:

(c) An integrated licensee shall comply with the provisions of subsection 908(f) of this title and have its cannabis or cannabis products tested by an independent licensed testing laboratory.

Sec. 7. 18 V.S.A. § 4230h is amended to read:

§ 4230h. CHEMICAL EXTRACTION VIA BUTANE OR HEXANE

PROHIBITED

(a) No person shall manufacture concentrated cannabis by chemical extraction or chemical synthesis using butane or hexane ~~unless authorized as a dispensary pursuant to a registration issued by the Department of Public Safety pursuant to chapter 86 of this title.~~

* * *

Sec. 8. 2019 Acts and Resolves No. 164, Sec. 8(a)(1) is amended to read:

(a)(1) The cannabis plant, cannabis product, and useable cannabis possession limits for a registered dispensary set forth in 18 V.S.A. chapter 86 shall no longer apply on and after February 1, 2022. A dispensary shall be permitted to cultivate cannabis and manufacture cannabis products for the purpose of transferring or selling such products to an integrated licensee on or after April 1, 2022 until October 1, 2022 and engaging in the activities permitted by 7 V.S.A. chapter 33.

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

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

Second Reading; Bill Amended; Third Reading Ordered

H. 551

Rep. Grad of Moretown, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to prohibiting racially and religiously restrictive covenants in deeds

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

Sec. 1. LEGISLATIVE INTENT

While racially and religiously restrictive covenants have been held unenforceable by courts since the U.S. Supreme Court's 1948 decision in *Shelley v. Kramer*, 344 U.S. 1 (1948), no State law currently exists to remove or render these covenants void and to put an end to what was an invidious, historical practice of discrimination in the United States. This practice was responsible, in part, for preventing Americans of BIPOC and religious minority backgrounds from fully participating in one of the greatest expansions of wealth and prosperity in this country's history through federally backed mortgages and freely available homeownership. It is the intent of the General Assembly that this act prohibit racially and religiously restrictive covenants from ever being used in Vermont again, regardless of their enforceability, and that it establish a process for their removal from existing real estate transaction records.

Sec. 2. 27 V.S.A. § 546 is added to read:

§ 546. RACIALLY AND RELIGIOUSLY RESTRICTIVE COVENANTS IN
DEEDS PROHIBITED; PROCESS FOR REMOVAL

(a)(1) A deed, mortgage, plat, or other recorded device recorded on or after July 1, 2022 shall not contain a covenant, easement, or any other restrictive or reversionary interest purporting to restrict the ownership or use of real property on the basis of race or religion.

(2) A covenant, easement, or any other restrictive or reversionary interest in a deed, mortgage, plat, or other recorded device purporting to restrict the ownership or use of real property on the basis of race or religion is declared contrary to the public policy of the State of Vermont and shall be void and unenforceable. This subdivision shall apply to a restrictive covenant executed at any time.

(b) A restrictive covenant, easement, or similar restrictive or reversionary interest prohibited by subsection (a) of this section may be released by the owner of the real property interest subject to the covenant by recording a Certificate of Release of Certain Prohibited Covenants. The real property owner may record the certificate prior to recording a deed conveying the property or at any other time the owner discovers that the prohibited covenant exists. The certificate may be prepared without assistance of an attorney but shall conform substantially to the following Certificate of Certain Prohibited Covenants form:

“CERTIFICATE OF RELEASE OF CERTAIN PROHIBITED COVENANTS

Town of Record: _____

Date of Instrument containing prohibited covenant(s): _____

Instrument Type: _____

Deed Book _____ Page _____ or Plat Book _____ Page _____

Name(s) of Current Owner(s): _____

Real Property Description: _____

The covenant contained in the above-mentioned instrument is released from the above-described real property to the extent that it contains terms purporting to restrict the ownership or use of the property as prohibited by 27 V.S.A. § 546(a).

The undersigned is/are the legal owner(s) of the property described herein.

Given under my/our hand(s) this _____ day of _____, 20__.

 (Current Owners)

(1) For an acknowledgment in an individual capacity:

State of Vermont [County] of _____
 This record was acknowledged before me on _____ by

Date _____ Name(s) of individual(s) _____

Signature of notary public _____

Stamp _____ [_____]

Title of office _____ [My commission expires: _____]

(2) For an acknowledgment in a representative capacity:

State of Vermont [County] of _____

This record was acknowledged before me on _____ by _____

Date _____ Name(s) of individual(s) _____ as _____

(type of authority, such as officer or trustee) of _____ (name of
 party on behalf of whom record was executed).

Signature of notary public _____

Stamp [_____]

Title of office _____ [My commission expires: _____]

The clerk has satisfied the requirements of 32 V.S.A. § 1671.”

Sec. 3. 32 V.S.A. § 1671 is amended to read:

§ 1671. TOWN CLERK

(a) For the purposes of this section, a “page” is defined as a single side of a leaf of paper on which is printed, written, or otherwise placed information to be recorded or filed. The maximum covered area on a page shall be 7 1/2 inches by 14 inches. All letters shall be at least one-sixteenth inch in height or in at least eight-point type. Unless otherwise provided by law, the fees to the town clerks shall be as follows:

(1) For recording a trust mortgage deed as provided in 24 V.S.A. § 1155, \$15.00 per page;

* * *

(g) When a fee applies under this section, no fee shall be required for the recordation of:

(1) a Certificate of Release of Certain Prohibited Covenants pursuant to 27 V.S.A. § 546(b); or

(2) a deed correction subject to 27 V.S.A. § 546(a).

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

Rep. Mattos of Milton, for the Committee on Ways and Means, recommended the bill ought to pass when amended by the Committee on Judiciary.

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

Action on Bill Postponed

H. 635

House bill, entitled

An act relating to secondary enforcement of minor traffic offenses

Was taken up, and pending the reading of the report of the Committee on Government Operations, on motion of **Rep. McCarthy of St. Albans City**, action on the bill was postponed until March 22, 2022.

Second Reading; Favorable Reports; Third Reading Ordered

H. 482

Rep. Satcowitz of Randolph, for the Committee on Natural Resources, Fish, and Wildlife, to which had been referred House bill, entitled

An act relating to the Petroleum Cleanup Fund

Reported in favor of its passage.

Rep. Feltus of Lyndon, for the Committee on Appropriations recommended in favor of its passage.

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

**Committee Bill; Second Reading; Amendment Offered;
Third Reading Ordered**

H. 715

Rep. Briglin of Thetford spoke for the Committee on Energy and Technology.

House bill, entitled

An act relating to the Clean Heat Standard

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended the bill ought to pass.

Having appeared on the Notice Calendar, was taken up and read the second time.

Pending the question, Shall the bill be read a third time?, **Reps. Harrison of Chittenden, Fagan of Rutland City, and Murphy of Fairfax** moved to amend the bill as follows:

First: In Sec. 2, 30 V.S.A. chapter 94, in section 8121, by inserting a subsection (e) to read as follows:

(e) The Commission's order implementing the Clean Heat Standard shall not take effect until after an act affirming the March 15, 2023 report on projected costs and benefits of the Clean Heat Standard is passed by the General Assembly and is enacted into law in accordance with Chapter II, § 11 of the Vermont Constitution. In the absence of such an act, the Public Utility Commission shall take no further action in developing and implementing the Clean Heat Standard.

Second: In Sec. 3, Public Utility Commission implementation, by striking out subsection (i) in its entirety and inserting in lieu thereof a new subsection (i) to read as follows:

(i) Reports. On or before March 15, 2023 and January 15, 2024, the Commission shall submit a written report to and hold hearings with the House Committees on Energy and Technology and on Natural Resources, Fish, and Wildlife and the Senate Committees on Finance and on Natural Resources and Energy detailing the efforts undertaken to establish the Clean Heat Standard pursuant to this act.

(1) The 2023 report shall include modeled impacts of the Clean Heat Standard on customers, including impacts to customer rates and fuel bills for participating and nonparticipating customers, fossil fuel reductions, and greenhouse gas reductions. The modeled impacts shall estimate high, medium, and low price and GHG reduction impacts.

(2) The 2024 report shall update the estimates provided in the 2023 report.

Pending the question, Shall the bill be amended as offered by Rep. Harrison of Chittenden and others?, **Rep. Murphy of Fairfax** 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 amended as offered by Rep. Harrison of Chittenden and others?, was decided in the negative. Yeas, 44. Nays, 96.

Those who voted in the affirmative are:

Achey of Middletown	Harrison of Chittenden	Norris of Shoreham
Springs	Helm of Fair Haven	Page of Newport City
Beck of St. Johnsbury	Kascenska of Burke	Parsons of Newbury
Brennan of Colchester	LaClair of Barre Town	Peterson of Clarendon
Burditt of West Rutland	Laroche of Franklin	Rosenquist of Georgia
Canfield of Fair Haven	Lefebvre of Orange	Scheuermann of Stowe
Corcoran of Bennington	Leffler of Enosburgh	Shaw of Pittsford
Cupoli of Rutland City	Marcotte of Coventry	Smith of Derby
Dickinson of St. Albans Town	Martel of Waterford	Smith of New Haven
Donahue of Northfield	Mattos of Milton	Strong of Albany
Fagan of Rutland City	McCoy of Poultney	Terenzini of Rutland Town
Feltus of Lyndon	Morgan, L. of Milton	Toof of St. Albans Town
Goslant of Northfield	Morgan, M. of Milton	Walker of Swanton
Gregoire of Fairfield	Morrissey of Bennington	Williams of Granby
Hango of Berkshire	Murphy of Fairfax	
	Norris of Sheldon	

Those who voted in the negative are:

Ancel of Calais	Garofano of Essex	Ode of Burlington
Anthony of Barre City	Goldman of Rockingham	Pajala of Londonderry
Arrison of Weathersfield	Grad of Moretown	Partridge of Windham
Austin of Colchester	Hooper of Montpelier	Patt of Worcester
Bartholomew of Hartland	Hooper of Randolph	Pearl of Danville
Birong of Vergennes	Hooper of Burlington	Pugh of South Burlington
Black of Essex	Houghton of Essex	Rachelson of Burlington
Bluemle of Burlington	Howard of Rutland City	Rogers of Waterville
Bock of Chester	James of Manchester	Satcowitz of Randolph
Bongartz of Manchester	Jerome of Brandon	Scheu of Middlebury
Bos-Lun of Westminster	Jessup of Middlesex	Sheldon of Middlebury
Brady of Williston	Killacky of South Burlington	Sibilia of Dover
Briglin of Thetford	Kimbell of Woodstock	Sims of Craftsbury
Brown of Richmond	Kornheiser of Brattleboro	Small of Winooski
Brumsted of Shelburne	LaLonde of South Burlington	Squirrell of Underhill
Burke of Brattleboro	Lanpher of Vergennes	Stebbins of Burlington
Burrows of West Windsor	Lefebvre of Newark	Stevens of Waterbury
Campbell of St. Johnsbury	Lippert of Hinesburg	Surprenant of Barnard
Chase of Colchester		Taylor of Colchester

Christie of Hartford	Long of Newfane	Till of Jericho
Cina of Burlington	Masland of Thetford	Toleno of Brattleboro
Coffey of Guilford	McCarthy of St. Albans City	Townsend of South
Colburn of Burlington	McCormack of Burlington	Burlington
Conlon of Cornwall	McCullough of Williston	Troiano of Stannard
Copeland Hanzas of	McFaun of Barre Town	Vyhovsky of Essex
Bradford	Morris of Springfield	Walz of Barre City
Cordes of Lincoln	Mrowicki of Putney	Webb of Shelburne
Dolan of Essex	Mulvaney-Stanak of	White of Hartford
Dolan of Waitsfield	Burlington	Whitman of Bennington
Donnally of Hyde Park	Nicoll of Ludlow	Wood of Waterbury
Durfee of Shaftsbury	Nigro of Bennington	Yacovone of Morristown
Elder of Starksboro	Notte of Rutland City	Yantachka of Charlotte
Emmons of Springfield	Noyes of Wolcott	
Gannon of Wilmington	O'Brien of Tunbridge	

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

Brownell of Pownal	Higley of Lowell	Palasik of Milton
Colston of Winooski	Kitzmiller of Montpelier	Sullivan of Dorset
Graham of Williamstown	Labor of Morgan	White of Bethel

Pending the question, Shall the bill be read a third time?, **Rep. Briglin of Thetford** 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, 96. Nays, 44.

Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	Ode of Burlington
Anthony of Barre City	Garofano of Essex	Pajala of Londonderry
Arrison of Weathersfield	Goldman of Rockingham	Partridge of Windham
Austin of Colchester	Grad of Moretown	Patt of Worcester
Bartholomew of Hartland	Hooper of Montpelier	Pearl of Danville
Birong of Vergennes	Hooper of Randolph	Pugh of South Burlington
Black of Essex	Hooper of Burlington	Rachelson of Burlington
Bluemle of Burlington	Houghton of Essex	Rogers of Waterville *
Bock of Chester	Howard of Rutland City	Satcowitz of Randolph
Bongartz of Manchester	James of Manchester	Scheu of Middlebury
Bos-Lun of Westminster	Jerome of Brandon	Sheldon of Middlebury
Brady of Williston	Jessup of Middlesex	Sibilia of Dover
Briglin of Thetford	Killackey of South Burlington	Sims of Craftsbury
Brown of Richmond	Kimbell of Woodstock	Small of Winooski
Brumsted of Shelburne	Kornheiser of Brattleboro	Squirrell of Underhill
Burke of Brattleboro	LaLonde of South	Stebbins of Burlington *
Burrows of West Windsor	Burlington	Stevens of Waterbury
Campbell of St. Johnsbury	Lanpher of Vergennes	Surprenant of Barnard
Chase of Colchester	Lefebvre of Newark	Taylor of Colchester

Christie of Hartford	Lippert of Hinesburg	Till of Jericho
Cina of Burlington	Long of Newfane *	Toleno of Brattleboro
Coffey of Guilford	Masland of Thetford	Townsend of South
Colburn of Burlington	McCarthy of St. Albans City	Burlington
Conlon of Cornwall	McCormack of Burlington	Troiano of Stannard
Copeland Hanzas of	McCullough of Williston	Vyhovsky of Essex
Bradford	Morris of Springfield	Walz of Barre City
Corcoran of Bennington	Mrowicki of Putney	Webb of Shelburne
Cordes of Lincoln *	Mulvaney-Stanak of	White of Hartford
Dolan of Essex	Burlington	Whitman of Bennington
Dolan of Waitsfield	Nicoll of Ludlow	Wood of Waterbury
Donnally of Hyde Park	Nigro of Bennington	Yacovone of Morristown
Durfee of Shaftsbury	Notte of Rutland City	Yantachka of Charlotte
Elder of Starksboro	Noyes of Wolcott	
Emmons of Springfield	O'Brien of Tunbridge	

Those who voted in the negative are:

Achey of Middletown	Helm of Fair Haven	Norris of Shoreham
Springs	Kascenska of Burke	Page of Newport City
Beck of St. Johnsbury	LaClair of Barre Town	Parsons of Newbury
Brennan of Colchester	Laroche of Franklin	Peterson of Clarendon
Burditt of West Rutland	Lefebvre of Orange	Rosenquist of Georgia
Canfield of Fair Haven	Leffler of Enosburgh	Scheuermann of Stowe
Cupoli of Rutland City	Marcotte of Coventry	Shaw of Pittsford
Dickinson of St. Albans	Martel of Waterford	Smith of Derby
Town	Mattos of Milton	Smith of New Haven
Donahue of Northfield	McCoy of Poultney	Strong of Albany
Fagan of Rutland City	McFaun of Barre Town	Terenzini of Rutland Town
Feltus of Lyndon	Morgan, L. of Milton	Toof of St. Albans Town
Goslant of Northfield	Morgan, M. of Milton	Walker of Swanton
Gregoire of Fairfield	Morrissey of Bennington	Williams of Granby
Hango of Berkshire	Murphy of Fairfax	
Harrison of Chittenden	Norris of Sheldon	

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

Brownell of Pownal	Higley of Lowell	Palasik of Milton
Colston of Winooski	Kitzmiller of Montpelier	Sullivan of Dorset
Graham of Williamstown	Labor of Morgan	White of Bethel

Rep. Cordes of Lincoln explained her vote as follows:

“Madam Speaker:

I voted yes for H. 715 for my grandchildren.”

Rep. Long of Newfane explained her vote as follows:

“Madam Speaker:

Establishing a Clean Heat Standard was a key recommendation of the Climate Council established by the Global Warming Solutions Act. This is a critical step in our on-going work to reduce Vermonters’ dependence on fossil fuels. This legislation incentivizes the energy industry to work with Vermonters to make the transition to cleaner, more affordable heating methods. I vote yes.”

Rep. Rogers of Waterville explained her vote as follows:

“Madam Speaker:

I voted yes to move us toward stable and affordable options in our heating sector and to prepare for the changes and challenges we will face throughout my lifetime and for generations to come due to climate change. ”

Rep. Stebbins of Burlington explained her vote as follows:

“Madam Speaker:

I am proud to vote yes on this bill.

The excuses for why we shouldn't reduce our reliance on fossil fuels are typically:

1. We don't know what this bill will do.
2. This might cost too much.
3. This might hurt our most vulnerable.
4. This won't do anything. Vermont is too small.

My answers are:

1. We know climate change is hurting Vermonters now.
2. Not acting now will only cost us more.
3. Our most vulnerable will be more hurt by our inaction.
4. How will you explain to your children why you didn't act.”

Senate Proposal of Amendment Concurred in

H. 701

The Senate proposed to the House to amend House bill, entitled
An act relating to cannabis license fees

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

First: By striking out Sec. 7, 7 V.S.A. § 910, in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. 7 V.S.A. §§ 910 and 911 are added to read:

§ 910. CANNABIS ESTABLISHMENT FEE SCHEDULE

The following fees shall apply to each person or product licensed by the Board:

(1) Cultivators.

(A) Outdoor cultivators.

(i) Outdoor cultivator tier 1. Outdoor cultivators with up to 1,000 square feet of plant canopy or fewer than 125 cannabis plants in an outdoor cultivation space shall be assessed an annual licensing fee of \$750.00.

(ii) Outdoor cultivator tier 2. Outdoor cultivators with up to 2,500 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$1,875.00.

(iii) Outdoor cultivator tier 3. Outdoor cultivators with up to 5,000 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$4,000.00.

(iv) Outdoor cultivator tier 4. Outdoor cultivators with up to 10,000 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$8,000.00.

(v) Outdoor cultivator tier 5. Outdoor cultivators with up to 20,000 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$18,000.00.

(vi) Outdoor cultivator tier 6. Outdoor cultivators with up to 37,500 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$34,000.00.

(B) Indoor cultivators.

(i) Indoor cultivator tier 1. Indoor cultivators with up to 1,000 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$1,500.00.

(ii) Indoor cultivator tier 2. Indoor cultivators with up to 2,500 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$3,750.00.

(iii) Indoor cultivator tier 3. Indoor cultivators with up to 5,000 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$8,000.00.

(iv) Indoor cultivator tier 4. Indoor cultivators with up to 10,000 square feet of plant canopy in an indoor cultivation space shall be assessed an

annual licensing fee of \$16,000.00.

(v) Indoor cultivator tier 5. Indoor cultivators with up to 15,000 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$36,000.00.

(vi) Indoor cultivator tier 6. Indoor cultivators with up to 25,000 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$75,000.00.

(C) Mixed cultivator tiers.

(i) Mixed cultivator tier 1. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of \$2,250.00: up to 1,000 square feet of plant canopy in an indoor cultivation space and up to 125 cannabis plants in an outdoor cultivation space.

(ii) Mixed cultivator tier 2. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of \$5,625.00: up to 2,500 square feet of plant canopy in an indoor cultivation space and up to 312 cannabis plants in an outdoor cultivation space.

(iii) Mixed cultivator tier 3. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of \$5,500.00: up to 1,000 square feet of plant canopy in an indoor cultivation space and up to 625 cannabis plants in an outdoor cultivation space.

(iv) Mixed cultivator tier 4. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of \$9,500.00: up to 1,000 square feet of plant canopy in an indoor cultivation space and up to 1,250 cannabis plants in an outdoor cultivation space.

(v) Mixed cultivator tier 5. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of \$19,500.00: up to 1,000 square feet of plant canopy in an indoor cultivation space and up to 2,500 cannabis plants in an outdoor cultivation space.

(2) Wholesalers. Wholesalers shall be assessed an annual licensing fee of \$4,000.00.

(3) Manufacturers.

(A) Manufacturer tier 1. Manufacturers that process and manufacture cannabis in order to produce cannabis products without using solvent-based extraction and not more than \$10,000.00 per year in cannabis products based on the manufacturer's total annual sales in cannabis products shall be assessed an annual licensing fee of \$750.00.

(B) Manufacturer tier 2. Manufacturers that process and

manufacture cannabis in order to produce cannabis products without using solvent-based extraction shall be assessed an annual licensing fee of \$2,500.00.

(C) Manufacturer tier 3. Manufacturers that process and manufacture cannabis in order to produce cannabis products using all allowable methods of extraction, including solvent-based extraction, shall be assessed an annual licensing fee of \$15,000.00.

(4) Retailers. Retailers that sell cannabis and cannabis products to consumers shall be assessed an annual licensing fee of \$10,000.00.

(5) Testing laboratories. Testing laboratories shall be assessed an annual licensing fee of \$1,500.00.

(6) Integrated licensees. Integrated licensees shall be assessed an annual licensing fee of \$100,000.00.

(7) Employees. Cannabis establishments licensed by the Board shall be assessed an annual licensing fee of \$50.00 for each employee.

(8) Products. Retailers and integrated licensees shall be assessed an annual product licensing fee of \$50.00 for every type of cannabis and cannabis product that is sold in accordance with this chapter.

(9) Local licensing fees. Cannabis establishments licensed by the Board shall be assessed an annual local licensing fee of \$100.00 in addition to each fee assessed under subdivisions (1)–(6) of this section. Local licensing fees shall be distributed to the municipality in which the cannabis establishment is located pursuant to section 846(c) of this title.

(10) One-time fees.

(A) All applicants for a cannabis establishment license shall be assessed an initial one-time application fee of \$1,000.00.

(B) An applicant may choose to be assessed an initial one-time intent-to-apply fee of \$500.00. If the applicant subsequently seeks a license within one year after paying the intent-to-apply fee, the initial one-time application fee of \$1,000.00 shall be reduced by \$500.00.

§ 911. FEE WAIVER AND REDUCTION; SOCIAL EQUITY APPLICANTS

The Cannabis Control Board may, in its discretion and pursuant to adopted rule or readily accessible policy, or both, reduce or waive cannabis establishment application and licensing fees for social equity applicants as defined by the Board, including individuals from communities that historically have been disproportionately impacted by cannabis prohibition and individuals directly and personally impacted by cannabis prohibition.

Second: By striking out Sec. 10, effective dates, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

* * * Regulation of the Medical Cannabis Registry * * *

Sec. 10. REPEAL

(a) Due to the failure of the House bill entitled “An act relating to fiscal year 2022 budget adjustments” (H.679), for which the report of the committee of conference was considered and adopted on the part of the Senate on February 24, 2022 and on the part of the House on March 8, 2022, to become law prior to March 1, 2022, 18 V.S.A. chapter 86 (therapeutic use of cannabis) was repealed on March 1, 2022 pursuant to 2020 Acts and Resolves No. 164, Sec. 11. Accordingly, Secs. 59a (amendments to implementation of medical cannabis registry) and 59b (amendments to the effective dates of 2020 Acts and Resolves No. 164) of H.679 are now obsolete.

(b) If H.679 becomes law, then Secs. 59a and 59b of that act are repealed.

Sec. 11. REGULATION OF THE MEDICAL CANNABIS REGISTRY

Emergency rules identical to the proposed final rules entitled “Rule 3: Medical Cannabis” and “Rule 4: Compliance and Enforcement” that were filed with the Legislative Committee on Administrative Rules on March 9, 2022 shall be deemed to meet the standard for the adoption of emergency rules pursuant to 3 V.S.A. § 844(a) if adopted as emergency rules prior to the permanent rules entitled “Rule 3: Medical Cannabis” and “Rule 4: Compliance and Enforcement” becoming effective.

* * * Effective Date * * *

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

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

An act relating to cannabis license fees and the regulation of the medical cannabis registry.

Proposal of amendment was considered and concurred in.

Bills Referred to Committee on Appropriations

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

H. 703

House bill, entitled

An act relating to promoting workforce development

H. 736

House bill, entitled

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittny L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 16th day of March, 2022, he signed a bill originating in the House of the following title:

H. 679 An act relating to fiscal year 2022 budget adjustments

Adjournment

At six o'clock and four minutes in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, March 17, 2022

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

Devotional Exercises

Devotional exercises were conducted by Rep. Burke of Brattleboro.

Message from the Senate No. 36

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 46. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Bill Referred to Committee on Appropriations

H. 512

House bill, entitled

An act relating to modernizing land records and notarial acts law

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

Bill Referred to Committee on Ways and Means

H. 718

House bill, entitled

An act relating to approval of the dissolution of Colchester Fire District No. 1

Pending appearance 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, was referred to the Committee on Ways and Means.

Bill Referred to Committee on Appropriations

H. 729

House bill, entitled

An act relating to miscellaneous judiciary procedures

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

Joint Resolution Adopted in Concurrence

J.R.S. 46

By Senator Balint,

J.R.S. 46. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 18, 2022, it be to meet again no later than Tuesday, March 22, 2022.

Was taken up, read, and adopted in concurrence.

House Resolution Adopted

H.R. 21

House resolution commemorating St. Patrick's Day, celebrating the contributions of Vermonters of Irish heritage, and expressing the hope that the calm and cooperation that the 1998 Good Friday Agreement has engendered in Ireland will endure

Offered by: Representatives Burke of Brattleboro, Lanpher of Vergennes, Brady of Williston, Brumsted of Shelburne, Canfield of Fair Haven, Coffey of Guilford, Conlon of Cornwall, Copeland Hanzas of Bradford, Cupoli of Rutland City, Dolan of Waitsfield, Fagan of Rutland City, Killacky of South Burlington, Lippert of Hinesburg, Masland of Thetford, McCormack of Burlington, McCoy of Poultney, McCullough of Williston, McFaun of Barre Town, Ode of Burlington, Page of Newport City, Toof of St. Albans Town, Wood of Waterbury, and Yantachka of Charlotte

Whereas, Irish immigrants contributed significantly to the formation of the cultural and societal foundation of our nation, and

Whereas, 17 percent of Vermonters are of Irish heritage, the fourth highest percentage nationally, and Irish Vermonters have risen to leadership roles in many fields of endeavor, and

Whereas, Irish Americans remain proudly supportive of their ancestral homeland, and desire that Ireland be economically prosperous and at peace, and

Whereas, the lyrics and music of the songs of Ireland convey the tragedy and joy and the sorrows and glories of the Emerald Isle, and

Whereas, the American Irish State Legislators Caucus was recently established to foster and strengthen the longstanding cordial bilateral relationship between the United States and Ireland, for the continuing mutual benefit of both nations, and

Whereas, the 1998 Good Friday Agreement ushered in a new era of peace on the island of Ireland, and the calm and cooperation the agreement has engendered is of the utmost importance for future peaceful coexistence on the Emerald Isle, and

Whereas, annually, on St. Patrick's Day, Americans, regardless of their ancestral heritage, become Irish for the day and jointly celebrate their love of Ireland, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly commemorates St. Patrick's Day, celebrates the contributions of Vermonters of Irish heritage, and expresses the hope that the calm and cooperation that the 1998 Good Friday Agreement has engendered in Ireland will endure, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the National Co-Chairs of the American Irish State Legislators Caucus, and to Senator Mark Daly, the Cathaoirleach of Seanad Éireann (Chair of the Senate of Ireland).

Was read and adopted.

Second Reading; Bill Amended; Third Reading Ordered

H. 629

Rep. Goslant of Northfield, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to access to adoption records

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

Sec. 1. PURPOSE

The purpose of this act is to permit an adopted person who is 18 years of age or older to obtain a certified copy of the person's original birth certificate regardless of whether the adoptee's former parent has consented to such disclosure.

Sec. 2. 15A V.S.A. § 3-802 is amended to read:

§ 3-802. ISSUANCE OF NEW, AMENDED BIRTH CERTIFICATE

* * *

(c) In the case of birth certificates registered prior to July 1, 2019 that are to be replaced or amended pursuant to subdivision (a)(1) or (5) of this section, the State Registrar shall notify the town clerk or clerks with custody of the certificate, who shall substitute the new or amended birth certificate for the original birth certificate. The Except as otherwise provided in this title, the original certificate and all copies of the certificate in the files shall be sealed and shall not be subject to inspection or copying until 99 years after the adoptee's date of birth, except as provided by this title.

* * *

Sec. 3. 15A V.S.A. § 6-105 is amended to read:

§ 6-105. DISCLOSURE OF IDENTIFYING INFORMATION

(a) ~~Identifying~~ Unless a former parent has filed a request for nondisclosure, identifying information about an adoptee's former parent shall be disclosed by the registry to any of the following persons upon request:

(1) ~~An~~ an adoptee who is 18 ~~or more~~ years ~~old~~ of age or older;

(2) ~~An~~ an adoptee who is emancipated; ~~and~~

(3) ~~A~~ a deceased adoptee's direct descendant who is 18 ~~or more~~ years ~~old~~ of age or older or the parent or guardian of a direct descendant who is less than 18 years ~~old~~ of age.

(b) ~~From July 1, 1996 to December 31, 1997, the registry shall disclose identifying information under subsection (a) of this section only if the former parent consents to such disclosure. After December 31, 1997, the registry shall disclose information under subsection (a) of this section as follows:~~

(1) ~~For adoptions that were finalized prior to July 1, 1986, the registry shall disclose identifying information if the former parent has filed in any Probate Division of the Superior Court or agency any kind of document that clearly indicates that he or she consents to such disclosure.~~

(2) ~~For adoptions that were finalized on or after July 1, 1986, the registry shall disclose identifying information without requiring the consent of the former parent except the registry shall not disclose such information if the former parent has filed a request for nondisclosure in accordance with the provisions of section 6-106 of this title and has not withdrawn the request or, prior to July 1, 1996, has filed in any court or agency any kind of document that clearly indicates that his or her identity not be disclosed and has not withdrawn the document. [Repealed]~~

(c) An adult descendant of a deceased former parent or the guardian of a former parent who has been declared incompetent may consent to the disclosure of information as provided for in subsection (a) of this section.

(d) If an adoptee, who is 18 ~~or more~~ years ~~old~~ of age or older consents, identifying information about the adoptee shall be disclosed by the registry to any of the following persons upon request:

(1) ~~The~~ the adoptee's former parent; ~~and~~

(2) ~~The~~ the adoptee's sibling who is 18 ~~or more~~ years ~~old~~ of age or older.

(e) Identifying information about the adoptee shall be disclosed to the adoptee's former parent if the parent of an adoptee who is less than 18 years old of age consents to the disclosure.

(f) Identifying information about a deceased adoptee shall be disclosed by the registry to the adoptee's former parent or sibling upon request if:

(1) the deceased adoptee's direct descendant is 18 ~~or more~~ years old of age or older and consents to the disclosure; or

(2) the parent or guardian of a direct descendant who is less than 18 years old of age consents to the disclosure.

(g) Identifying information about a sibling of an adoptee shall be disclosed by the registry to the adoptee upon request if both the sibling and the adoptee are 18 ~~or more~~ years old of age or older and the sibling consents to disclosure.

Sec. 4. 15A V.S.A. § 6-106 is amended to read:

§ 6-106. REQUEST FOR NONDISCLOSURE

~~A former parent of an adoptee may prevent disclosure of identifying information about himself or herself by filing a request for nondisclosure with the registry as provided in section 6-105 of this title. A request for nondisclosure may be withdrawn by a former parent at any time~~ If a former parent of an adoptee filed a request for nondisclosure of identifying information prior to July 1, 2024, the request shall be honored and a request for disclosure of identifying information made pursuant to section 6-105 of this title shall be denied. This section shall not be interpreted to interfere with a person's right to obtain a copy of an original birth certificate pursuant to section 6-107 of this title.

Sec. 5. 15A V.S.A. § 6-107 is amended to read:

§ 6-107. RELEASE OF ORIGINAL BIRTH CERTIFICATE

~~(a) A copy of the adoptee's original birth certificate may be released to the adoptee upon the request of an adoptee who has attained the age of 18 and who has access to identifying information under this article~~ certified copy of an adoptee's original birth certificate and any evidence of the adoption previously filed with the State Registrar shall be released to persons identified in subsection 6-105(a) of this title upon request. The copy of the original birth certificate shall clearly indicate that it may not be used for identification purposes. The State Registrar shall develop a notice to accompany an original birth certificate requested pursuant to this section that advises the requestor of the potential availability of former parent contact preference information that may be obtained through the Registry.

(b) When 99 years have elapsed after the date of birth of an adoptee whose original birth certificate is sealed under this title, the Department of Health shall unseal the original certificate and file it with any new or amended certificate that has been issued. The unsealed certificate becomes a public record in accordance with any statute or regulation applicable to the retention and disclosure of birth certificates.

(c)(1) A person who is listed as a parent on an adoptee's original birth certificate may file a contact preference form with the Registry. The contact preference form shall be developed by the Registry and shall indicate whether the parent would:

(A) like to be contacted by the adoptee;

(B) prefer to be contacted by the adoptee only through an intermediary; or

(C) prefer not to be contacted by the adoptee at this time.

(2) A contact preference form may be withdrawn or revised at any time.

(d) Upon filing with the Registry, the contact preference form shall be confidential and exempt from public inspection and copying under the Public Records Act pursuant to section 6-102 of this title.

(e) Upon request, persons identified in subsection 6-105(a) of this title may receive from the Registry the indicated contact preference choice from the filed contact preference form or nondisclosure form provided by the adoptee's former parent.

Sec. 6. 15A V.S.A. § 6-111 is amended to read:

§ 6-111. PUBLIC NOTICE OF STATUTORY CHANGE

The Department, with the cooperation of other departments of State government, shall make reasonable efforts to notify members of the public who may be affected by changes in statute governing the release of identifying and nonidentifying information and access to original birth certificates, including:

(1) informing the general public by submitting press releases to the news media in Vermont and other states;

(2) informing adoptee, birth parent, and genealogy groups in Vermont and other states;

(3) including information in motor vehicle registration and license renewals;

(4) including information in appropriate locations on the Internet; and

(5) contacting the adoption coordinators in each state and determining what agencies or groups in that state should be notified.

Sec. 7. 15A V.S.A. § 6-112 is amended to read:

§ 6-112. ACTION FOR DISCLOSURE OF INFORMATION

(a) A person denied disclosure of information under section 6-104, ~~subdivision 6-105(b)(1) or (2), or section 6-107 of this title may file a petition in the court to obtain the information being sought.~~

(b) In determining whether to grant a petition under this section, the court shall review the records of the relevant proceeding for adoption and shall make specific findings concerning:

(1) the reasons the information is sought;

(2) ~~whether the individual about whom information is sought has filed a request for nondisclosure under section 6-106 of this title or any other kind of document requesting that his or her identity not be disclosed, has not filed any document, or has otherwise indicated a preference regarding the disclosure of his or her identity; [Repealed.]~~

(3) if known, whether the individual about whom information is sought is alive;

(4) whether it is possible to satisfy the petitioner's request without disclosing the identity of another individual; and

(5) the expressed needs of the adoptee, including the emotional and mental health needs of the adoptee.

(c) Before making a determination under this section, the court shall make a reasonable effort to confidentially contact the person whose identity is being sought in order to determine that person's response to the petition and shall consider any response in reaching its decision.

(d) ~~If the reason the petitioner was denied disclosure was due to the fact that there was no consent on file and there is no request for nondisclosure filed under section 6-106 or any other kind of document in the court or agency that clearly indicates that the identity of the person being sought not be disclosed, the court shall order disclosure of the requested information if the court finds by a preponderance of the evidence that disclosure is in the best interests of the petitioner and that disclosure is unlikely to cause harm to the person whose identity is being sought. [Repealed.]~~

(e) ~~If the reason the petitioner was denied disclosure was due to the fact that there was no consent on file and a request for nondisclosure was filed under section 6-106 or any kind of document was filed in the court or agency that~~

~~clearly indicates that the identity of the person being sought not be disclosed, the court shall not make a search under subsection (c) of this section and shall not order the disclosure of the requested information except for compelling reasons. [Repealed.]~~

Sec. 8. IMPLEMENTATION

Not later than September 1, 2022, the Department for Children and Families shall:

(1) develop contact preference forms and make such forms readily available to the public; and

(2) initiate plans to notify members of the public about this act.

Sec. 9. EFFECTIVE DATES

(a) This section and Secs. 1 and 8 shall take effect on passage.

(b) Secs. 2–7 shall take effect July 1, 2024.

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

Second Reading; Bill Amended; Third Reading Ordered

H. 287

Rep. Black of Essex, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to patient financial assistance policies and medical debt protection

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

Sec. 1. 18 V.S.A. chapter 221, subchapter 10 is added to read:

Subchapter 10. Patient Financial Assistance

§ 9481. DEFINITIONS

As used in this subchapter:

(1) “Amount generally billed” means the amount a large health care facility generally bills to individuals for emergency or other medically necessary health care services, determined using the “look-back method” set forth in 26 C.F.R. § 1.501(r)-5(b)(3).

(2) “Credit reporting agency” means a person who, for fees, dues, or on a cooperative basis, regularly engages in whole or in part in the practice of assembling or evaluating information concerning a consumer’s credit or other information for the purpose of furnishing a credit report to another person.

(3) “Health care provider” means a person, partnership, corporation, facility, or institution licensed, certified, or otherwise authorized by law to provide professional health care services in this State to an individual during that individual’s medical care, treatment, or confinement.

(4) “Health care services” means services for the diagnosis, prevention, treatment, cure, or relief of a physical, dental, behavioral, or mental health condition or substance use disorder, including procedures, products, devices, and medications.

(5) “Household income” means income calculated in accordance with the financial methodologies for determining financial eligibility for advance premium tax credits under 26 C.F.R. § 1.36B-2, including the method used to calculate household size, with the following modifications:

(A) domestic partners, and any individual who is considered a dependent of either partner for federal income tax purposes, shall be treated as members of the same household;

(B) married individuals who file federal income tax returns separately but could file jointly, and any individual who is considered a dependent of one or both spouses for federal income tax purposes, shall be treated as members of the same household;

(C) married individuals who are living separately while their divorce is pending shall not be treated as members of the same household, regardless of whether they are filing federal income tax returns jointly or separately; and

(D) household income for individuals who are not required to file a federal income tax return, and for undocumented immigrants who have not filed a federal income tax return, shall be calculated as if they had filed a federal income tax return.

(6) “Large health care facility” means each of the following health care providers:

(A) a hospital licensed pursuant to chapter 43 of this title;

(B) an outpatient clinic or facility affiliated with or operating under the license of a hospital licensed pursuant to chapter 43 of this title; and

(C) an ambulatory surgical center licensed pursuant to chapter 49 of this title.

(7) “Medical creditor” means a large health care facility to whom a consumer owes money for health care services.

(8) “Medical debt” means a debt arising from the receipt of health care services.

(9) “Medical debt collector” means an individual or entity that regularly collects or attempts to collect, directly or indirectly, medical debts originally owed or due, or asserted to be owed or due, to another individual or entity.

(10) “Medically necessary health care services” means health care services, including diagnostic testing, preventive services, and after care, that are appropriate to the patient’s diagnosis or condition in terms of type, amount, frequency, level, setting, and duration. Medically necessary care must:

(A) be informed by generally accepted medical or scientific evidence and be consistent with generally accepted practice parameters as recognized by health care professions in the same specialties as typically provide the procedure or treatment, or diagnose or manage the medical condition;

(B) be informed by the unique needs of each individual patient and each presenting situation; and

(C) meet one or more of the following criteria:

(i) help restore or maintain the patient’s health;

(ii) prevent deterioration of or palliate the patient’s condition; or

(iii) prevent the reasonably likely onset of a health problem or detect an incipient problem.

(11) “Patient” means the individual who receives or received health care services and shall include a parent if the patient is a minor or a legal guardian if the patient is a minor or adult under guardianship.

(12) “Vermont resident” means an individual, regardless of citizenship and including undocumented immigrants, who resides in Vermont, is employed by a Vermont employer to deliver services for the employer in this State in the normal course of the employee’s employment, or attends school in Vermont, or a combination of these. The term includes an individual who is living in Vermont at the time that services are received but who lacks stable permanent housing.

§ 9482. FINANCIAL ASSISTANCE POLICIES FOR LARGE HEALTH
CARE FACILITIES

(a) Each large health care facility in this State shall develop a written financial assistance policy that, at a minimum, complies with the provisions of this subchapter and any applicable federal requirements.

(b) The financial assistance policy shall:

(1) apply, at a minimum, to all emergency and other medically necessary health care services that the large health care facility offers;

(2) provide free or discounted care to Vermont residents and to individuals who live in Vermont at the time the services are delivered but who lack stable permanent housing, as follows:

(A) for an uninsured patient with household income at or below 250 percent of the federal poverty level (FPL), a 100 percent discount from the amount generally billed for the services received, resulting in free care;

(B) for an uninsured patient with household income between 250 and 400 percent FPL, a minimum of a 40 percent discount from the amount generally billed for the services received;

(C) for a patient with health insurance or other coverage for the services delivered and with household income at or below 250 percent FPL, a waiver of all out-of-pocket costs that would otherwise be due from the patient;

(D) for a patient with health insurance or other coverage for the services delivered and with household income between 250 and 400 percent FPL, a minimum of a 40 percent discount on the patient's out-of-pocket costs; and

(E) for patients with household income at or below 600 percent FPL, catastrophic assistance in the event that the large health care facility's medical bills for a patient's care exceed 20 percent of the patient's household income, in which case the facility shall reduce the amount due from the patient to 20 percent of the patient's household income; and

(3) include all of the following:

(A) the eligibility criteria for financial assistance;

(B) the basis for calculating amounts charged to patients;

(C) the method and process for applying for financial assistance, including the information and documentation that the facility may require a patient to provide as part of the application;

(D) the reasonable steps that the facility will take to determine whether a patient is eligible for financial assistance;

(E) the facility's billing and collections policy, including the actions the facility may take in the event of nonpayment, such as collections action and reporting to credit reporting agencies;

(F) an appeals process for patients who are denied financial assistance or who believe the amount of financial assistance granted is inconsistent with the policy or the provisions of this subchapter; and

(G) a plain language summary of the policy.

(c) The owners or governing body of the large health care facility shall approve the facility's financial assistance policy and shall review and approve the policy at least once every three years.

(d) A large health care facility may require a patient to be a Vermont resident as a condition of eligibility for financial assistance but shall not impose any requirements regarding the duration of a patient's status as a Vermont resident.

§ 9483. IMPLEMENTATION OF FINANCIAL ASSISTANCE POLICY

(a) In addition to any other actions required by applicable State or federal law, a large health care facility shall take the following steps before seeking payment for any emergency or medically necessary health care services:

(1) determine whether the patient has health insurance or other coverage for the services delivered, including whether the health care services may be covered in whole or in part by an automobile insurance, a worker's compensation, or other type of policy;

(2) if the patient is uninsured, offer to provide the patient with information on how to apply for, and offer to connect the patient with help in applying for, public programs that may assist with health care costs; provided, however, that an undocumented immigrant's refusal to apply for public programs shall not be grounds for denying financial assistance under the facility's financial assistance policy;

(3) offer to provide the patient with information on how to apply for, and offer to connect the patient with help in applying for, health insurance and private programs that may assist with health care costs; provided, however, that a patient's refusal to apply for private health insurance shall not be grounds for denying financial assistance under the facility's financial assistance policy;

(4) if available, use information in the facility's possession to determine the patient's eligibility for free or discounted care based on the criteria set forth in subdivision 9482(b)(2) of this subchapter; and

(5) offer to the patient, at no charge, a financial assistance policy application and assistance in completing the application.

(b) A large health care facility shall determine a patient's eligibility for financial assistance as follows:

(1)(A) The facility shall determine a patient's household income using the patient's most recent federal or state income tax return.

(B)(i) The facility shall give each patient the option to submit pay stubs, documentation of public assistance, or other documentation of household income that the Department of Vermont Health Access identifies as valid documentation for purposes of this subchapter in lieu of or in addition to an income tax return.

(ii) A patient who is an undocumented immigrant shall also be given the option to submit other documentation of household income, such as a profit and loss statement, in lieu of an income tax return.

(C) The facility shall not require any additional information to verify income beyond the sources of information set forth in subdivisions (A) and (B) of this subdivision (1).

(2) The facility may grant financial assistance to a patient notwithstanding the patient's failure to provide one of the required forms of household income documentation and may rely on, but not require, other evidence of eligibility.

(3) The facility may grant financial assistance based on a determination of presumptive eligibility relying on information in the facility's possession but shall not presumptively deny an application based on that information.

(4)(A) The facility may, but is not required to, include an asset test in its financial assistance eligibility criteria. If the facility chooses to include an asset test in its financial assistance eligibility criteria, the asset test shall only apply to liquid assets. For purposes of determining financial assistance eligibility, liquid assets shall not include the household's primary residence, any 401(k) or individual retirement accounts, or any pension plans.

(B) Any limit on liquid assets for purposes of financial assistance eligibility shall be set at a dollar amount not less than 400 percent of the federal poverty level for the relevant household size for the year in which the health care services were delivered.

(c)(1) Within 30 calendar days following receipt of an application for financial assistance, the large health care facility shall notify the patient in writing as to whether the application is approved or disapproved or, if the application is incomplete, what information is needed to complete the application.

(2) If the facility approves the application for financial assistance, the facility shall provide the patient with a calculation of the financial assistance granted and a revised bill.

(3) If the facility denies the application for financial assistance, the facility shall allow the patient to submit an appeal within 60 days following receipt of the facility's decision. The facility shall notify the patient of its approval or denial of the patient's appeal within 60 days following receipt of the appeal.

(d)(1) A large health care facility or medical debt collector shall, at a minimum, offer to any patient who qualifies for financial assistance a payment plan and shall not require the patient to make monthly payments that exceed five percent of the patient's gross monthly household income.

(2) A large health care facility or medical debt collector shall not impose any prepayment or early payment penalty or fee on any patient and shall not charge interest on any medical debt owed by a patient who qualifies for the facility's financial assistance program.

(e) A large health care facility shall not discriminate on the basis of race, color, sex, sexual orientation, gender identity, marital status, religion, ancestry, national origin, citizenship, immigration status, primary language, disability, medical condition, or genetic information in its provision of financial assistance or in the implementation of its financial assistance policy.

§ 9484. PUBLIC EDUCATION AND INFORMATION

(a) Each large health care facility shall publicize its financial assistance policy widely by:

(1) making the financial assistance policy and application form easily accessible online through the facility's website and through any patient portal or other online communication portal used by the facility's patients;

(2) providing paper copies of the financial assistance policy and application form upon request at no charge, both by mail and at the facility's office; for hospitals, copies shall also be available in the hospital's patient reception and admissions areas and in the locations in which patient billing and financial assistance services are provided;

(3) providing oral and written translations of the financial assistance policy upon request;

(4) notifying and informing members of the community served by the facility about the financial assistance policy in a manner reasonably calculated to reach the members of the community who are most likely to need financial assistance, including members who are non-native English speakers, provided that these efforts shall be commensurate with the facility's size and income; and

(5) conspicuously displaying notices of and information regarding the financial assistance policy in the facility's offices; for hospitals, the notices and information shall be posted in the hospital's patient reception and admissions areas and in the locations in which patient billing and financial assistance services are provided.

(b) Each large health care facility shall directly notify individuals who receive care from the facility about the facility's financial assistance policy by, at a minimum:

(1) offering a paper copy of the financial assistance policy to each patient as part of the patient's first visit or, in the case of a hospital, during the intake and discharge processes; and

(2) including a conspicuous written notice on billing statements, whether sent by the facility or by a medical debt collector, stating that financial assistance is available to some patients based on income and including:

(A) a telephone number that the patient can call to request a financial assistance application and to receive information about the financial assistance policy and the application process; and

(B) the specific website address at which copies of the policy and application are available.

(c) All written or oral attempts by a medical creditor or medical debt collector to collect a medical debt arising from health care services delivered by a large health care facility shall include information for the patient about the relevant financial assistance policy or policies.

§ 9485. PROHIBITION ON SALE OF MEDICAL DEBT

No large health care facility shall sell its medical debt.

§ 9486. PROHIBITION OF WAIVER OF RIGHTS

Any waiver by a patient or other individual of any protection provided by or any right of the patient or other individual under this subchapter is void and shall not be enforced by any court or any other person.

§ 9487. ENFORCEMENT

The Office of the Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions for violations of this subchapter as is provided under 9 V.S.A. chapter 63, subchapter 1.

Sec. 2. HOSPITAL FINANCIAL ASSISTANCE POLICIES; PLAIN

LANGUAGE SUMMARY; 2025 HOSPITAL BUDGET REVIEW

Each hospital licensed under 18 V.S.A. chapter 43 shall submit a plain language summary of its financial assistance policy to the Green Mountain Care Board during the hospital fiscal year 2025 budget review process.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2022, with large health care facilities coming into compliance with the provisions of Sec. 1 (18 V.S.A. 221, subchapter 10) not later than July 1, 2024.

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

Joint Resolution; Adopted in Concurrence with Proposal of Amendment

J.R.S. 44

Joint resolution providing for a Joint Assembly to vote on the retention of six Superior Judges

Was taken up.

Reps. Long of Newfane and McCoy of Poultney moved to propose to the Senate to amend the resolution as follows:

By striking out the Resolved Clause and inserting in lieu thereof the following:

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, March 24, 2022, at ten o'clock and thirty minutes in the forenoon to vote on the retention of six Superior Judges, *and be it further*

Resolved: That the Joint Assembly shall be concurrently conducted electronically at which members of the General Assembly may participate and debate from a remote location if they notify the Speaker of the House in the case of House members, or the President of the Senate in the case of Senators,

that the member meets one of the COVID-19-related conditions set forth in 2022, J.R.H. 17 (remote participation in joint committees under restricted, COVID-19-related circumstances), *and be it further*

Resolved: That balloting for any members participating remotely shall be conducted through electronic means in a timeframe prescribed in the Joint Assembly, whereby remote members' completed ballots shall be submitted electronically to the Secretary of the Senate and the Clerk of the House, who may provide assistance to those remote voters in accordance with 17 V.S.A. § 2569 (assistance to voter) in order to ensure that remote members' votes are not distinguishable from in-person members' votes in order to maintain the confidentiality of the votes of remote members, and who shall commingle those completed ballots with those of the members who vote in-person at the Joint Assembly, *and be it further*

Resolved: That in case the vote to retain the Judges shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays, Sundays, and Mondays excepted, and proceed until the above is completed.

Which was agreed to. Thereupon, the resolution was adopted in concurrence with proposal of amendment.

[For text of J.R.S. 44, see House Journal of Friday, March 11, 2022.]

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 266

House bill, entitled

An act relating to an incremental approach to health insurance coverage for hearing aids

H. 399

House bill, entitled

An act relating to incarceration terms for criminal defendants who are primary caretakers of dependent children

H. 475

House bill, entitled

An act relating to the classification system for criminal offenses

H. 482

House bill, entitled

An act relating to the Petroleum Cleanup Fund

H. 548

House bill, entitled

An act relating to miscellaneous cannabis establishment procedures

H. 551

House bill, entitled

An act relating to prohibiting racially and religiously restrictive covenants in deeds

**Bill Read Third Time; Consideration Interrupted; Recess;
Consideration Resumed; Bill Passed**

H. 715

House bill, entitled

An act relating to the Clean Heat Standard

Was read the third time.

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

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

Thereupon, the bill was passed.

Third Reading; Bill Passed

H. 722

House bill, entitled

An act relating to final reapportionment of the House of Representatives

Was taken up, read the third time, and passed.

**Committee Bill; Second Reading; Amendment Offered;
Third Reading Ordered**

H. 727

Rep. Conlon of Cornwall spoke for the Committee on Education.

House bill, entitled

An act relating to the exploration, formation, and organization of union school districts and unified union school districts

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up and read the second time.

Pending the question, Shall the bill be read a third time?, **Reps. Leffler of Enosburgh, Colburn of Burlington, Cordes of Lincoln, Higley of Lowell, LaClair of Barre Town, Laroche of Franklin, Lefebvre of Orange, Mrowicki of Putney, Norris of Sheldon, Page of Newport City, Patt of Worcester, Small of Winooski, Strong of Albany, Surprenant of Barnard, Vyhovsky of Essex, and Yacovone of Morristown** moved to amend the bill as follows:

First: In Sec. 3, 16 V.S.A. chapter 11, by striking out section 724, withdrawal from or dissolution of a unified union school district, in its entirety and inserting in lieu thereof the following:

§ 724. WITHDRAWAL FROM OR DISSOLUTION OF A UNIFIED
UNION SCHOOL DISTRICT

(a) A town or city corresponding to a preexisting school district that voted to form a unified union school district may vote to withdraw from the district if one year has elapsed since the unified union school district became a body politic and corporate as provided under section 713 of this title.

(b) When a majority of the voters of the town or city present and voting at a meeting duly warned for that purpose votes to withdraw from a unified union school district, the vote shall be certified by the clerk of the town or city to the Secretary of State who shall record the certificate in the Secretary's office and give notice of the vote to the other towns or cities corresponding to the preexisting school districts that voted to form the unified union school district. Such other towns and cities shall vote by Australian ballot on the same day during the same hours whether to ratify the withdrawal of the town or city. To be effective, action to withdraw shall be approved by an affirmative vote of each of the other towns or cities within the unified union school district.

(c) If the vote to ratify the withdrawal of the town or city is approved by each of the other towns or cities, the unified union school district clerk shall notify the Secretary of Education who shall advise the State Board. At a meeting held thereafter, if the State Board finds that the students in the withdrawing town or city will attend a school that is in compliance with the rules adopted by the State Board pertaining to educational programs, the State Board shall declare the membership of the withdrawing town or city to be at

an end as of July 1 immediately following or as soon thereafter as the obligations of the withdrawing district have been paid to, or an agreement made with, the union school district in an amount satisfactory to the electorate of each of the other towns and cities within the unified union school district. In addition, the State Board shall declare the preexisting school district corresponding to the withdrawing town or city to be reconstituted. The State Board shall give notice to the remaining towns and cities in the unified union school district of its meeting and give the relevant representatives an opportunity to be heard. It shall then determine whether it is in the best interests of the State, the students, and the school districts remaining in the unified union school district that the unified union district continue to exist. The State Board may declare the unified union school district dissolved as of July 1 immediately following or as soon thereafter as each remaining town's or city's obligations have been satisfied, or it may declare that the unified union district shall continue to exist despite the withdrawal of the former town or city member. The State Board shall file its declaration with the Secretary of State, the clerk of the withdrawing town or city, and the clerk of the affected unified union school district.

(d) A vote of withdrawal taken after a unified union school district has become a body politic and corporate as provided in section 713 of this title but less than one year after that date is void.

Second: In Sec. 3, 16 V.S.A. chapter 11, by striking out section 725, withdrawal from or dissolution of a union elementary or union high school district, in its entirety and inserting in lieu thereof the following:

§ 725. WITHDRAWAL FROM DISTRICT

(a) A school district that is a member of a union school district may vote to withdraw from the union school district if one year has elapsed since the union school district has become a body politic and corporate as provided in section 713 of this title.

(b) When a majority of the voters of a school district that is a member of a union school district present and voting at a school district meeting duly warned for that purpose votes to withdraw from the union school district, the vote shall be certified by the clerk of the school district to the Secretary of State who shall record the certificate in the Secretary of State's office and give notice of the vote to the Secretary of Education and to the other members of the union school district. Within 90 days after receiving notice, those other members shall vote by Australian ballot on the same day during the same hours whether to ratify withdrawal of the member. Withdrawal by a member shall be effective only if approved by an affirmative vote of each of the other members of the union school district.

(c) If the vote to ratify the withdrawal of a member is approved by each of the other members, the union school district shall notify the Secretary of Education who shall advise the State Board. At a meeting held thereafter, if the State Board finds that the students in the withdrawing member will attend a school that is in compliance with the rules adopted by the Board pertaining to educational programs, then the State Board shall declare the membership of the withdrawing member in the union school district to end as of July 1 immediately following or as soon thereafter as the obligations of the withdrawing member have been paid to, or an agreement made with, the union school district in an amount satisfactory to the electorate of each member of the union school district. The State Board shall give notice to the remaining members in the union of its meeting and give representatives of the remaining members an opportunity to be heard. It shall then determine whether it is in the best interests of the State, the students, and the members remaining in the union district for the union to continue to exist. The State Board may declare the union district dissolved as of July 1 immediately following or as soon thereafter as each member's obligations have been satisfied, or it may declare that the union district shall continue to exist despite the withdrawal of the former member. The State Board shall file the declaration with the Secretary of State, the clerk of the withdrawing member, and the clerk of the union school district concerned.

(d) A vote of withdrawal taken after a union school district has become a body politic and corporate as provided in section 713 of this title but less than one year after that date shall be void.

Third: By striking out Sec. 7, withdrawal proposals; no final ratification votes, in its entirety and inserting in lieu thereof the following:

Sec. 7. [Deleted.]

Which was disagreed to in a vote by division: Yeas, 46; Nays, 73.

Pending the question, Shall the bill be read a third time?, **Rep. Cordes of Lincoln** 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, 98. Nays, 39.

Those who voted in the affirmative are:

Achey of Middletown	Emmons of Springfield	Nigro of Bennington
Springs	Fagan of Rutland City	Norris of Shoreham
Ancel of Calais	Feltus of Lyndon	Notte of Rutland City
Arrison of Weathersfield	Gannon of Wilmington	Noyes of Wolcott
Austin of Colchester	Garofano of Essex	O'Brien of Tunbridge

Bartholomew of Hartland	Goldman of Rockingham	Ode of Burlington
Beck of St. Johnsbury	Goslant of Northfield	Pajala of Londonderry
Birong of Vergennes	Grad of Moretown	Partridge of Windham
Black of Essex	Graham of Williamstown	Peterson of Clarendon
Bluemle of Burlington	Gregoire of Fairfield	Pugh of South Burlington
Bock of Chester	Harrison of Chittenden	Rachelson of Burlington
Bongartz of Manchester	Helm of Fair Haven	Satcowitz of Randolph
Bos-Lun of Westminster	Hooper of Randolph	Scheu of Middlebury
Brady of Williston	Hooper of Burlington	Scheuermann of Stowe
Brennan of Colchester	Houghton of Essex	Shaw of Pittsford
Briglin of Thetford	Howard of Rutland City	Sheldon of Middlebury
Brown of Richmond	James of Manchester	Squirrell of Underhill
Brumsted of Shelburne	Jerome of Brandon	Stebbins of Burlington
Campbell of St. Johnsbury	Kascenska of Burke	Stevens of Waterbury
Canfield of Fair Haven	Killacky of South Burlington	Taylor of Colchester
Chase of Colchester	Kimbell of Woodstock	Till of Jericho
Christie of Hartford	Kornheiser of Brattleboro *	Toleno of Brattleboro
Coffey of Guilford	LaLonde of South	Toof of St. Albans Town
Conlon of Cornwall	Burlington	Townsend of South
Copeland Hanzas of	Lanpher of Vergennes	Burlington
Bradford	Lippert of Hinesburg	Troiano of Stannard
Corcoran of Bennington	Long of Newfane	Walz of Barre City
Cupoli of Rutland City	Masland of Thetford	Webb of Shelburne
Dickinson of St. Albans	Mattos of Milton	White of Hartford
Town	McCarthy of St. Albans City	Whitman of Bennington
Dolan of Essex	McCormack of Burlington	Williams of Granby
Dolan of Waitsfield	McCoy of Poultney	Wood of Waterbury
Donahue of Northfield	McCullough of Williston	Yantachka of Charlotte
Donnally of Hyde Park	Morris of Springfield	
Durfee of Shaftsbury	Murphy of Fairfax	

Those who voted in the negative are:

Anthony of Barre City	Lefebvre of Orange	Parsons of Newbury
Burke of Brattleboro	Leffler of Enosburgh	Patt of Worcester
Burrows of West Windsor	Marcotte of Coventry	Rogers of Waterville
Cina of Burlington	Martel of Waterford	Rosenquist of Georgia
Colburn of Burlington	McFaun of Barre Town	Sibilia of Dover
Cordes of Lincoln	Morgan, L. of Milton	Sims of Craftsbury
Elder of Starksboro *	Morgan, M. of Milton	Small of Winooski
Hango of Berkshire	Morrissey of Bennington	Smith of Derby
Higley of Lowell	Mrowicki of Putney	Strong of Albany
Jessup of Middlesex	Mulvaney-Stanak of	Surprenant of Barnard
Labor of Morgan	Burlington	Vyhovsky of Essex
LaClair of Barre Town	Nicoll of Ludlow	Yacovone of Morristown
Laroche of Franklin	Norris of Sheldon	
Lefebvre of Newark	Page of Newport City	

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

Brownell of Pownal	Kitzmiller of Montpelier	Sullivan of Dorset

Burditt of West Rutland
Colston of Winooski
Hooper of Montpelier

Palasik of Milton
Pearl of Danville
Smith of New Haven

Terenzini of Rutland Town
Walker of Swanton
White of Bethel

Rep. Elder of Starksboro explained his vote as follows:

“Madam Speaker:

H. 727 addresses the symptom of school withdrawal, without addressing obvious, underlying causes. This approach lacks empathy and will only serve to exacerbate unnecessary conflict for my constituents. For these reason I voted no.”

Rep. Kornheiser of Brattleboro explained her vote as follows:

“Madam Speaker:

This bill sets up a clear and transparent withdrawal process that maximizes transparency and information-gathering for voters ahead of votes. It also assures that the withdrawing town has a plan in place to provide vital services, such as special education, curriculum development and business management. H. 727 leaves the power with local voters while ensuring that they have the information they need to make the best decisions for children and families.”

Rep. Long of Newfane presiding.

Committee Bill; Send Reading; Third Reading Ordered

H. 731

Rep. LaClair of Barre Town spoke for the Committee on Government Operations.

House bill, entitled

An act relating to technical corrections for the 2022 legislative session

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up, read the second time, and third reading ordered.

Action on Bill Postponed

H. 353

House bill, entitled

An act relating to pharmacy benefit management

Was taken up, and pending the reading of the report of the Committee on Health Care, on motion of **Rep. Lippert of Hinesburg**, action on the bill was postponed until March 22, 2022.

Second Reading; Bill Amended; Third Reading Ordered

H. 465

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

An act relating to boards and commissions

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

* * * Repeal of Vermont Educational Health Benefits Commission * * *

Sec. 1. REPEAL OF VERMONT EDUCATIONAL HEALTH BENEFITS
COMMISSION

2017 Acts and Resolves No. 85, Sec. H.7 (Vermont Educational Health Benefits Commission) is repealed.

* * * Repeal of Study Committee on Sales and Use Tax * * *

Sec. 2. REPEAL OF STUDY COMMITTEE ON SALES AND USE TAX

2012 Acts and Resolves No. 143, Sec. 53 (study committee on sales and use tax) is repealed.

* * * Repeal of Committee on Enhancing Vermont's Software and
Information Technology Economy * * *

Sec. 3. REPEAL OF ENHANCING VERMONT'S SOFTWARE AND
INFORMATION TECHNOLOGY ECONOMY

2012 Acts and Resolves No. 143, Sec. 53a (enhancing Vermont's software and information technology economy) is repealed.

* * * Repeal of Youth in Agriculture, Natural Resources, and
Food Production Consortium * * *

Sec. 4. 21 V.S.A. chapter 14 is amended to read:

~~CHAPTER 14. YOUTH IN AGRICULTURE, NATURAL RESOURCES,
AND FOOD PRODUCTION~~

~~§ 1151. LEGISLATIVE FINDINGS AND PURPOSE~~

~~(a) The General Assembly finds that:~~

(1) Agriculture, natural resources, and food production play a central role in the economy and culture of Vermont.

(2) Farms and farm-based industries are experiencing an ever-increasing need for workers who are willing to work the hours involved in farming and who have the multiple skills necessary to handle successfully the multiple and varied responsibilities of farming.

(3) Farms have always provided the environment for youth to acquire workplace skills such as responsibility, creativity, and initiative and occupational skills ranging from plant and animal science to economics and to grow therefore into sought-after workers by a wide variety of employers.

(4) Programs such as the Farm Youth Corps have provided the infrastructure that is necessary to connect youth to careers in agriculture, natural resources, and food production.

(5) Programs that have provided youth with the opportunity to work on farms have declined due to reductions in federal funding.

(b) Therefore, it is the purpose of this chapter to create and support programs for youth that will engage them in agriculture, natural resources, and food production in order to:

(1) Provide them an opportunity to engage in work that provides them with hands-on learning and allows them to develop a strong work ethic and vital workplace and occupational skills that will be valuable in any career they might pursue.

(2) Encourage youth to pursue pathways to careers in agriculture, natural resources, and food production.

(3) Provide farmers with young short-term workers and the opportunity to mentor future, long-term employees.

(4) Ensure that youth are aware of the benefits of agriculture, natural resources, and food production to themselves and to Vermont.

§ 1152. YOUTH IN AGRICULTURE, NATURAL RESOURCES, AND

FOOD PRODUCTION CONSORTIUM; CREATION

(a) There is created a Youth in Agriculture, Natural Resources, and Food Production Consortium of program providers in order that programs to build pathways to careers in agriculture, natural resources, and food production may be connected, developed, and supported in a coordinated manner. The Consortium shall comprise employees of the Department of Labor assigned by the Commissioner of Labor; employees of the Agency of Education assigned by the Secretary of Education; employees of the Agency of Agriculture, Food

and Markets appointed by the Secretary of Agriculture, Food and Markets; employees of the Agency of Natural Resources appointed by the Secretary of Natural Resources; representatives of the Extension Service of the University of Vermont selected by the Service; and representatives from agriculture, food, and natural resources businesses appointed by the Secretary of Agriculture, Food and Markets.

(b) ~~The consortium shall be attached to the Department of Labor for administrative support. It shall elect its own chair and meet as required to fulfill its obligations under this chapter.~~

~~§ 1153. YOUTH IN AGRICULTURE, NATURAL RESOURCES, AND
FOOD PRODUCTION CONSORTIUM; POWERS AND DUTIES~~

(a) ~~The Consortium shall be charged with the oversight of the development and coordination of programs in agriculture, natural resources, and food production, and education to connect youths' experiences in agriculture, natural resources, and food production to their in-school learning and develop pathways for pursuing further education related to agriculture or natural resources. It shall seek to coordinate and connect programs around common standards, coordinate resources, provide a clearinghouse for information and technical assistance, establish a strong business and education partnership, identify missing components of the system, and oversee funds made available for the express purpose of implementing these pathways. It shall endeavor to sustain and expand programming in agriculture, natural resources, and food production on a statewide basis in order to affect middle and secondary school students in Vermont. The Consortium shall seek to ensure the effectiveness of all the programs in reaching large numbers of students, and in so far as possible, seek to provide programs in all regions of the State through a statewide system with uniform availability, eligibility, and funding requirements to make such opportunities available to all students.~~

(b) ~~Among the programs to be reviewed and coordinated by the Consortium are projects that involve agriculture and the environment; programs within the elementary and middle school system that provide hands-on learning, such as "Ag in the Classroom" sponsored by the Agency of Agriculture, Food and Markets, and "Forest, Fields, and Futures" sponsored by UVM Extension; and secondary school programs in agriculture and natural resources-related areas in education; "Smokeyhouse" and other career technical education, agriculture, and natural resources programs offered by high schools and regional CTE centers. In addition, it shall review and coordinate programs such as the Youth Conservation Corps and the Farm Youth Corps of the Department of Labor, which has offered summer employment for students on farms, and other summer employment programs~~

~~and alternative programs for in-school youth operated outside the public school funding system.~~

(c) ~~[Repealed.] [Repealed.]~~

* * * Repeal of the Department of Labor Advisory Council * * *

Sec. 5. 21 V.S.A. § 1306 is amended to read:

§ 1306. ~~ADVISORY COUNCIL; MEMBERS; TERMS~~

(a) ~~The Governor shall appoint a State Department of Labor Advisory Council composed of eight members from the general public to include four employer representatives and four employee representatives who may fairly be regarded as employees because of their vocations, employment, and affiliations. Appointment of the four employee representatives, at least one of whom shall have experience in workers' compensation law and one of whom shall be a member of a building trade, shall be made from a list of qualified individuals submitted by the Vermont State Labor Council, the Vermont State Employees' Association, and the Vermont National Education Association. Appointment of the four employer representatives shall be made from a list of qualified individuals submitted by the Vermont Chamber of Commerce, Associated General Contractors of Vermont, and Vermont Businesses for Social Responsibility. The Council members shall be appointed for staggered terms of four years. The Council shall meet at least three times a year.~~

(b) ~~The Council shall advise the Commissioner regarding formulating policies by discussing the problems related to the functions and duties of the Department in order to develop impartial solutions and approaches to these issues.~~

(c) ~~The Commissioner may establish subcommittees composed solely of labor or management representatives and use a portion of the Council's meeting time to meet with these subcommittees.~~

(d) ~~Each member of the Council who is not a salaried official or State employee or is not otherwise compensated through employment for attending Council meetings is entitled to per diem compensation and reimbursement for expenses as provided in 32 V.S.A. § 1010. [Repealed.]~~

* * * Repeal of Working Group on State Workforce Development * * *

Sec. 6. ~~REPEAL OF WORKING GROUP ON STATE WORKFORCE DEVELOPMENT~~

2017 Acts and Resolves No. 69, Sec. E.1 (State workforce development system; report) is repealed.

* * * Repeal of Council Advisory Committee * * *

Sec. 7. 20 V.S.A. § 2410 is amended to read:

§ 2410. COUNCIL ADVISORY COMMITTEE

(a) ~~Creation.~~ There is created the Council Advisory Committee to provide advice to the Council regarding its duties under this subchapter.

(1) ~~The Committee shall specifically advise and assist the Council in developing procedures to ensure that allegations of unprofessional conduct by law enforcement officers are investigated fully and fairly, and to ensure that appropriate action is taken in regard to those allegations.~~

(2) ~~The Committee shall be advisory only and shall not have any decision-making authority.~~

(b) ~~Membership.~~ The Committee shall be composed of five individuals appointed by the Governor. The Governor may solicit recommendations for appointments from the Chair of the Council.

(1) ~~Four of these members shall be public members who during incumbency shall not serve and shall have never served as a law enforcement officer or corrections officer and shall not have an immediate family member who is serving or has ever served as either of those officers.~~

(2) ~~One of these members shall be a retired law enforcement officer.~~

(c) ~~Assistance.~~ The Executive Director of the Council or designee shall attend Committee meetings as a resource for the Committee.

(d) ~~Reimbursement.~~ Members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than five meetings per year. Such payments shall be derived from the budget of the Council. [Repealed.]

* * * Boards and Commissions; Per Diem Compensation * * *

Sec. 8. 32 V.S.A. § 1010 is amended to read:

§ 1010. MEMBERS OF CERTAIN BOARDS

(a) Except for those members serving ex officio or otherwise regularly employed by the State, the members of the following boards shall be entitled to receive \$50.00 in per diem compensation:

(1) Board of Bar Examiners

(2) Board of Libraries

- (3) Vermont Milk Commission
- (4) Board of Education
- (5) State Board of Health
- (6) Emergency Board
- (7) Board of Liquor and Lottery
- (8) Human Services Board
- (9) State Fish and Wildlife Board
- (10) State Board of Mental Health
- (11) Vermont Employment Security Board
- (12) Capitol Complex Commission
- (13) Natural Gas and Oil Resources Board
- (14) Transportation Board
- (15) Vermont Veterans' Home Board of Trustees
- (16) Advisory Council on Historic Preservation
- (17) The Electricians' Licensing Board
- (18) [Repealed.]
- (19) Emergency Personnel Survivors Benefit Review Board
- (20) Community High School of Vermont Board
- (21) Parole Board

(b)(1) Notwithstanding any other provision of law, members of professional or occupational licensing boards or commissions, advisory boards or commissions, appeals boards, promotional boards, interstate boards, supervisory boards and councils, or any other boards, commissions, or similar entities that are not listed in subsection (a) of this section but are otherwise entitled by act of the General Assembly to receive per diem compensation, shall be entitled to receive per diem compensation ~~in the amount of \$50.00 per day~~ for each day devoted to official duties. ~~This subsection shall not reduce the amount of per diem compensation provided by act of the General Assembly to members of boards or commissions entitled to receive more than \$50.00 per day.~~

(2) "Per diem" means the amount of compensation to which a member of a statutory board or commission is entitled for:

(A) attendance at a regular or special meeting of such board or commission or any committee thereof; or

(B) performance of other duties directly related to the efficient conduct of necessary board business as assigned and approved by the chairperson, provided that payment for such duties shall be at the per diem rate prorated for actual time spent performing duties. Proration shall be calculated based on an eight-hour day. Under no circumstances shall the daily payment exceed the per diem amount.

(c) The members of the boards and commissions, including those members serving ex officio or otherwise regularly employed by the State, shall be entitled to receive their actual and necessary expenses when away from home or office upon their official duties.

(d) Notwithstanding the provisions of subsections (a) and (b) of this section, a member shall not be entitled to receive State per diem compensation for any meeting or other official duty for which specific compensation is provided by another source.

(e) The budget report of the Governor for each fiscal year shall contain a separate schedule disclosing the current per diem compensation and allowable expense reimbursement for appointed members of all boards, commissions, councils, and committees and all other statutory-created management, policy making, or advisory bodies of the Executive Branch who do not receive a salary, whether appointed by the Governor or not, and the recommendations for the next fiscal year. The appropriations committees of the General Assembly shall review the recommendations and include in a separate section of the annual appropriations act the per diem compensation and allowable expense reimbursement for each such body, which shall constitute the appropriation for per diem compensation and allowable expense reimbursement increases for members of such bodies for the next fiscal year. Per diem compensation authorized under this section shall be not less than \$50.00 per day. The Governor may authorize per diem compensation and expense reimbursement in accordance with this section for members of boards and commissions, including temporary study commissions, created by Executive Order executive order.

~~(f) Members of the Parole Board shall be entitled to receive \$100.00 per diem for each day of official duties together with reimbursement of reasonable expenses incurred in the performance of their duties. [Repealed.]~~

* * * Boards and Commissions; Executive Appointments * * *

Sec. 9. 3 V.S.A. § 269 is added to read:

§ 269. BOARDS AND COMMISSIONS; EXECUTIVE APPOINTMENTS

(a) When applying for a State board or commission position that is appointed by the Governor or designee, an applicant shall not be required to disclose, or required to authorize the disclosure of, personal financial information as part of the application process unless an applicant's personal financial history is relevant to the applicant's ability to faithfully and competently perform the fiduciary responsibilities of the State board or commission position.

(b) This section shall not bar:

(1) requiring the applicant to affirm that the applicant is in compliance with constitutional or code of ethics requirements; or

(2) requiring the applicant to consent to the Governor's office accessing records that would be necessary to investigate an alleged violation of constitutional or code of ethics requirements.

**Sec. 10. BOARD AND COMMISSION APPLICATIONS; CRIMINAL
RECORDS; PERSONAL FINANCIAL HISTORY; REPORT**

(a) On or before December 1, 2022, the Office of Boards, Commissions, and Public Service shall report to the House and Senate Committees on Government Operations with a list of:

(1) State board or commission positions appointed by the Governor or designee for which personal financial records are relevant to an applicant's ability to perform the fiduciary responsibilities of the position; and

(2) State board or commission positions appointed by the Governor or designee for which criminal background checks are relevant to an applicant's ability to perform the duties and responsibilities of the position.

(b) As used in this section, "State board or commission" has the same meaning as in 2019 Acts and Resolves No. 61, Sec. 1.

* * * Effective Date * * *

Sec. 11. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

Rep. Harrison of Chittenden, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Government Operations and when further amended as follows:

In Sec. 8, 32 V.S.A. § 1010 (members of certain boards), by striking out subsections (e)–(f) in their entirety and inserting in lieu thereof new subsections (e)–(g) to read as follows:

(e) Per diem compensation authorized under this section for members of boards, commissions, councils, and committees and all other management, policymaking, or advisory bodies, including temporary study commissions, of the Executive Branch, whether appointed by the Governor or not, shall be not less than \$50.00 per day and shall be approved pursuant to this subsection.

(1) The annual budget report of the Governor submitted to the General Assembly as required by 32 V.S.A. § 306 shall contain a separate schedule, by entity, that provides the per diem compensation rate established for the current fiscal year and the per diem rate proposed for the next fiscal year. This schedule shall also provide, by entity, the total per diem amounts paid and total expenses reimbursed for all members of the entity in the most recently ended fiscal year.

(2) In the annual budget documentation submitted to the House and Senate Committees on Appropriations, any agency or department that administers funds for a board, commission, council, and committee and all other management, policymaking, or advisory bodies, including temporary study commissions, shall provide a list of the entities and the current and projected per diem rate and expense reimbursement for each entity.

~~(f) Members of the Parole Board shall be entitled to receive \$100.00 per diem for each day of official duties together with reimbursement of reasonable expenses incurred in the performance of their duties. [Repealed.]~~

(g) The Governor may authorize per diem compensation and expense reimbursement in accordance with this section for members of boards, commissions, councils, and committees and all other management, policymaking, or advisory bodies, including temporary study commissions, created by executive order. Per diems and expense reimbursement authorized under this subsection shall be effective as of the effective date of the executive order but shall subsequently be reviewed and approved pursuant to the approval process of subsection (e) of this section during the next budgetary cycle.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Government Operations was amended as recommended by the Committee on Appropriations.

Thereafter, **Reps. Higley of Lowell, Anthony of Barre City, Colston of Winooski, Copeland Hanzas of Bradford, Gannon of Wilmington, Hooper of Burlington, LaClair of Barre Town, Lefebvre of Orange, McCarthy of**

St. Albans City, Mrowicki of Putney, and Vyhovsky of Essex moved that the report of the Committee on Government Operations be amended as follows:

By striking out Sec. 9, 3 V.S.A. § 269, and its reader assistance heading, and Sec. 10, board and commission applications; criminal records; personal financial history; report, in their entireties and by renumbering the remaining section to be numerically correct.

Which was agreed to.

Thereupon, the bill was amended as recommended by the Committee on Government Operations, as amended, and third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 518

Rep. Sibilia of Dover for the Committee on Energy and Technology, to which had been referred House bill, entitled

An act relating to the creation of the Municipal Fuel Switching Grant Program

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

*** * * Findings * * ***

Sec. 1. FINDINGS; MUNICIPAL ENERGY RESILIENCE

The General Assembly finds that:

(1) Vermont's municipalities own and operate more than 2,000 buildings and facilities, which are used to provide services to its citizens, including libraries; storing town vehicles; providing space for civic engagement; and connecting citizens to healthcare, education, and commercial interests.

(2) Vermont's Global Warming Solutions Act sets aggressive targets for greenhouse gas emissions reductions, and the heating of buildings provide significant opportunities for meeting these targets.

(3) The volatile cost of fossil fuel heating is often one of the largest line items in a municipal budget, which impacts the residential and commercial taxpayers in that municipality.

(4) A modest expansion to the State Energy Management Program, established in 29 V.S.A. § 168, made in 2019 can assist municipalities with

responding to the greenhouse gas emissions targets set forth in the Global Warming Solutions Act.

(5) Connecting technical resources at the local, regional, and State level and expanding the State's energy management program to include municipal buildings will promote increased resilience and sustained connection to critical services for all Vermonters.

Sec. 2. MUNICIPAL ENERGY RESILIENCE; DEPARTMENT OF
BUILDINGS AND GENERAL SERVICES; ASSESSMENTS

(a) Energy resilience assessments. On or before September 1, 2022, the Department of Buildings and General Services shall issue a request for proposal for a comprehensive energy resilience assessment of covered municipal buildings and facilities.

(b) Request for proposal. The Commissioner of Buildings and General Services shall contract with an independent third party to conduct the assessment described in subsection (a) of this section. The assessment shall be completed on or before January 15, 2024.

(c) Application. A covered municipality, in coordination with a regional planning commission that shall assist a municipality in developing plans, shall submit an application to the Department of Buildings and General Services to receive an assessment of its buildings and facilities pursuant to the guidelines established in subsection (e) of this section.

(d) Scope. For each covered municipality, the assessment described in subsection (a) of this section shall include a scope of work, cost, and timeline for completion for each building or facility. The assessment shall also include:

(1) recommendations for improvements that reduce the operating and maintenance costs, enhance comfort, and reduce energy intensity in a municipal building or facility, including:

(A) the improvement or replacement, or both, of heating, ventilation and air conditioning systems;

(B) the use of a renewable energy source for heating systems, provided that recommendations for the use of a heating systems that uses fossil fuels is not eligible; and

(C) improvements to the buildings or facilities thermal envelope;

(2) an evaluation on the reasonableness of battery storage and EV charging stations and recommended locations, as applicable;

(3) an evaluation of the potential for on-site renewable energy generation options and recommendation on the one most feasible, as applicable;

(4) an estimate of costs for each recommendation;

(5) an estimate of system and equipment life cycle costs and consumption data; and

(6) the potential to phase the scope of work and suggest a prioritized order of completion separate from the energy assessment scope.

(e) Administration. The Department of Buildings and General Services shall establish guidelines for a covered municipality to receive an assessment and shall require at a minimum that:

(1) the covered municipality has access to high-speed Internet as defined in the State's Telecommunication Plan set forth in 30 V.S.A. § 202c or a plan is in place by 2024 to ensure access to high-speed Internet;

(2) the municipality commits for at least a five-year period to have or create at least one space in a building that is being assessed that is available to the public to enable work, education, and health monitoring or telehealth; and

(3) any building that is assessed is compliant with the American Disabilities Act at the time the project is completed.

(f) Definition. As used in this section, "covered municipality" means a city, town, fire district or incorporated village, and all other governmental incorporated units.

Sec. 3. MUNICIPAL ENERGY RESILIENCE GRANT PROGRAM

(a) Program established. In fiscal year 2023, there is established the Municipal Energy Resilience Grant Program to award grants to:

(1) make recommendations to municipalities on the use of renewable and efficient heating systems; and

(2) make necessary improvements to reduce emissions by reducing fossil fuel usage and increasing efficiency in municipally owned buildings.

(b) Definition. As used in this section, "covered municipality" means a city, town, fire district or incorporated village, and all other governmental incorporated units.

(c) Administration; implementation.

(1) Grant awards. The Department of Buildings and General Services, in coordination with Efficiency Vermont, through the State Energy

Management Program, shall administer the Program, which shall award grants for the following:

(A) not more than \$200,000.00 to each covered municipality for approved projects for weatherization, thermal efficiency, to supplement or replace fossil fuel heating systems with more efficient renewable energy heating systems, and any other expenditures necessary for the project to be eligible for funding under federal law and guidelines; and

(B) not more than \$4,000.00 to each covered municipality to facilitate community meetings and communication about municipal energy resilience.

(2) Grant program design. The Department of Buildings and General Services, in consultation with Efficiency Vermont; the Vermont League of Cities and Towns; regional planning commissions; and experts in the field of thermal enclosure, energy efficiency, and renewable building space systems, shall design the Program. The Program shall include a streamlined and minimal application process for a municipality to apply directly to the Department of Buildings and General Services or with the assistance of a regional planning commission. The Program design shall establish:

(A) an outreach and education plan by regional planning commissions, including specific tactics to reach and support each covered municipality;

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

(i) a municipality with the highest energy burden community needs and lowest resources, as defined in Efficiency Vermont's 2019 Energy Burden Report;

(ii) a municipality that may not have administrative support to apply for grants;

(iii) geographic location;

(iv) community size; and

(v) whether another division of the municipality has already received a grant;

(C) guidelines for renewable and energy efficiency buildings systems resilience, durability, health, and efficiency measures and costs that will be eligible for grant funding; and

(D) eligibility criteria for covered municipalities, including written commitment by the municipality to conduct community workshops and a self-assessment.

(d) Coordination. The Department of Buildings and General Services shall coordinate with any other State entities and agencies working with covered municipalities to provide grants for the Program.

(e) Funding. The Program shall be funded by the American Rescue Plan Act Capital Projects Fund.

(f) Assessment. A covered municipality is only eligible for a grant under this section if an assessment of its buildings and facilities has been conducted pursuant to Sec. 2 of this act.

Sec. 4. MUNICIPAL ENERGY RESILIENCE GRANT PROGRAM;

APPROPRIATION

In fiscal year 2023, the amount of \$48,400,000.00 shall be appropriated from the American Rescue Plan Act (ARPA) from the Capital Projects Fund to the Municipal Energy Resilience Grant Program for use as follows:

(1) The amount of \$2,400,000.00 shall be appropriated to the Agency of Commerce and Community Development for regional planning commissions to assist with grant and assessment applications and provide programming and technical assistance to covered municipalities.

(2) The amount of \$46,000,000.00 shall be appropriated to the Department of Buildings and General Services to be used as follows:

(A) \$5,000,000.00 for hiring a contractor to conduct assessments pursuant to Sec. 2 of this act;

(B) \$1,000,000.00 for grants to covered municipalities to facilitate community meetings and communication about municipal energy resilience; and

(C) \$40,000,000.00 for grants to covered municipalities for weatherization, thermal efficiency, and to supplement or replace heating systems with more efficient renewable energy heating systems.

* * * Municipal Energy Loan Program * * *

Sec. 5. 29 V.S.A. § 168a is added to read:

§ 168a. MUNICIPAL ENERGY LOAN PROGRAM

(a) Authority. The Department of Buildings and General Service is authorized to provide financing to municipalities through the Municipal Energy Loan Program for equipment replacement, studies, weatherization,

construction of improvements affecting the use of energy resources, the implementation of energy efficiency and conservation measures, and the use of renewable resources.

(b) Loan eligibility and criteria. The Commissioner shall establish for the Program described in subsection (a) of this section:

(1) criteria to determine eligibility for funding, including repayment terms;

(2) a priority basis for the selection process that ensures equitable allocation of funds to municipalities, considering at least financial need, geographic distribution, and ability to repay; and

(3) loan conditions that ensure accountability by a municipality receiving funds.

(c) Definitions. As used in this section:

(1) “Energy efficiency improvement” has the same meaning as in section 168 of this title.

(2) “Municipality” means a city, town, fire district or incorporated village, and all other governmental incorporated units.

(3) “Renewables” has the same meaning as in 30 V.S.A. § 8002.

(4) “Resource conservation measures” has the same meaning as in section 168 of this title.

Sec. 6. 29 V.S.A. § 168b is added to read:

§ 168b. MUNICIPAL ENERGY REVOLVING FUND

(a) Creation. There is established the Municipal Energy Revolving Fund to provide financing for the Municipal Energy Loan Program established in section 168a of this title.

(b) Monies in the Fund. The Fund shall consist of:

(1) monies appropriated to the Fund or that are paid to it under authorization of the Emergency Board;

(2) loan repayment by municipalities; and

(3) fees for administrative costs paid by municipalities, which may be fixed by the Commissioner subject to the approval of the Secretary of Administration.

(c) Repayment terms. A municipality receiving funding shall repay the Fund through its regular operating budget according to a schedule established

by the Commissioner. Repayment may include charges of fees for administrative costs over the term of the repayment.

(d) Fund administration.

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

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

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

(e) Definitions. As used in this section:

(1) "Energy efficiency improvement" has the same meaning as in section 168 of this title.

(2) "Renewables" has the same meaning as in 30 V.S.A. § 8002.

(f) Annual report. Beginning on or before January 15, 2023 and annually thereafter, the Commissioner of Buildings and General Services shall report to the House Committees on Corrections and Institutions and on Energy and Technology and the Senate Committee on Institutions on the expenditure of funds from the Municipal Energy Revolving Fund. For each fiscal year, the report shall include a summary of each project receiving funding and the municipality's expected savings. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 7. MUNICIPAL ENERGY REVOLVING FUND; FY 2023

APPROPRIATION; REPORT

(a) In FY 2023, to the extent permitted by federal law, the following amounts shall be transferred to the Department of Buildings and General Services from the Department of Public Service for the Municipal Energy Revolving Fund, as established in 29 V.S.A. § 168b:

(1) not more than \$750,000.00 from the Energy Efficiency Revolving Loan Fund Capitalization Grant allocated in the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 pursuant to the process set forth in 32 V.S.A. § 5; and

(2) not more than \$1,500,000.00 from the Energy Efficiency and Renewable Energy Block Grant Fund in the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 pursuant to the process set forth in 32 V.S.A. § 5.

(b) On or before January 15, 2023, the Department of Public Service shall report to the House Committee on Energy and Technology and the Senate Committee on Finance on the total grant amounts approved by the State and transferred to the Municipal Energy Revolving Fund pursuant to subsection (a) of this section.

Sec. 8. 2015 Acts and Resolves No. 58, Sec. E.112, as amended by 2019 Acts and Resolves No. 72, Sec. E.112, is further amended to read:

Sec. E.112 ENERGY EFFICIENCY; STATE BUILDINGS AND
FACILITIES

* * *

(b) Notwithstanding any provision of Title 30 of the Vermont Statutes Annotated, Public Service Board order, or other provision of law to the contrary:

(1) The Department and Efficiency Vermont (EVT) shall augment the Program for a preliminary period of ~~eight~~ 11 years commencing in fiscal year 2016 under which EVT shall provide the Department with support for the Program to deliver cost-effective energy efficiency and conservation measures to State buildings and facilities, with the goal of this pilot to create a self-sustaining program at the Department, with annual savings from energy projects exceeding the annual cost to staff the Program. The Department and EVT may agree to continue conducting this augmented Program in subsequent fiscal years, after considering recommendations for improvement based on evaluation of the preliminary period.

* * *

(2) In addition to the requirements of subdivision (1) of this subsection, the project shall include provision by EVT of support for personnel to implement the Program during fiscal years 2016 to ~~2023~~ 2027.

* * *

(B) Under this subdivision (2), EVT shall provide up to \$290,000 during fiscal year 2016. For the remaining ~~seven~~ 10 fiscal years, EVT shall ~~provide an additional amount sufficient to support annual salary and benefit adjustments~~ make available under agreement with the Department an additional amount sufficient to support annual salary and benefit adjustments. These funds shall be received in the Facilities Operations Fund established in 29 V.S.A. § 160a; and may be spent using excess receipts authority. Efficiency Vermont and the Department may agree to adjust the funding committed to this Program based on a joint evaluation that annual energy savings generated by this Program exceed the annual cost of the staff positions.

(3) The Public Service Board shall adjust any performance measures applicable to EVT to recognize the requirements of this section.

(c) The Department and EVT shall execute a new or amended memorandum of understanding to implement this section, which shall include targets for future energy savings, a process for determining how savings targets are met, and details of EVT's commitment for personnel over ~~an eight-year~~ a 10-year time period.

(d) On or before October 1 of each year commencing in 2016 and ending in ~~2023~~ 2027, the Department and EVT shall provide a joint report on the implementation of this section.

* * *

(5) The report to be submitted in 2019 ~~and, in 2023, and in 2027~~ shall contain an evaluation of the Program authorized under this section and any resulting recommendations, including recommendations related to Program continuation beyond ~~2023~~ 2027.

* * *

Sec. 9. FY 2023; APPROPRIATION; DEPARTMENT OF BUILDINGS
AND GENERAL SERVICES; REGIONAL PLANNING
COMMISSIONS; POSITIONS

(a) Department of Buildings and General Services. Two full-time, limited-service positions are created in the Department of Buildings and General Services in fiscal years 2023 for three fiscal years as part of the expanded State Energy Management Program, as set forth between Efficiency Vermont and the Department of Public Service. The positions shall be responsible for determining project eligibility; coordinating with regional planning commissions to recruit and coordinate auditors, engineers, and contractors; and providing financing technical assistance for municipalities implementing projects. These positions shall be funded by Efficiency Vermont pursuant to the authority set forth in 2015 Acts and Resolves No. 58, Sec. E.112, as amended by 2019 Acts and Resolves No. 72, Sec. E.112. No additional budget appropriation or State funds shall be used for these positions.

(b) Regional planning commissions. The amount of \$2,400,000.00 in General Funds shall be appropriated to the Agency of Commerce and Community Development's Community Development Program to fund staffing at each regional planning commission in fiscal years 2023 and 2024 to solicit, coordinate, and develop projects for covered municipalities through the Municipal Energy Resilience Grant Program. The funding to RPCs shall be distributed as follows:

(1) Fifty-five percent of the funds shall be divided equally among the regional planning commissions.

(2) Forty-five percent of the funds shall be allocated according to the number of Vermont member municipalities in each regional planning commission as of July 1, 2022.

* * * Effective Date * * *

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

and that after passage the title of the bill be amended to read: “An act relating to municipal energy resilience initiatives”

Rep. Krowinski of Burlington presiding.

Rep. Harrison of Chittenden, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Energy and Technology and when further amended as follows:

First: In Sec. 3, municipal energy resilience grant program, in subdivision (a)(1), by striking out “renewable and” and inserting in lieu thereof “more”; in subdivision (c)(1)(A) by striking out “\$200,000.00” and inserting in lieu thereof “\$250,000.00”; and in subdivision (c)(1)(A), by striking out “renewable energy”

Second: In Sec. 4, municipal energy resilience grant program; appropriation, by adding the following at the end of subdivision (1):

“The funding to regional planning commissions shall be distributed as follows:

(A) Fifty-five percent of the funds shall be divided equally among the regional planning commissions.

(B) Forty-five percent of the funds shall be allocated according to the number of Vermont member municipalities in each regional planning commission as of July 1, 2022.”

and by striking out subdivision (2)(B) in its entirety and inserting in lieu thereof a new subdivision (2)(B) to read as follows:

“(B) \$1,000,000.00 for costs associated with administering the grant program; and”

and in subdivision (2)(C) by striking out “heating systems with more efficient renewable energy” and inserting in lieu thereof “less efficient”

Third: In Sec. 7, municipal energy revolving fund; FY 2023 appropriation; report, in subdivision (a)(1), by striking out “\$750,000.00” and inserting in lieu thereof “\$800,000.00”, and in subdivision (a)(2), by striking out “\$1,500,000.00” and inserting in lieu thereof “\$2,000,000.00”

Fourth: In Sec. 9, FY 2023, appropriation; Department of Buildings and General Services; regional planning commissions; positions, in the section title, by striking out “regional planning commissions”; in subsection (a) by inserting “; State Energy Management Program” after “Department of Buildings and General Services” and by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) Department of Buildings and General Services; Municipal Energy Resilience Grant Program. Two full-time, limited-service positions are created in the Department of Buildings and General Services in fiscal year 2023 for three fiscal years to administer the Municipal Energy Resilience Grant Program created in Sec. 3 of this act. The positions shall be funded from the amount of \$1,000,000.00 for administrative costs appropriated in Sec. 4(2)(B) of this act.

Thereafter, **Rep. Elder of Starksboro**, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the Committees on Energy and Technology and on Appropriations and when further amended as follows:

First: In Sec. 6, 29 V.S.A. § 168b, in subsection (b) in subdivision (1), by striking out “or that are paid to it under authorization of the Emergency Board” and inserting “and” after “;”, by striking out “; and” from subdivision (b)(2) and inserting “;”, and by striking out subdivision (3) in its entirety.

Second: In Sec. 6, 29 V.S.A. § 168b, in subsection (c), by striking out “Repayment may include charges of fees for administrative costs over the term of the repayment.”

Third: By adding a Sec. 6a to read as follows:

Sec. 6a. MUNICIPAL ENERGY REVOLVING FUND; DEPARTMENT OF
BUILDINGS AND GENERAL SERVICES; FEE
RECOMMENDATION

On or before January 15, 2023, the Commissioner of Buildings and General Services shall submit a recommendation to the House Committee on Ways and Means and the Senate Committee on Finance for a fee amount to be charged to pay for administrative costs associated with the Municipal Energy Revolving Fund.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Energy and Technology was amended as recommended by the Committee on Appropriations. Thereafter, the report of the Committee on Energy and Technology, as amended, was amended as recommended by the Committee on Ways and Means. Report of the Committee on Energy and Technology, as amended, was agreed to and third reading ordered.

Recess

At five o'clock and twenty-three minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

Favorable Report; Second Reading; Third Reading Ordered

S. 4

Rep. Notte of Rutland City, for the Committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to procedures involving firearms

Reported in favor of its passage in concurrence.

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

Pending the question, Shall the bill be read a third time?, **Rep. LaClair of Barre Town** 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, 90. Nays, 42.

Those who voted in the affirmative are:

Ancel of Calais	Emmons of Springfield	Ode of Burlington
Anthony of Barre City	Fagan of Rutland City	Pajala of Londonderry
Arrison of Weathersfield	Garofano of Essex	Partridge of Windham
Austin of Colchester	Goldman of Rockingham	Pugh of South Burlington
Bartholomew of Hartland	Grad of Moretown	Rachelson of Burlington
Beck of St. Johnsbury	Hooper of Montpelier	Rogers of Waterville
Birong of Vergennes	Houghton of Essex	Satcowitz of Randolph
Black of Essex	Howard of Rutland City	Scheu of Middlebury
Bluemle of Burlington	James of Manchester	Sheldon of Middlebury
Bock of Chester	Jerome of Brandon	Sibilia of Dover
Bongartz of Manchester	Jessup of Middlesex	Sims of Craftsbury
Bos-Lun of Westminster	Killacky of South Burlington	Small of Winooski

Brady of Williston	Kimbell of Woodstock	Squirrel of Underhill
Briglin of Thetford	Kornheiser of Brattleboro	Stebbins of Burlington
Brown of Richmond	LaLonde of South	Stevens of Waterbury
Brumsted of Shelburne	Burlington	Surprenant of Barnard
Burke of Brattleboro	Lanpher of Vergennes	Taylor of Colchester
Burrows of West Windsor	Lippert of Hinesburg	Till of Jericho
Campbell of St. Johnsbury	Long of Newfane	Toleno of Brattleboro
Chase of Colchester	Masland of Thetford	Townsend of South
Christie of Hartford	McCarthy of St. Albans City	Burlington
Coffey of Guilford	McCormack of Burlington	Troiano of Stannard
Colburn of Burlington	McCullough of Williston	Vyhovsky of Essex
Conlon of Cornwall	Morris of Springfield	Walz of Barre City
Copeland Hanzas of	Mrowicki of Putney	Webb of Shelburne
Bradford	Mulvaney-Stanak of	White of Hartford
Corcoran of Bennington	Burlington	Whitman of Bennington
Cordes of Lincoln	Murphy of Fairfax	Wood of Waterbury
Dolan of Essex	Nicoll of Ludlow	Yacovone of Morristown
Dolan of Waitsfield	Nigro of Bennington	Yantachka of Charlotte
Donnally of Hyde Park	Notte of Rutland City	
Durfee of Shaftsbury	O'Brien of Tunbridge	

Those who voted in the negative are:

Achey of Middletown	Helm of Fair Haven	Morrissey of Bennington
Springs	Higley of Lowell	Norris of Sheldon
Brennan of Colchester	Hooper of Randolph	Norris of Shoreham
Canfield of Fair Haven	Hooper of Burlington	Noyes of Wolcott
Cupoli of Rutland City	Kascenska of Burke	Page of Newport City
Dickinson of St. Albans	LaClair of Barre Town	Parsons of Newbury
Town	Laroche of Franklin	Peterson of Clarendon
Donahue of Northfield	Lefebvre of Newark	Rosenquist of Georgia
Feltus of Lyndon	Lefebvre of Orange	Scheuermann of Stowe
Gannon of Wilmington	Leffler of Enosburgh	Shaw of Pittsford
Goslant of Northfield	Marcotte of Coventry	Smith of Derby
Graham of Williamstown	McCoy of Poultney	Strong of Albany
Gregoire of Fairfield	McFaun of Barre Town	Toof of St. Albans Town
Hango of Berkshire	Morgan, L. of Milton	Williams of Granby
Harrison of Chittenden	Morgan, M. of Milton	

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

Brownell of Pownal	Labor of Morgan	Smith of New Haven
Burditt of West Rutland	Martel of Waterford	Sullivan of Dorset
Cina of Burlington	Mattos of Milton	Terenzini of Rutland Town
Colston of Winooski	Palasik of Milton	Walker of Swanton
Elder of Starksboro	Patt of Worcester	White of Bethel
Kitzmiller of Montpelier	Pearl of Danville	

Second Reading; Bill Amended; Third Reading Ordered**H. 533**

Rep. Leffler of Enosburgh, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to converting civil forfeiture of property in drug-related prosecutions into a criminal process

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

Sec. 1. 4 V.S.A. § 32 is amended to read:

§ 32. JURISDICTION; CRIMINAL DIVISION

(a) The Criminal Division shall have jurisdiction to try, render judgment, and pass sentence in prosecutions for felonies ~~and, misdemeanors, and drug forfeiture proceedings pursuant to 18 V.S.A. chapter 84, subchapter 2.~~

(b) The Criminal Division shall have jurisdiction to try and finally determine prosecutions for violations of bylaws or ordinances of a village, town, or city, except as otherwise provided.

(c) The Criminal Division shall have jurisdiction of the following civil actions:

- (1) appeals of final decisions of the Judicial Bureau;
- (2) DUI license suspension hearings filed pursuant to 23 V.S.A. chapter 24;
- (3) extradition proceedings filed pursuant to 13 V.S.A. chapter 159;
- ~~(4) drug forfeiture proceedings under 18 V.S.A. chapter 84, subchapter 2;~~
- ~~(5)~~(4) fish and wildlife forfeiture proceedings under 10 V.S.A. chapter 109;
- ~~(6)~~(5) liquor forfeiture proceedings under 7 V.S.A. chapter 19;
- ~~(7)~~(6) hearings relating to refusal to provide a DNA sample pursuant to 20 V.S.A. § 1935;
- ~~(8)~~(7) automobile forfeiture and immobilization proceedings under 23 V.S.A. chapters 9 and 13;
- ~~(9)~~(8) sex offender proceedings pursuant to 13 V.S.A. §§ 5411(e) and 5411d(f);

~~(10)~~(9) restitution modification proceedings pursuant to 13 V.S.A. § 7043(k);

~~(11)~~(10) municipal parking violation proceedings pursuant to 24 V.S.A. § 1974a(e), if the municipality has established an administrative procedure enabling a person to contest the violation, and the person has exhausted the administrative procedure;

~~(12)~~(11) proceedings to enforce 9 V.S.A. chapter 74, relating to energy efficiency standards for appliances and equipment;

~~(13)~~(12) proceedings to enforce 30 V.S.A. § 53, relating to commercial building energy standards.

Sec. 2. 18 V.S.A. chapter 84, subchapter 2 is amended to read:

Subchapter 2. Forfeiture

§ 4241. SCOPE

* * *

(c) Notwithstanding the provisions of this section, the following property shall not be subject to seizure and forfeiture under this subchapter:

(1) Homestead real property, as defined in 27 V.S.A. chapter 3.

(2) U.S. currency totaling \$200.00 or less.

(3) A motor vehicle of \$2,000.00 or less in market value.

(4) Stolen property and contraband. Stolen property shall be promptly returned to the rightful owner, and contraband shall be disposed of according to applicable State law. The Criminal Division of the Superior Court may impose reasonable conditions, including the use of photographic evidence, to protect access to the property subject to this subsection and its use in later proceedings.

(d) The Attorney General shall advise the publications that law enforcement agencies may use to establish the market value of a motor vehicle.

§ 4242. SEIZURE

(a) The court Criminal Division of the Superior Court may issue at the request of the State ex parte a preliminary order or process to seize or secure property for which forfeiture is sought and to provide for its custody. Process for seizure of such property shall issue only upon a showing of probable cause that the property is subject to forfeiture. Application ~~therefor~~ for a preliminary order or process and issuance, execution, and return of the order or process shall be subject to provisions of applicable law.

(b) Any property subject to forfeiture under this subchapter may be seized upon process. Seizure without process may be made when:

(1) the seizure is incident to an arrest with probable cause or a search under a valid search warrant;

(2) the property subject to seizure has been the subject of a prior judgment in favor of the State in a forfeiture proceeding under this subchapter; ~~or~~

(3) the seizure is incident to a valid warrantless search.

(c) The State may temporarily secure property pending a request of the State ex parte for a preliminary order or process pursuant to this section.

~~(e)(d)~~ If property is seized without process under subdivision (b)(1) or (3) of this section and the State intends to seek forfeiture under this subchapter, the State shall forthwith petition the ~~court~~ Criminal Division for a preliminary order or process under subsection (a) of this section.

~~(d)(e)~~ Notwithstanding subsection 4241(b) of this title, all regulated drugs the possession of which is prohibited under this chapter are contraband and shall be automatically forfeited to the State and destroyed.

§ 4242a. PROMPT POSTSEIZURE PROCEEDINGS

(a) Following the seizure of property for which the State seeks forfeiture pursuant to section 4241 of this title, a defendant or any owner, co-owner, or regular user of the property has a right to a prompt postseizure hearing.

(b) A defendant, owner, co-owner, or regular user may petition the Criminal Division having jurisdiction for a prompt postseizure hearing.

(c) The State shall notify any owner, co-owner, or regular user of the property of which the State is aware, after a reasonable search of public records, that property has been seized pursuant to this subchapter, and the owner, co-owner, or regular user of the property may request a prompt postseizure hearing.

(d) The Criminal Division shall hold a prompt postseizure hearing:

(1) as a separate hearing; or

(2) at the same time as a hearing pursuant to Rule 41(f) of the Vermont Rules of Criminal Procedure, a probable cause determination, a post-arraignment hearing, or other pretrial hearing.

(e) A party, by agreement of all parties or for good cause shown, may move for an extension of the hearing date. Any motion may be supported by an affidavit, sworn statement, or other submission.

(f) The Criminal Division shall order the return of the seized property if it finds:

(1) the seizure was invalid;

(2) a criminal charge has not been filed and no extension of the filing period established under this section is available;

(3) the property is not reasonably required to be held as evidence; or

(4) the final judgment will likely be in favor of the defendant or any other person with an interest in the property.

(g) The provisions of this section do not apply to contraband.

§ 4243. JUDICIAL CRIMINAL FORFEITURE PROCEDURE

(a) Conviction or agreement required. An asset is subject to forfeiture by judicial determination as a criminal sanction under section 4241 of this title and 13 V.S.A. § 364 if:

(1) a person is convicted of the criminal offense related to the action for forfeiture and the State establishes by clear and convincing evidence that the property is an instrument of or represents the proceeds of the underlying offense; or

(2) a person enters into an a plea agreement or other agreement with the prosecutor, including an agreement under which he or she the person is not charged with a criminal offense related to the action for forfeiture subjecting the person to forfeiture under section 4241 of this title; or

(3) a person is granted immunity or a reduced punishment, with or without the filing of a criminal charge, in exchange for testifying or assisting a law enforcement investigation or prosecution.

(b) Evidence. The State may introduce into evidence in the judicial forfeiture case the fact of a conviction in the Criminal Division Discovery. Discovery related to the criminal forfeiture proceeding is subject to the Vermont Rules of Criminal Procedure.

(c) Burden of proof. The State bears the burden of proving by clear and convincing evidence that the property is an instrument of or represents the proceeds of the underlying offense.

(d) Notice. Within 60 days from when the seizure occurs, the State shall notify any owners, possessors, and lienholders of the property of the action, if known or readily ascertainable. Upon motion by the State, a court may extend the time period for sending notice for a period not to exceed 90 days for good cause shown. Notice of proposed forfeiture.

(1) The loss of property subject to forfeiture shall be considered as a criminal sanction as part of and following the prosecution of the crime that subjects the individual with an interest in the property to forfeiture of property pursuant to section 4241 of this title. Upon the State's determination that it will seek forfeiture, the State shall file a Notice of Proposed Forfeiture as shall be a separate document not later than 30 days prior to trial or at the Criminal Division's discretion. The Notice of Proposed Forfeiture shall include the following information:

(A) the facts upon which the forfeiture is requested, including a description of the property subject to forfeiture and the type and quantity of regulated drug involved;

(B) the time, date, and place of the seizure;

(C) the names of the apparent owner or owners, lienholders who have properly recorded their interests, and any other person appearing to have an interest, and, in the case of a conveyance, the name of the person holding title; the registered owner; and the make, model, and year of the conveyance;

(D) the current location and custodian of the seized property; and

(E) warning that seized property may be forfeited as a sanction related to the crime for which the individual was charged, as part of a sentencing consideration, as part of a plea agreement, or through other means for the court to oversee.

(2) The Notice of Potential Collateral Consequences of Conviction required pursuant to 13 V.S.A. chapter 231 shall include notification of the provisions of this subchapter.

(3) The State shall serve the Notice in accordance with the Vermont Rules of Criminal Procedure. The State shall inform any owners, possessors, and lienholders of the property of the action, if known or readily ascertainable. In addition, the State shall cause the Notice to be published in a newspaper of general circulation in the State, as ordered by the Criminal Division.

(4) The Notice shall not be read to the jury of the underlying prosecution.

(5) The State may amend the Notice at any time before trial of the underlying prosecution.

(6) The Criminal Division may grant an unlimited number of 30-day extensions for the filing of the Notice if, for each extension, the court determines that probable cause is shown and additional time is warranted.

(e) Return of property. If notice is not sent in accordance with subsection (d) of this section, and no time extension is granted or the extension period has expired, the law enforcement agency shall return the property to the person from whom the property was seized. ~~An agency's return of property due to lack of proper notice does not restrict the agency's authority to commence a forfeiture proceeding at a later time.~~ Nothing in this subsection shall require the agency to return contraband, evidence, or other property that the person from whom the property was seized is not entitled to lawfully possess.

(f) Filing of petition. ~~The State shall file a petition for forfeiture of any property seized under section 4242 of this title promptly, but not more than 14 days from the date the preliminary order or process is issued. The petition shall be filed in the Superior Court of the county in which the property is located or in any court with jurisdiction over a criminal proceeding related to the property.~~

(g) Service of petition. ~~A copy of the petition shall be served on all persons named in the petition as provided for in Rule 4 of the Vermont Rules of Civil Procedure. In addition, the State shall cause notice of the petition to be published in a newspaper of general circulation in the State, as ordered by the court. The petition shall state:~~

~~(1) the facts upon which the forfeiture is requested, including a description of the property subject to forfeiture, and the type and quantity of regulated drug involved;~~

~~(2) the names of the apparent owner or owners, lienholders who have properly recorded their interests, and any other person appearing to have an interest; and, in the case of a conveyance, the name of the person holding title, the registered owner, and the make, model, and year of the conveyance.~~

§ 4244. FORFEITURE HEARING HEARINGS

~~(a) Within 60 days following service of notice of seizure and forfeiture under section 4243 of this title, a claimant may file a demand for judicial determination of the forfeiture. The demand must be in the form of a civil complaint accompanied by a sworn affidavit setting forth the facts upon which the claimant intends to rely, including, if relevant, the noncriminal source of the asset or currency at issue. The demand must be filed with the court administrator in the county in which the seizure occurred. Defendant's forfeiture hearing. The Criminal Division shall consider the loss of property subject to forfeiture as a criminal sanction as part of and following the prosecution of the underlying crime. The Criminal Division has discretion to schedule the criminal forfeiture hearing as soon as practicable after the defendant's conviction of the offense subjecting the person to forfeiture under~~

section 4241 of this title, including concurrent with sentencing. The hearing shall be conducted by the Criminal Division without a jury.

(b) The court shall hold a hearing on the petition as soon as practicable after, and in any event no later than 90 days following, the conclusion of the criminal prosecution. Exceptions to the conviction requirement. The Criminal Division may waive the conviction requirements of section 4243 of this title and subsection (a) of this section and grant title to the subject property to the State if the State files a motion not fewer than 90 days after seizure and shows by a preponderance of the evidence that, before conviction, the defendant:

- (1) died;
- (2) was deported by the U.S. government;
- (3) abandoned the property; or
- (4) fled the jurisdiction.

(c) A lienholder who has received notice of a forfeiture proceeding may intervene as a party. If the court finds that the lienholder has a valid, good faith interest in the subject property which is not held through a straw purchase, trust, or otherwise for the actual benefit of another and that the lienholder did not at any time have knowledge or reason to believe that the property was being or would be used in violation of the law, the court upon forfeiture shall order compensation to the lienholder to the extent of the lienholder's interest. Proportionality.

(1) The defendant, owner, co-owner, or other regular user of the property may petition the Criminal Division to determine whether the forfeiture is unconstitutionally excessive under the Constitutions of the State of Vermont or the United States. At the Criminal Division's discretion, it may hold a proportionality hearing:

(A) as a separate hearing; or

(B) at the same time as a hearing pursuant to Rule 41(f) of the Vermont Rules of Criminal Procedure, a prompt postseizure proceeding pursuant to section 4242a of this title or a forfeiture hearing pursuant to section 4244 of this title.

(2) The defendant has the burden of establishing that the forfeiture is unconstitutionally excessive by a preponderance of the evidence at a hearing conducted by the Criminal Division without a jury. In determining whether the forfeiture is unconstitutionally excessive, the Criminal Division may consider all relevant factors including:

(A) the seriousness of the underlying crime and its impact on the community, including the duration of the activity, use of a firearm, and harm caused by the defendant;

(B) the extent to which the defendant participated in the underlying crime;

(C) the extent to which the subject property was used in committing the crime;

(D) whether the underlying crime was completed or attempted;

(E) the hardship to the defendant if the forfeiture of a motor vehicle would deprive the defendant of the defendant's livelihood; and

(F) if forfeiture of the subject property is an undue hardship to the defendant's family.

(3) In determining the value of the instrumentality subject to forfeiture, the Criminal Division may consider all relevant facts related to the fair market value of the property, including any publications identified by the Attorney General pursuant to subsection 4241(d) of this title.

(4) The Criminal Division shall not consider the value of the subject property to the State in determining whether the forfeiture is unconstitutionally excessive.

(d) The court shall not order the forfeiture of property if an owner, co-owner, or person who regularly uses the property, other than the defendant, shows by a preponderance of the evidence that the owner, co-owner, or regular user did not consent to or have any express or implied knowledge that the property was being or was intended to be used in a manner that would subject the property to forfeiture, or that the owner, co-owner, or regular user had no reasonable opportunity or capacity to prevent the defendant from using the property. Lienholder hearing. The Criminal Division shall not order the forfeiture of property subject to a lienholder's interest without a hearing upon petition by the lienholder, other than the defendant. A lienholder who has received notice of a criminal forfeiture proceeding may petition the Criminal Division at any time before it enters judgment in the prosecution of the underlying offense or grants a motion pursuant to subsection (b) of this section. The Criminal Division shall hear the petition within 30 days after its filing or at the court's discretion. The hearing shall be conducted by the Criminal Division without a jury and the hearing may be consolidated with any other hearing before the trial in the underlying prosecution. If a lienholder shows by clear and convincing evidence that the lienholder has a valid, good faith interest in the subject property that is not held through a straw purchase, trust, or otherwise for the actual benefit of another and that the lienholder did

not at any time have actual knowledge or reason to believe that the property was being or would be used in violation of the law, the Criminal Division shall order return of the property to the lienholder or compensation to the lienholder to the extent of value of the lienholder's interest, whichever is of less cost or expense to effectuate.

(e) The proceeding shall be against the property and shall be deemed civil in nature. The State shall have the burden of proving all material facts by clear and convincing evidence. Innocent owner hearing. The Criminal Division shall not order the forfeiture of property of an owner, co-owner, or person who regularly uses the property, other than the defendant, without a hearing upon petition by the owner, co-owner, or person who regularly uses the property.

(1) An owner, co-owner, or person who regularly uses the property, other than the defendant, may petition the Criminal Division at any time before it enters judgment in the prosecution of the underlying offense or grants a motion pursuant to subsection (b) of this section.

(2) The petition may be a simple written statement that sets forth:

(A) the right, title, or interest in the property of the owner, co-owner, or person who regularly uses the property;

(B) the time and circumstances of the acquisition of the interest in the property;

(C) additional relevant facts supporting the petition; and

(D) a request for the return of the property or other relief sought by the owner, co-owner, or person who regularly uses the property.

(3) The Criminal Division shall hear the petition within 30 days after its filing or at the court's discretion. The hearing shall be conducted by the Criminal Division without a jury and the hearing may be consolidated with any other hearing before the trial in the underlying prosecution.

(4) The owner, co-owner, or person who regularly uses the property, other than the defendant, has the burden to prove by clear and convincing evidence the validity of ownership interest or regular use. If the owner, co-owner, or person who regularly uses the property meets the burden, the State has the burden to prove by clear and convincing evidence that the owner, co-owner, or regular user did consent to or have actual knowledge that the property was being or was intended to be used in a manner that would subject the property to forfeiture. If the State fails to meet its burden, the Criminal Division shall order return of the property. As used in this subsection and

subsection (d) of this section, “actual knowledge” means a direct and clear awareness of information, a fact, or a condition.

(5) The Criminal Division may impose reasonable conditions, including the use of photographic evidence, to protect access to property subject to this section and its use in later proceedings.

(f) The court shall make findings of fact and conclusions of law and shall issue a final order. If the petition is granted, the court shall order the property held for evidentiary purposes, delivered to the State Treasurer, or, in the case of regulated drugs or property which is harmful to the public, destroyed Judgment. The Criminal Division shall enter judgment:

(1) dismissing the forfeiture proceeding and returning the subject property to the rightful owner if the State fails to meet its burden in the underlying criminal prosecution or the defendant’s forfeiture hearing pursuant to subsection (a) of this section except, in the case of regulated drugs or property that is harmful to the public, the subject property shall be destroyed;

(2) forfeiting the subject property if the State meets its burden in the underlying criminal prosecution and the forfeiture proceedings pursuant to subsection (a) of this section; or

(3) following a hearing or at court’s discretion pursuant to a stipulation or plea agreement.

§ 4244a. APPEAL

The defendant may appeal the Criminal Division’s decision regarding the seizure of forfeiture of property following final judgment in the forfeiture proceeding pursuant to the Vermont Rules of Criminal Procedure.

§ 4245. REMISSION OR MITIGATION OF FORFEITURE TO THE STATE’S ATTORNEY

(a) On petition filed within 90 days after completion of a forfeiture proceeding, a court that issued a forfeiture order pursuant to section 4244 of this title request by an owner, co-owner, or person who regularly uses the property, other than by the defendant, made at any time before the Criminal Division enters judgment in the prosecution of the underlying offense or grants a motion pursuant to subsection (b) of section 4244 a State’s Attorney may order exercise prosecutorial discretion and determine that the forfeiture be remitted or mitigated. The petition request shall be sworn and shall include all information necessary for its resolution or shall describe where such information can be obtained. Upon receiving a petition request, the court State’s Attorney shall investigate and may conduct a hearing interview if in its the State’s Attorney’s judgment it would be helpful to the resolution of the

~~petition request.~~ The ~~court~~ State's Attorney shall either approve or reject the ~~petition request~~ within ~~90~~ 30 days.

(b) The ~~court~~ State's Attorney may remit or mitigate a forfeiture pursuant to this subchapter upon finding that relief should be granted to avoid extreme hardship or upon finding that the ~~petitioner requestor~~ requestor has a valid, good faith interest in the property ~~which that~~ that is not held through a straw purchase, trust, or otherwise for the benefit of another ~~and that the petitioner did not at any time have knowledge or reason to believe that the property was being or would be used in violation of the law.~~

* * *

§ 4247. DISPOSITION OF PROPERTY

(a) Whenever property is forfeited and delivered to the State Treasurer under this subchapter, the State Treasurer shall, ~~no~~ not sooner than 90 days ~~of~~ after the date the property is delivered but not later than one year after the property is delivered, sell the property at a public sale held under 27 V.S.A. chapter ~~13~~ 18, subchapter 7.

(b) The proceeds from the sale of forfeited property, upon exhaustion of all appeals or at the Criminal Division's discretion, shall be used first to pay restitution to any victim of the underlying crime, then to offset any costs of selling the property, and then, after any liens on the property have been paid in full, applied to payment of seizure, storage, and forfeiture expenses, including animal care expenses related to the underlying violation. Remaining proceeds shall be distributed as follows:

(1)(A) ~~45~~ 55 percent shall be distributed among:

- (i) the Office of the Attorney General;
- (ii) the Department of State's Attorneys and Sheriffs; and
- (iii) State and local law enforcement agencies.

(B) ~~The Governor's Criminal Justice and Substance Abuse Cabinet~~ State Treasurer is authorized to determine the allocations among the groups listed in subdivision (A) of this subdivision (1), and may only reimburse the prosecutor and law enforcement agencies for their proportionate participated participation in the prosecution or enforcement effort resulting in the forfeiture for expenses incurred, including controlled drug-buy money, investigation costs, salaries, benefits, overtime, and any other actual expenses for involved personnel. ~~The proceeds shall be held by the Treasurer until the Cabinet notifies the Treasurer of the allocation determinations, at which time the~~ Upon determination of the allocations, the Treasurer shall forward promptly distribute the allocated amounts to the appropriate agency's operating funds.

Notwithstanding the provisions of this subsection (b), 10 percent of the proceeds distributed pursuant to subdivision (A) of this subdivision (1) shall be directed as follows:

(i) five percent to the Evidence-Based Education and Advertising Fund established in 33 V.S.A. § 2004a; and

(ii) five percent to the Center for Crime Victim Services.

(2) The remaining 55 45 percent shall be deposited in the General Fund.

* * *

§ 4248a. LIMITATION ON FEDERAL ADOPTION

(a) A State or local law enforcement agency shall not transfer or offer for adoption property seized from a defendant, owner, co-owner, or regular user of the property pursuant to this subchapter to a federal agency for the purpose of forfeiture under 18 U.S.C. chapter 46 or other federal law unless the seized property includes U.S. currency exceeding \$25,000.00. This subsection only applies to seizure by State or local law enforcement agencies pursuant to their own authority under State law and without involvement of the U.S. government. Nothing in this subsection shall be construed to limit State or local agencies from participating in joint task forces with the U.S. government.

(b) State and local law enforcement agencies are prohibited from accepting payment of any kind or distribution of forfeiture proceeds from the U.S. government if the State or local law enforcement agency violates subsection (a) of this section. Any payments or forfeiture proceeds that violate subsection (a) of this section shall be directed to the State's General Fund.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

Rep. Squirrel of Underhill, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Judiciary and when further amended as follows:

In Sec. 2, 18 V.S.A. chapter 84, subchapter 2, in section 4247, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) The proceeds from the sale of forfeited property, upon exhaustion of all appeals or at the Criminal Division's discretion, shall be used first to pay restitution to any victim of the underlying crime, then to offset any costs of selling the property, and then, after any liens on the property have been paid in full, applied to payment of seizure, storage, and forfeiture expenses, including

animal care expenses related to the underlying violation. Remaining proceeds shall be distributed as follows:

- (1)(A) 45 percent shall be distributed among:
 - (i) the Office of the Attorney General;
 - (ii) the Department of State's Attorneys and Sheriffs; and
 - (iii) State and local law enforcement agencies.

(B) ~~The Governor's Criminal Justice and Substance Abuse Cabinet State Treasurer~~ is authorized to determine the allocations among the groups listed in subdivision (A) of this subdivision (1), and may only reimburse the prosecutor and law enforcement agencies that participated for their proportionate participation in the prosecution or enforcement effort resulting in the forfeiture for expenses incurred, including controlled drug-buy money, investigation costs, salaries, benefits, overtime, and any other actual expenses for involved personnel. ~~The proceeds shall be held by the Treasurer until the Cabinet notifies the Treasurer of the allocation determinations, at which time the~~ Upon determination of the allocations, the Treasurer shall forward promptly distribute the allocated amounts to the appropriate agency's operating funds.

- (2 The remaining 55 percent shall be deposited in the General Fund.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Judiciary was amended as recommended by the Committee on Appropriations. Report of the Committee on Judiciary, as amended, was agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 534

Rep. Colburn of Burlington, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to sealing criminal history records

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

Sec. 1. 13 V.S.A. § 7601 is amended to read:

§ 7601. DEFINITIONS

As used in this chapter:

- (1) "Court" means the Criminal Division of the Superior Court.

(2) “Criminal history record” means all information documenting an individual’s contact with the criminal justice system, including data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.

~~(3) “Predicate offense” means a criminal offense that can be used to enhance a sentence levied for a later conviction and includes operating a vehicle under the influence of alcohol or other substance in violation of 23 V.S.A. § 1201, domestic assault in violation of section 1042 of this title, and stalking in violation of section 1062 of this title. “Predicate offense” shall not include misdemeanor possession of cannabis, a disorderly conduct offense under section 1026 of this title, or possession of a controlled substance in violation of 18 V.S.A. § 4230(a), 4231(a), 4232(a), 4233(a), 4234(a), 4234a(a), 4234b(a), 4235(b), or 4235a(a). [Repealed.]~~

(4) “Qualifying crime” means:

(A) ~~a misdemeanor offense that is not:~~

~~(i) a listed crime as defined in subdivision 5301(7) of this title;~~

~~(ii) an offense involving sexual exploitation of children in violation of chapter 64 of this title;~~

~~(iii) an offense involving violation of a protection order in violation of section 1030 of this title;~~

~~(iv) prostitution as defined in section 2632 of this title, or prohibited conduct under section 2601a of this title; or~~

~~(v) a predicate offense;~~

~~(B) a violation of subsection 3701(a) of this title related to criminal mischief;~~

~~(C) a violation of section 2501 of this title related to grand larceny;~~

~~(D) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title;~~

~~(E) a violation of 18 V.S.A. § 4223 related to fraud or deceit;~~

~~(F) a violation of section 1802 of this title related to uttering a forged or counterfeited instrument;~~

~~(G) a violation of 18 V.S.A. § 4230(a) related to possession and cultivation of cannabis;~~

~~(H) a violation of 18 V.S.A. § 4231(a) related to possession of cocaine;~~

-
- (I) ~~a violation of 18 V.S.A. § 4232(a) related to possession of LSD;~~
- (J) ~~a violation of 18 V.S.A. § 4233(a) related to possession of heroin;~~
- (K) ~~a violation of 18 V.S.A. § 4234(a) related to possession of depressant, stimulant, and narcotic drugs;~~
- (L) ~~a violation of 18 V.S.A. § 4234a(a) related to possession of methamphetamine;~~
- (M) ~~a violation of 18 V.S.A. § 4234b(a) related to possession of ephedrine and pseudoephedrine;~~
- (N) ~~a violation of 18 V.S.A. § 4235(b) related to possession of hallucinogenic drugs;~~
- (O) ~~a violation of 18 V.S.A. § 4235a(a) related to possession of ecstacy; or~~
- (P) ~~any offense for which a person has been granted an unconditional pardon from the Governor.~~
- (A) all misdemeanor offenses except:
- (i) a listed crime as defined in subdivision 5301(7) of this title;
- (ii) a violation of chapter 64 of this title relating to sexual exploitation of children;
- (iii) a violation of section 1030 of this title relating to a violation of an abuse prevention order, an order against stalking or sexual assault, or a protective order concerning contact with a child;
- (iv) a violation of chapter 28 of this title related to abuse, neglect, and exploitation of a vulnerable adult;
- (v) a violation of subsection 2605(b) or (c) of this title related to voyeurism;
- (vi) a violation of subdivisions 352(1)–(10) of this title related to cruelty to animals;
- (vii) a violation of section 1026a of this title related to aggravated disorderly conduct;
- (viii) a violation of section 3006 of this title related to neglect of duty by a public officer;
- (ix) a violation of section 5409 of this title related to failure to comply with sex offender registry requirements;

(x) a violation of section 2802, 2802a, 2803, 2804, or 2804b of this title related to obscenity;

(xi) a violation of section 1455 of this title related to hate motivated crimes; and

(xii) a violation of section 1456 of this title related to burning of a religious symbol; and

(B) the following felonies:

(i) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, unless the person was 25 years of age or younger at the time of the offense and did not carry a dangerous or deadly weapon during the commission of the offense;

(ii) designated felony property offenses as defined in subdivision (5) of this subsection;

(iii) offenses relating to possessing, cultivating, selling, dispensing, or transporting regulated drugs, including violations of 18 V.S.A. § 4230(a) and (b), 4231(a) and (b), 4232(a) and (b), 4233(a) and (b), 4233a(a), 4234(a) and (b), 4234a(a) and (b), 4234b(a) and (b), 4235(b) and (c), or 4235a(a) and (b); and

(iv) any offense for which a person has been granted an unconditional pardon from the Governor.

(5) "Designated felony property offense" means:

(A) a felony violation of 9 V.S.A. § 4043 related to fraudulent use of a credit card;

(B) section 1801 of this title related to forgery and counterfeiting;

(C) section 1802 of this title related to uttering a forged or counterfeited instrument;

(D) section 1804 of this title related to counterfeiting paper money;

(E) section 1816 of this title related to possession or use of credit card skimming devices;

(F) section 2001 of this title related to false personation;

(G) section 2002 of this title related to false pretenses or tokens;

(H) section 2029 of this title related to home improvement fraud;

(I) section 2030 of this title related to identity theft;

(J) section 2501 of this title related to grand larceny;

(K) section 2531 of this title related to embezzlement;

(L) section 2532 of this title related to embezzlement by officers or servants of an incorporated bank;

(M) section 2533 of this title related to embezzlement by a receiver or trustee;

(N) section 2561 of this title related to receiving stolen property;

(O) section 2575 of this title related to retail theft;

(P) section 2582 of this title related to theft of services;

(Q) section 2591 of this title related to theft of rented property;

(R) section 2592 of this title related to failure to return a rented or leased motor vehicle;

(S) section 3016 of this title related to false claims;

(T) section 3701 of this title related to unlawful mischief;

(U) section 3705 of this title related to unlawful trespass;

(V) section 3733 of this title related to mills, dams, or bridges;

(W) section 3761 of this title related to unauthorized removal of human remains;

(X) section 3767 of this title related to grave markers and ornaments;

(Y) chapter 87 of this title related to computer crimes; and

(Z) 18 V.S.A. § 4223 related to fraud or deceit in obtaining a regulated drug.

(6) “Subsequent offense” means the conviction of a crime committed by the person who is the subject of a petition to seal a criminal history record that arose out of a new incident or occurrence after the person was convicted of the crime to be sealed.

Sec. 2. 13 V.S.A. § 7602 is amended to read:

§ 7602. ~~EXPUNGEMENT AND SEALING OF RECORD,~~
POSTCONVICTION; PROCEDURE

~~(a)(1) A person may file a petition with the court requesting expungement or sealing of the criminal history record related to the conviction if:~~

~~(A) the person was convicted of a qualifying crime or qualifying crimes arising out of the same incident or occurrence;~~

~~(B) the person was convicted of an offense for which the underlying conduct is no longer prohibited by law or designated as a criminal offense;~~

~~(C) pursuant to the conditions set forth in subsection (g) of this section, the person was convicted of a violation of 23 V.S.A. § 1201(a) related to operating under the influence of alcohol or other substance, excluding a violation of that section resulting in serious bodily injury or death to any person other than the operator, or related to operating a school bus with a blood alcohol concentration of 0.02 or more or operating a commercial vehicle with a blood alcohol concentration of 0.04 or more; or~~

~~(D) pursuant to the conditions set forth in subsection (h) of this section, the person was convicted under 1201(c)(3)(A) of a violation of subdivision 1201(a) of this title related to burglary when the person was 25 years of age or younger, and the person did not carry a dangerous or deadly weapon during commission of the offense.~~

~~(2) The State's Attorney or Attorney General shall be the respondent in the matter.~~

~~(3) The court shall grant the petition without hearing if the petitioner and the respondent stipulate to the granting of the petition. The respondent shall file the stipulation with the court, and the court shall issue the petitioner an order of expungement and provide notice of the order in accordance with this section.~~

~~(4) This section shall not apply to an individual licensed as a commercial driver pursuant to 23 V.S.A. chapter 39 seeking to seal or expunge a record of a conviction for a felony offense committed in a motor vehicle as defined in 23 V.S.A. § 4.~~

~~(b)(1) The court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:~~

~~(A) At least five years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least five years previously.~~

~~(B) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted for the qualifying crime.~~

~~(C) Any restitution and surcharges ordered by the court have been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.~~

~~(D) The court finds that expungement of the criminal history record serves the interests of justice.~~

~~(2) The court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), and (C) of this subsection are met and the court finds that:~~

~~(A) sealing the criminal history record better serves the interests of justice than expungement; and~~

~~(B) the person committed the qualifying crime after reaching 19 years of age.~~

~~(c)(1) The court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:~~

~~(A) At least 10 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction.~~

~~(B) The person has not been convicted of a felony arising out of a new incident or occurrence in the last seven years.~~

~~(C) The person has not been convicted of a misdemeanor during the past five years.~~

~~(D) Any restitution and surcharges ordered by the court for any crime of which the person has been convicted has been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.~~

~~(E) After considering the particular nature of any subsequent offense, the court finds that expungement of the criminal history record for the qualifying crime serves the interests of justice.~~

~~(2) The court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), (C), and (D) of this subsection are met and the court finds that:~~

~~(A) sealing the criminal history record better serves the interests of justice than expungement; and~~

~~(B) the person committed the qualifying crime after reaching 19 years of age.~~

~~(d) For petitions filed pursuant to subdivision (a)(1)(B) of this section, unless the court finds that expungement would not be in the interests of justice, the court shall grant the petition and order that the criminal history record be expunged in accordance with section 7606 of this title if the following conditions are met:~~

~~(1) The petitioner has completed any sentence or supervision for the offense.~~

~~(2) Any restitution and surcharges ordered by the court have been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.~~

~~(e) For petitions filed pursuant to subdivision (a)(1)(B) of this section for a conviction for possession of a regulated drug under 18 V.S.A. chapter 84, subchapter 1 in an amount that is no longer prohibited by law or for which criminal sanctions have been removed:~~

~~(1) The petitioner shall bear the burden of establishing that his or her conviction was based on possessing an amount of regulated drug that is no longer prohibited by law or for which criminal sanctions have been removed.~~

~~(2) There shall be a rebuttable presumption that the amount of the regulated drug specified in the affidavit of probable cause associated with the petitioner's conviction was the amount possessed by the petitioner.~~

~~(f) Prior to granting an expungement or sealing under this section for petitions filed pursuant to subdivision 7601(4)(D) of this title, the court shall make a finding that the conduct underlying the conviction under section 1201 of this title did not constitute a burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title. The petitioner shall bear the burden of establishing this fact.~~

~~(g) For petitions filed pursuant to subdivision (a)(1)(C) of this section, only petitions to seal may be considered or granted by the court. This subsection shall not apply to an individual licensed as a commercial driver pursuant to 23 V.S.A. chapter 39. Unless the court finds that sealing would not be in the interests of justice, the court shall grant the petition and order that the criminal history record be sealed in accordance with section 7607 of this title if the following conditions are met:~~

~~(1) At least 10 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and~~

~~conditions of an indeterminate term of probation that commenced at least 10 years previously.~~

~~(2) At the time of the filing of the petition:~~

~~(A) the person has only one conviction of a violation of 23 V.S.A. § 1201, which shall be construed in accordance with 23 V.S.A. § 1211; and~~

~~(B) the person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted of a violation of 23 V.S.A. § 1201(a).~~

~~(3) Any restitution ordered by the court has been paid in full.~~

~~(4) The court finds that sealing of the criminal history record serves the interests of justice.~~

~~(h) For petitions filed pursuant to subdivision (a)(1)(D) of this section, unless the court finds that expungement or sealing would not be in the interests of justice, the court shall grant the petition and order that the criminal history record be expunged or sealed in accordance with section 7606 or 7607 of this title if the following conditions are met:~~

~~(1) At least 15 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least 15 years previously.~~

~~(2) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted of a violation of subdivision 1201(c)(3)(A) of this title.~~

~~(3) Any restitution ordered by the court has been paid in full.~~

~~(4) The court finds that expungement or sealing of the criminal history record serves the interests of justice.~~

(a) Petition.

(1) A person may file a petition with the court requesting sealing of a criminal history record related to a conviction under the following circumstances:

(A) The person was convicted of an offense for which the underlying conduct is no longer prohibited by law or designated as a criminal offense.

(B) The person was convicted of a qualifying crime or qualifying crimes arising out of the same incident or occurrence.

(C) The person was convicted of a violation of 23 V.S.A. § 1201(a) related to operating under the influence of alcohol or other substance, provided that:

(i) the violation did not:

(I) result in serious bodily injury or death to any person other than the operator;

(II) involve operating a school bus with a blood alcohol concentration of 0.02 or more; or

(III) involve operating a commercial vehicle with a blood alcohol concentration of 0.04 or more; and

(ii) the person is not licensed as a commercial driver pursuant to 23 V.S.A. chapter 39.

(2) The State's Attorney or Attorney General shall be the respondent in the matter.

(3) The court shall grant the petition without hearing if the petitioner and the respondent stipulate to the granting of the petition. The respondent shall file the stipulation with the court, and the court shall issue the petitioner an order of sealing and provide notice of the order in accordance with this section.

(4) This section shall not apply to an individual licensed as a commercial driver pursuant to 23 V.S.A. chapter 39 seeking to seal a record of a conviction for a felony offense committed in a motor vehicle as defined in 23 V.S.A. § 4.

(b) Offenses that are no longer prohibited by law.

(1) For petitions filed pursuant to subdivision (a)(1)(A) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

(A) The petitioner has completed any sentence or supervision for the offense.

(B) Any restitution and surcharges ordered by the court have been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

(2) For petitions filed pursuant to subdivision (a)(1)(A) of this section for a conviction for possession of a regulated drug under 18 V.S.A. chapter 84, subchapter 1 in an amount that is no longer prohibited by law or for which criminal sanctions have been removed:

(A) The petitioner shall bear the burden of establishing that the petitioner's conviction was based on possessing an amount of regulated drug that is no longer prohibited by law or for which criminal sanctions have been removed.

(B) There shall be a rebuttable presumption that the amount of the regulated drug specified in the affidavit of probable cause associated with the petitioner's conviction was the amount possessed by the petitioner.

(c) Qualifying misdemeanors. For petitions filed to seal a qualifying misdemeanor pursuant to subdivision (a)(1)(B) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

(1) At least three years have elapsed since the date on which the person satisfied the judgement.

(2) Any restitution and surcharges ordered by the court for any crime of which the person has been convicted has been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

(3) The court finds that sealing of the criminal history record serves the interests of justice.

(d) Qualifying felony offenses. For petitions filed to seal a qualifying felony pursuant to subdivision (a)(1)(B) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

(1) At least seven years have elapsed since the date on which the person satisfied the judgement.

(2) Any restitution and surcharges ordered by the court for any crime of which the person has been convicted has been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

(3) The court finds that sealing of the criminal history record serves the interests of justice.

(e) Qualifying DUI misdemeanor. For petitions filed to seal a qualifying DUI misdemeanor pursuant to subdivision (a)(1)(C) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

(1) At least ten years have elapsed since the date on which the person satisfied the judgment for the conviction.

(2) At the time of the filing of the petition:

(A) the person has only one conviction of a violation of 23 V.S.A. § 1201, which shall be construed in accordance with 23 V.S.A. § 1211; and

(B) the person has not been convicted of a subsequent offense since the person was convicted of a violation of 23 V.S.A. § 1201(a).

(3) Any restitution and surcharges ordered by the court for any crime of which the person has been convicted has been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

(4) The court finds that sealing of the criminal history record serves the interests of justice.

Sec. 3. 13 V.S.A. § 7604 is amended to read:

§ 7604. NEW CHARGE

If a person is charged with a criminal offense after he or she has filed a petition for ~~expungement~~ sealing pursuant to this chapter, the court shall not act on the petition until disposition of the new charge.

Sec. 4. 13 V.S.A. § 7605 is amended to read:

§ 7605. DENIAL OF PETITION

If a petition for ~~expungement~~ sealing is denied by the court pursuant to this chapter, no further petition shall be brought for at least two years, unless a shorter duration is authorized by the court.

Sec. 5. 13 V.S.A. § 7607 is amended to read:

§ 7607. EFFECT OF SEALING

(a) Order and notice. Upon entry of an order to seal, the order shall be legally effective immediately and the person whose record is sealed shall be treated in all respects as if ~~he or she~~ the person had never been arrested, convicted, or sentenced for the offense and that its effect is to annul the record of arrest, conviction, and sentence. The court shall provide notice of the sealing to the respondent, Vermont Crime Information Center (VCIC), the arresting agency, the Restitution Unit of the Vermont Center for Crime Victim Services, and any other entity that may have a record related to the order to seal. The VCIC shall provide notice of the sealing to the Federal Bureau of Investigation's National Crime Information Center.

(b) Effect.

(1) Except as provided in subsection (c) of this section, upon entry of a sealing order, the order shall be legally effective immediately and the person

whose record is sealed shall be treated in all respects as if ~~he or she~~ the person had never been arrested, convicted, or sentenced for the offense.

(2) In any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing, a person may be required to answer questions about a previous criminal history record only with respect to arrests or convictions that have not been sealed.

(3) The response to an inquiry from any member of the public regarding a sealed record shall be that “NO CRIMINAL RECORD EXISTS.”

(c) Exceptions; convictions. Notwithstanding any other provision of law or a sealing order, entities may access sealed records only in the following circumstances:

(1) An entity that possesses a sealed record may continue to use it for any litigation or claim arising out of the same incident or occurrence or involving the same defendant.

(2) A criminal justice agency as defined in 20 V.S.A. § 2056a may use the criminal history record sealed in accordance with section 7602 or 7603 of this title without limitation for criminal justice purposes as defined in 20 V.S.A. § 2056a. A sealed record of a prior violation of 23 V.S.A. § 1201(a) shall be admissible as a predicate offense for the purpose of imposing an enhanced penalty for a subsequent violation of that section, in accordance with the provisions of 23 V.S.A. § 1210. A person or a court in possession of an order issued by a court regarding a matter that was subsequently sealed may file or cite to that decision in any subsequent proceeding. The party or court filing or citing to that decision shall ensure that information regarding the identity of the defendant in the sealed record is redacted.

(3) For sentencing in subsequent offenses, the court and parties in a criminal case shall have access to sealed records as follows:

(A) misdemeanors for three years;

(B) qualifying DUI offenses for five years; and

(C) qualifying felony property offenses and selling, dispensing, or transporting a regulated drug offenses for seven years.

(4) The Department of Corrections shall have access to sealed records for the purpose of conducting risk assessments and making supervision decisions as follows:

(A) misdemeanors for three years;

(B) qualifying DUI offenses for five years; and

(C) qualifying felony property offenses and selling, dispensing, or transporting a regulated drug offenses for seven years.

(5) The State's Attorney and Attorney General may disclose information contained in a sealed criminal history record when required to meet their otherwise legally required discovery obligations.

(6) Upon request, the Victim's Compensation Program shall be provided with a copy, redacted of all information identifying the offender, of the affidavit for the sole purpose of verifying the expenses in a victim's compensation application submitted pursuant to section 5353 of this title.

(7) The sealing of a criminal record shall not affect the authority of the Restitution Unit to enforce a restitution order in the same manner as a civil judgment, pursuant to subdivision 5362(c)(2) of this title.

(d) Exceptions; dismissed charges. The prosecution shall have access to cases dismissed without prejudice for three years. The prosecution may object to the loss of access at three years by proving that the loss of access would pose a "significant risk to public safety."

(e) Process.

(1) The court shall bar viewing of the sealed offense in any accessible database that it maintains.

(2) Until all charges on a docket have been sealed, the case file shall remain publicly accessible.

(3) When all charges on a docket have been sealed, the case file shall become exempt from public access.

(e)(f) Special index.

(1) The court shall keep a special index of cases that have been sealed together with the sealing order. The index shall list only the name of the person convicted of the offense, ~~his or her~~ the person's date of birth, the docket number, and the criminal offense that was the subject of the sealing.

(2) The special index and related documents specified in subdivision (1) of this subsection shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons.

(3) Except as provided in ~~subsection~~ subsections (c) and (d) of this section, inspection of the sealing order may be permitted only upon petition by the person who is the subject of the case. The Chief Superior Judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

(4) The Court Administrator shall establish policies for implementing this subsection.

Sec. 6. 13 V.S.A. § 7611 is added to read:

§ 7611. UNAUTHORIZED DISCLOSURE

A state or municipal employee or contractor or any agent of the court, including an attorney and an employee or contractor of the attorney, who in the course of their official duties knowingly discloses sealed criminal history record information without authorization shall be assessed a civil penalty of not more than \$1,000.00. Each unauthorized disclosure shall constitute a separate civil violation.

Sec. 7. 24 V.S.A. § 2002 is added to read:

§ 2002. EXPUNGEMENT OF MUNICIPAL VIOLATION RECORDS

(a) Expungement. Three years following the satisfaction of a judgment resulting from an adjudication of a municipal violation, the Judicial Bureau shall make an entry of “expunged” and notify the municipality of such action, provided the person has not been adjudicated for any subsequent municipal violations during that time. The data transfer to the municipality shall include the name, date of birth, ticket number, and offense. Violations of offenses adopted pursuant to 24 V.S.A. chapter 117 shall not be eligible for expungement under this section.

(b) Effect of expungement.

(1) Upon entry of an expungement order, the order shall be legally effective immediately and the individual whose record is expunged shall be treated in all respects as if the individual had never been adjudicated of the violation.

(2) Upon an entry of expunged, the case will be accessible only by the Clerk of the Court for the Judicial Bureau or the Clerk’s designee. Adjudications that have been expunged shall not appear in the results of any Judicial Bureau database search by name, date of birth, or any other data identifying the defendant. Except as provided in subsection (c) of this section, any documents or other records related to an expunged adjudication that are maintained outside the Judicial Bureau’s case management system shall be destroyed.

(3) Upon receiving an inquiry from any person regarding an expunged record, the Judicial Bureau and the municipality shall respond that “NO RECORD EXISTS.”

(c) Exception for research entities. Research entities that maintain adjudication records for purposes of collecting, analyzing, and disseminating criminal justice data shall not be subject to the expungement requirements established in this section. Research entities shall abide by the policies established by the Court Administrator and shall not disclose any identifying information from the records they maintain.

(d) Policies for implementation. The Court Administrator shall establish policies for implementing this section.

(e) Application. This section shall apply to municipal violations that occur on and after July 1, 2022.

Sec. 8. 23 V.S.A. § 2303 is amended to read:

§ 2303. EXPUNGEMENT OF VIOLATION RECORDS

* * *

(e) Application. This section shall apply to municipal violations that occur on and after July 1, 2021.

Sec. 9. AUTOMATIC SEALING STUDY COMMITTEE

(a) Creation. There is created the Legislative Criminal Record Sealing Study Committee for the purpose of recommending to the General Assembly a proposal for phasing in a policy of automatically sealing criminal history records that no longer have value as a criminal justice tool.

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

(1) two current members of the House of Representatives, not all from the same political party, who shall be appointed by the Speaker of the House; and

(2) two current members of the Senate, not all from the same political party, who shall be appointed by the Committee on Committees.

(c) Powers and duties.

(1) The Committee shall study:

(A) which criminal offenses are appropriate for automatic sealing, the time period in which those offenses become eligible for sealing, and any other appropriate criteria; and

(B) the mechanism for automatic sealing and any resources required for the proposal in subdivision (1)(A) of this subsection (c).

(2) On or before November 15, 2022, the Committee shall submit proposed legislation to the General Assembly.

(d) Assistance. For purposes of scheduling meetings and preparing recommended legislation, the Committee shall have the assistance of the Office of Legislative Operations, the Office of Legislative Counsel, and the Joint Fiscal Office.

(e) Meetings.

(1) The Office of Legislative Counsel shall call the first meeting of the Committee on or before August 1, 2022.

(2) The Committee shall select a chair from among its members at the first meeting.

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

(4) The Committee shall cease to exist on December 31, 2022.

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

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

Rep. Long of Newfane presiding.

Rep. Squirrell of Underhill, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Judiciary and when further amended as follows:

By striking out Sec. 9, automatic sealing study committee, in its entirety and by renumbering the remaining section to be numerically correct.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Judiciary was amended as recommended by the Committee on Appropriations.

Rep. Krowinski presiding.

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

Second Reading; Bill Amended; Third Reading Ordered**H. 711**

Rep. Garofano of Essex, for the Committee on Human Services, to which had been referred House bill, entitled

An act relating to the creation of the Opioid Settlement Advisory Committee and the Opioid Abatement Special Fund

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

Sec. 1. 18 V.S.A. chapter 93 is amended to read:

CHAPTER 93. TREATMENT OF OPIOID ADDICTION USE DISORDER

Subchapter 1. Treatment of Opioid Use Disorder

* * *

Subchapter 2. Opioid Settlement

§ 4771. PURPOSE

It is the purpose of this subchapter to comply with any opioid litigation settlements to which the State or municipalities within the State were a party regarding the management and expenditure of monies received by the State. While an opioid litigation settlement may designate a portion of the monies for local or State use, this subchapter applies to only monies from abatement accounts funds.

§ 4772. OPIOID SETTLEMENT ADVISORY COMMITTEE

(a) Creation. There is created the Opioid Settlement Advisory Committee to provide advice and recommendations regarding remediation spending from the Opioid Abatement Special Fund established pursuant to this subchapter.

(b) Membership.

(1) The Advisory Committee shall be composed of the following members and shall reflect the diversity of Vermont in terms of gender, race, age, ethnicity, sexual orientation, gender identity, disability status, and socioeconomic status and ensure inclusion of individuals with lived experience of opioid use disorder and their family members whenever possible:

(A) the Commissioner of Health or designee, who shall serve as a nonvoting chair;

(B) the Commissioner of Mental Health or designee;

(C) the Chief Prevention Officer established pursuant to 3 V.S.A. § 2321;

(D) one current member of the House of Representatives, appointed by the Speaker of the House;

(E) one current member of the Senate, appointed by the Committee on Committees;

(F) a primary care prescriber with experience providing medication-assisted treatment within the Blueprint for Health hub and spoke model, appointed by the Executive Director of the Blueprint for Health, to provide a statewide perspective on the provision of medication-assisted treatment services;

(G) an individual with experience providing substance misuse prevention services and education programming, appointed by the Substance Misuse Prevention Oversight and Advisory Council, to provide a statewide perspective on prevention services and education;

(H) an individual with experience providing substance misuse treatment or recovery services, appointed by the Clinical Director of the Alcohol and Drug Abuse Program or its successor, to provide a statewide perspective on the provision of treatment or recovery, or both;

(I) a provider with academic research credentials, appointed by the University of Vermont, to provide a statewide perspective on academic research relating to opioid use disorder;

(J) two individuals with lived experience of opioid use disorder, including at least one of whom is in recovery, one member appointed by the Howard Center's Safe Recovery program and one member appointed by the Vermont Association of Mental Health and Addiction Recovery, to provide a statewide perspective on the experience of living with opioid use disorder;

(K) an assistant judge, appointed by the Vermont Association of County Judges; and

(L) ten individuals, each employed by or an agent of a different city or town that collectively reflect Vermont's diverse population and geography, appointed by the Vermont League of Cities and Towns.

(2)(A) The term of office of each appointed member shall be four years. Of the members first appointed, 11 shall be appointed for a term of three years and 11 shall be appointed for a term of four years. Members shall hold office for the term of their appointments and until their successors have been appointed. All vacancies shall be filled for the balance of the unexpired term

in the same manner as the original appointment. Members are eligible for reappointment.

(B) A member may be removed from the Advisory Committee by the member's appointing entity for cause, which includes only neglect of duty, gross misconduct, conviction of a crime, or inability to perform the responsibilities of the office. The Chair of the Advisory Committee shall simultaneously notify the Governor, the Speaker of the House, and the President Pro Tempore that the member has been removed from the Advisory Committee.

(c) Powers and duties. The Advisory Committee shall demonstrate broad ongoing consultation with individuals living with opioid use disorder about their direct experience with related systems, including medication-assisted treatment, residential treatment, recovery services, harm reduction services, overdose, supervision by the Department of Corrections, and involvement with the Department for Children and Families' Family Services Division. To that end, the Advisory Committee shall demonstrate consultation with individuals with direct lived experience of opioid use disorder, frontline support professionals, the Substance Misuse Advisory Council, and other stakeholders to identify spending priorities as related to opioid use disorder prevention, intervention, treatment, and recovery services and harm reduction strategies for the purpose of providing recommendations to the Governor, the Department of Health, and the General Assembly on prioritizing spending from the Opioid Abatement Special Fund. The Advisory Committee shall consider:

(1) the impact of the opioid crisis on communities throughout Vermont, including communities' abatement needs and proposals for abatement strategies and responses;

(2) the perspectives of and proposals from opioid use disorder prevention coalitions, recovery centers, and medication-assisted treatment providers; and

(3) the ongoing challenges of the opioid crisis on marginalized populations, including individuals who have a lived experience of opioid use disorder.

(d) Assistance. The Advisory Committee shall have the administrative, technical, and legal assistance of the Department of Health.

(e) Presentation. Annually, the Advisory Committee shall present its recommendations for expenditures from the Opioid Abatement Special Fund established pursuant to this subchapter to the Department of Health and concurrently submit its recommendations in writing to the House Committees

on Appropriations and on Humans Services and the Senate Committees on Appropriations and on Health and Welfare.

(f) Meetings.

(1) The Commissioner of Health shall call the first meeting of the Advisory Committee to occur on or before June 30, 2022.

(2) The Advisory Committee shall meet at least quarterly but not more than six times per calendar year.

(3) The Advisory Committee shall adopt procedures to govern its proceedings, including voting procedures and how the staggered terms shall be apportioned among members.

(4) All meetings of the Advisory Committee shall be consistent with Vermont's Open Meeting Law pursuant to 1 V.S.A. chapter 5, subchapter 2.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Advisory Committee serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than six meetings per year. These payments shall be appropriated from the Opioid Abatement Special Fund.

(2) Other members of Advisory Committee shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings per year. These payments shall be appropriated from the Opioid Abatement Special Fund.

§ 4773. DESIGNATION OF LEAD STATE AGENCY

The Department of Health shall serve as the lead State agency and single point of contact for submitting requests for funding to the national settlement fund administrator. Approved requests shall be disbursed to the Department for deposit into the Opioid Abatement Special Fund established in section 4774 of this subchapter.

§ 4774. OPIOID ABATEMENT SPECIAL FUND

(a)(1) There is created the Opioid Abatement Special Fund, a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and administered by the Department of Health. The Opioid Abatement Special Fund shall consist of all abatement account fund monies disbursed by the national settlement fund administrator to the Department.

(2) The Department shall include a spending plan, informed by the recommendations of the Opioid Settlement Advisory Committee established pursuant to section 4772 of this subchapter, as part of its annual budget submission, and once approved, the Department shall request to have the funds formally released from the national abatement accounts fund. The Department shall disburse monies from the Opioid Abatement Special Fund pursuant to 32 V.S.A. chapter 7, subchapter 3.

(3) Disbursements from the Opioid Abatement Special Fund shall supplement and not supplant or replace any existing or future local, State, or federal government funding for infrastructure, programs, supports, and resources, including health insurance benefits, federal grant funding, and Medicaid and Medicare funds.

(b) Expenditures from the Opioid Abatement Special Fund shall be used for the following opioid prevention, intervention, treatment, recovery, harm reduction, and evaluation activities:

(1) preventing overdose deaths and other harms;

(2) treatment of opioid use disorder;

(3) support for individuals in treatment and recovery and their families;

(4) connecting individuals who need help to the help needed;

(5) addressing the needs of criminal justice-involved persons;

(6) addressing the needs of pregnant or parenting individuals and their families, including babies with neonatal abstinence syndrome;

(7) preventing overprescribing and ensuring appropriate prescribing and dispensing of opioids;

(8) preventing the misuse of opioids;

(9) educating law enforcement and other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs and providing wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events;

(10) supporting efforts to provide leadership, planning, coordination, facilitation, training, and technical assistance to abate the opioid epidemic;

(11) researching opioid abatement;

(12) implementing other evidence-based or evidence-informed programs or strategies that support prevention, harm reduction, treatment, or recovery of

opioid use disorder and any co-occurring substance use or mental health disorder; and

(13) the cost of the administrative, technical, and legal assistance provided to the Advisory Committee by the Department of Health.

(c) Priority for expenditures from the Opioid Abatement Special Fund shall be aimed at reducing overdose deaths, including the following:

(1) promoting the appropriate use of naloxone and other U.S. Food and Drug Administration-approved drugs to reverse opioid overdoses, specifically:

(A) expanding training for first responders, schools, community support groups, families; and

(B) increasing distribution to individuals who are uninsured or whose health insurance does not cover the needed goods and services;

(2) increasing access to medication-assisted treatment and other opioid-related treatment, specifically:

(A) increasing distribution of medication-assisted treatment to individuals who are uninsured or whose health insurance does not cover the needed goods and services;

(B) providing education to school-based and youth-focused programs that discourage or prevent misuse, including how to access opioid use disorder treatment;

(C) providing medication-assisted education and awareness training to health care providers, emergency medical technicians, law enforcement, and other first responders; and

(D) providing treatment and recovery support services such as residential and inpatient treatment, intensive outpatient treatment, outpatient therapy or counseling, and recovery housing that allows or integrates medication and other support services;

(3) assisting pregnant and postpartum individuals, specifically:

(A) enhancing services for expanding screening, brief intervention, and referral to treatment (SBIRT) services to non-Medicaid eligible or uninsured pregnant individuals;

(B) expanding comprehensive evidence-based or evidence-informed treatment and recovery services, including medication-assisted treatment, for individuals with co-occurring opioid use disorder and other substance or mental health disorders for up to 12 months postpartum; and

(C) providing comprehensive wraparound services to pregnant and postpartum individuals with opioid use disorder, including housing, transportation, job placement, training, and child care;

(4) expanding treatment for neonatal abstinence syndrome (NAS), specifically:

(A) expanding comprehensive evidence-based or evidence-informed recovery support for babies with NAS;

(B) expanding services for better continuum of care to address infant needs and support the parent-child relationship; and

(C) expanding long-term treatment and services for medical monitoring of babies with NAS and their families;

(5) expanding the availability of warm handoff programs and recovery services, specifically:

(A) expanding services such as navigators and on-call teams to begin medication-assisted treatment in hospital emergency departments;

(B) expanding warm handoff services to transition to recovery services;

(C) broadening the scope of recovery services to include co-occurring substance use disorder or mental health conditions;

(D) providing comprehensive wraparound services to individuals in recovery, including housing, transportation, job placement, training, and child care; and

(E) hiring additional workers to facilitate the expansions listed in this subdivision (5);

(6) treating incarcerated populations, specifically:

(A) providing evidence-based or evidence-informed treatment and recovery support, including medication-assisted treatment for individuals with opioid use disorder or co-occurring substance use or mental health disorders while transitioning out of the criminal justice system; and

(B) increasing funding for correctional facilities to provide treatment and recovery support to inmates with opioid use disorder;

(7) supporting prevention programs, specifically:

(A) funding for media campaigns to prevent opioid misuse;

(B) funding for evidence-based or evidence-informed prevention in schools;

(C) funding for health care provider education and outreach regarding best prescribing practices for opioids consistent with current Department of Health and U.S. Centers for Disease Control and Prevention guidelines, including providers at hospitals;

(D) funding for community drug disposal programs; and

(E) funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to mental health services and supports;

(8) expanding syringe service programs, specifically providing comprehensive syringe services programs with more wraparound services, including linkages to opioid use disorder treatment, access to sterile syringes, and linkages to care and treatment of infectious diseases; and

(9) facilitating evidence-based or evidence-informed data collection and research analyzing and evaluating the effectiveness of the abatement strategies within Vermont.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Fagan of Rutland City, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Human Services and when further amended as follows:

First: In Sec. 1, 18 V.S.A. chapter 93, in section 4772, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) Membership.

(1) The Advisory Committee shall be composed of the following members and shall reflect the diversity of Vermont in terms of gender, race, age, ethnicity, sexual orientation, gender identity, disability status, and socioeconomic status and ensure inclusion of individuals with lived experience of opioid use disorder and their family members whenever possible:

(A) the Commissioner of Health or designee, who shall serve as a nonvoting chair;

(B) the Chief Prevention Officer established pursuant to 3 V.S.A. § 2321;

(C) one current member of the House of Representatives, appointed by the Speaker of the House;

(D) one current member of the Senate, appointed by the Committee on Committees;

(E) a primary care prescriber with experience providing medication-assisted treatment within the Blueprint for Health hub and spoke model, appointed by the Executive Director of the Blueprint for Health, to provide a statewide perspective on the provision of medication-assisted treatment services;

(F) a provider with academic research credentials, appointed by the University of Vermont, to provide a statewide perspective on academic research relating to opioid use disorder;

(G) two individuals with lived experience of opioid use disorder, including at least one of whom is in recovery, one member appointed by the Howard Center's Safe Recovery program and one member appointed by the Vermont Association of Mental Health and Addiction Recovery, to provide a statewide perspective on the experience of living with opioid use disorder;

(H) an assistant judge, appointed by the Vermont Association of County Judges; and

(I) seven individuals, each employed by or an agent of a different city or town that collectively reflect Vermont's diverse population and geography, appointed by the Vermont League of Cities and Towns.

(2)(A) The term of office of each appointed member shall be four years. Of the members first appointed, eight shall be appointed for a term of three years and eight shall be appointed for a term of four years. Members shall hold office for the term of their appointments and until their successors have been appointed. All vacancies shall be filled for the balance of the unexpired term in the same manner as the original appointment. Members are eligible for reappointment.

(B) A member may be removed from the Advisory Committee by the member's appointing entity for cause, which includes only neglect of duty, gross misconduct, conviction of a crime, or inability to perform the responsibilities of the office. The Chair of the Advisory Committee shall simultaneously notify the Governor, the Speaker of the House, and the President Pro Tempore that the member has been removed from the Advisory Committee.

Second: In Sec. 1, 18 V.S.A. chapter 93, in section 4772, in subsection (f), in subdivision (3), by inserting “and organization” after “proceedings”

Third: By adding a new Sec. 2 to read as follows:

Sec. 2. FY23 ADVISORY COMMITTEE EXPENSES; ANTICIPATION OF RECEIPTS

In fiscal year 2023, the Department of Health shall pay the administrative costs and any other expenses related to the activities of the Opioid Settlement Advisory Committee established pursuant to 18 V.S.A. § 4772 in anticipation of receipts.

and by renumbering the remaining section to be numerically correct.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Human Services was amended as recommended by the Committee on Appropriations.

Thereupon, **Rep. Garofano of Essex** moved to amend the report of the Committee on Human Services, as amended, as follows:

By adding a new Sec. 2 to read as follows:

Sec. 2. SUNSET; OPIOID SETTLEMENT ADVISORY COMMITTEE

Upon written certification by the Chair of the Opioid Settlement Advisory Committee to the Governor, the Speaker of the House, and the President Pro Tempore that Vermont's share of monies from the abatement accounts portion of the national settlement fund has been fully expended, the Opioid Settlement Advisory Committee shall cease to exist.

and by renumbering the remaining section to be numerically correct.

Which was agreed to. Thereupon, the report of the Committee on Human Services, as amended, was agreed to and third reading ordered.

Committee Bill; Second Reading; Bill Amended; Third Reading Ordered

H. 716

Rep. Webb of Shelburne spoke for the Committee on Education.

House bill, entitled

An act relating to making miscellaneous changes in education law

Rep. Beck of St. Johnsbury, for the Committee on Ways and Means recommended that the bill ought to pass when amended as follows:

In Sec. 1, 16 V.S.A. § 2961 in subdivision (d)(1(A, by striking out subdivision (i in its entirety and inserting in lieu thereof a new subdivision (i to read as follows:

(i) the average amount it received for fiscal years 2018, 2019, and 2020, or the average amount it received for fiscal years 2019, 2020, and 2021, whichever amount is greater, from the State for special education under sections 2961 (standard mainstream block grants), 2963 (special education expenditures reimbursement), and 2963a (exceptional circumstances) of this title; increased by

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Ways and Means.

The bill, having appeared on the Notice Calendar, was taken up and read the second time. Thereafter, the bill was amended as recommended by the Committee on Ways and Means and third reading was ordered.

Action on Bill Postponed

S. 30

Senate bill, entitled

An act relating to prohibiting possession of firearms within hospital buildings

Was taken up and, pending consideration of the Governor's veto, on motion of **Rep. Grad of Moretown**, action on the bill was postponed until May 17, 2022.

Committee Relieved of Consideration and Bill Committed to Other Committee

H. 704

Rep. Ancel of Calais moved that the Committee on Ways and Means be relieved of House bill, entitled

An act relating to the regulation of accessory on-farm businesses

And that the bill be committed to the Committee on Natural Resources, Fish, and Wildlife, which was agreed to.

Adjournment

At seven o'clock and thirty-eight minutes in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, March 18, 2022

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Mrowicki and Amelia Struthers of Putney.

Committee Bills Introduced

House bills of the following titles were severally introduced, read the first time, and placed on the Notice Calendar as follows:

H. 737

By the Committee on Ways and Means,
House bill, entitled

An act relating to setting the homestead property tax yields and the nonhomestead property tax rate

H. 738

By the Committee on Ways and Means,
House bill, entitled

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

Ceremonial Reading**H.C.R. 116**

House concurrent resolution commemorating the 250th anniversary of the New Yorkers' capture and Bennington posse's rescue of early Arlington leader and pre-Revolutionary War patriot Remember Baker Jr.

Offered by: James of Manchester, Bongartz of Manchester, Brownell of Pownal, Corcoran of Bennington, Durfee of Shaftsbury, Morrissey of Bennington, Nigro of Bennington, Pajala of Londonderry, Sullivan of Dorset, and Whitman of Bennington and Senators Campion and Sears

Having been adopted in concurrence on Friday, March 11, 2022 in accord with Joint Rule 16b, was read.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 287

House bill, entitled

An act relating to patient financial assistance policies and medical debt protection

H. 465

House bill, entitled

An act relating to boards and commissions

H. 518

House bill, entitled

An act relating to the creation of the Municipal Fuel Switching Grant Program

H. 533

House bill, entitled

An act relating to converting civil forfeiture of property in drug-related prosecutions into a criminal process

H. 534

House bill, entitled

An act relating to sealing criminal history records

H. 629

House bill, entitled

An act relating to access to adoption records

H. 711

House bill, entitled

An act relating to the creation of the Opioid Settlement Advisory Committee and the Opioid Abatement Special Fund

H. 716

House bill, entitled

An act relating to making miscellaneous changes in education law

Amendment Withdrawn; Read Third Time; Bill Passed**H. 727**

House bill, entitled

An act relating to the exploration, formation, and organization of union school districts and unified union school districts

Was taken up and, pending third reading of the bill, **Rep. Peterson of Clarendon** moved to amend the bill as follows:

First: In Sec. 3, 16 V.S.A. chapter 11, in section 731, in subdivision (a)(1), in the last sentence, following “after providing notice” by striking out the words “and after consultation with the selectboard”

Second: In Sec. 3, 16 V.S.A. chapter 11, in section 731, in subdivision (a)(1), in the last sentence, following “shall appoint” by striking out the words “an eligible person” and inserting in lieu thereof the words “a person chosen by the selectboard of the town”

Third: In Sec. 3, 16 V.S.A. chapter 11, in section 731, in subdivision (a)(1), in the last sentence, following “to fill the vacancy until” by striking out the words “the voters” and inserting in lieu thereof “that town’s voters”

Thereupon, **Rep. Peterson of Clarendon** asked and was granted leave of the House to withdraw his amendment. Thereafter, the bill was read the third time and passed.

Third Reading; Bill Passed**H. 731**

House bill, entitled

An act relating to technical corrections for the 2022 legislative session

Was taken up, read the third time, and passed.

Third Reading; Bill Passed in Concurrence**S. 4**

Senate bill, entitled

An act relating to procedures involving firearms

Was taken up, read the third time, and passed in concurrence.

Action on Bill Postponed**H. 492**

House bill, entitled

An act relating to the structure of the Natural Resources Board

Was taken up and, pending the reading of the report of the Committee on Natural Resources, Fish, and Wildlife, on motion of **Rep. Sheldon of Middlebury**, action on the bill was postponed until March 22, 2022.

Second Reading; Bill Amended; Third Reading Ordered**H. 505**

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

An act relating to reclassification of penalties for unlawfully possessing, dispensing, and selling a regulated drug

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

Sec. 1. 18 V.S.A. § 4215a is amended to read:

§ 4215a. SALE OF SCHEDULE V DRUGS

(a) A duly licensed pharmacist may sell and dispense schedule V drugs only upon written prescription or oral prescription ~~which~~ that is promptly reduced to writing by a pharmacist, of a licensed physician, dentist, or veterinarian, dated and signed by the person prescribing or, if an oral prescription, by the pharmacist on the date when written.

* * *

(d) ~~For a first offense, a A person knowingly and unlawfully violating the provisions of this section may be imprisoned for not more than six months or fined not more than \$500.00, or both. For a second or subsequent offense, a person knowingly and unlawfully violating the provisions of this section may be imprisoned for not more than two years or fined not more than \$2,000.00, or both commits a Class C misdemeanor. Notwithstanding 13 V.S.A. § 53, a person who violates this section shall not be fined more than \$500.00.~~

Sec. 2. 18 V.S.A. § 4223 is amended to read:

§ 4223. FRAUD OR DECEIT

* * *

(i) A person who violates this section ~~shall be imprisoned not more than two years and one day or fined not more than \$5,000.00, or both~~ commits a Class A misdemeanor.

Sec. 3. 18 V.S.A. § 4228 is amended to read:

§ 4228. UNLAWFUL MANUFACTURE, DISTRIBUTION, DISPENSING,
OR SALE OF A NONCONTROLLED DRUG OR SUBSTANCE

(a) It is unlawful for any person to knowingly dispense, manufacture, process, package, distribute, or sell or attempt to dispense, manufacture, process, package, distribute, or sell a noncontrolled drug or substance upon either:

(1) the express or implied representation that the drug or substance is a controlled drug; or

(2) the express or implied representation that the drug or substance is of such nature or appearance that the dispensee or purchaser will be able to dispense or sell the drug or substance as a controlled drug.

(b) For the purposes of this section, a “controlled” drug or substance shall mean those drugs or substances listed under schedules I through V in the federal Controlled Substances Act, 21 U.S.C. § 801 et seq. as amended.

* * *

(f) A person convicted of violating this section ~~shall be subject to imprisonment for a term of up to one year or a fine of up to \$5,000.00, or both~~ commits a Class B misdemeanor. If the violation of this section involves dispensing, distributing, or selling to a person under the age of 21 years of age, the person ~~shall be subject to a term of imprisonment of not more than two years or fined up to \$10,000.00, or both~~ commits a Class A misdemeanor.

Sec. 4. 18 V.S.A. § 4230 is amended to read:

§ 4230. CANNABIS

(a) Possession and cultivation.

(1) No person shall knowingly and unlawfully possess more than one ounce of cannabis or more than five grams of hashish or cultivate more than two mature cannabis plants or four immature cannabis plants. A person who violates this subdivision shall be assessed a civil penalty as follows:

(A) not more than \$100.00 for a first offense;

(B) not more than \$200.00 for a second offense; and

(C) not more than \$500.00 for a third or subsequent offense.

(2)(A) No person shall knowingly and unlawfully possess two ounces or more of cannabis or ten grams or more of hashish or more than three mature cannabis plants or six immature cannabis plants. For a first offense under this subdivision (2), a person shall be provided the opportunity to participate in the Court Diversion Program unless the prosecutor states on the record why a referral to the Court Diversion Program would not serve the ends of justice. A person convicted of a first offense under this subdivision ~~shall be imprisoned not more than six months or fined not more than \$500.00, or both~~ commits a Class C misdemeanor. Notwithstanding 13 V.S.A. § 53, a person who violates this section shall not be fined more than \$500.00.

~~(B) A person convicted of a second or subsequent offense of violating subdivision (A) of this subdivision (2) shall be imprisoned not more than two years or fined not more than \$2,000.00, or both. [Repealed.]~~

(C) Upon an adjudication of guilt for ~~a first or second~~ an offense under this subdivision (2), the court may defer sentencing as provided in 13 V.S.A. § 7041, except that the court may in its discretion defer sentence without the filing of a presentence investigation report and except that sentence may be imposed at any time within ~~two years~~ six months from and after the date of entry of deferment. The court may, prior to sentencing, order that the defendant submit to a drug assessment screening, which may be considered at sentencing in the same manner as a presentence report.

(3) A person knowingly and unlawfully possessing eight ounces of cannabis or 1.4 ounces of hashish or knowingly and unlawfully cultivating more than four mature cannabis plants or eight immature cannabis plants ~~shall be imprisoned not more than three years or fined not more than \$10,000.00, or both~~ commits a Class A misdemeanor.

(4) A person knowingly and unlawfully possessing more than one pound of cannabis or more than 2.8 ounces of hashish or knowingly and unlawfully cultivating more than six mature cannabis plants or 12 immature cannabis plants ~~shall be imprisoned not more than five years or fined not more than \$10,000.00, or both~~ commits a Class E felony.

(5) A person knowingly and unlawfully possessing more than 10 pounds of cannabis or more than one pound of hashish or knowingly and unlawfully cultivating more than 12 mature cannabis plants or 24 immature cannabis plants ~~shall be imprisoned not more than 15 years or fined not more than \$500,000.00, or both~~ commits a Class D felony.

(6) If a court fails to provide the defendant with notice of collateral consequences in accordance with 13 V.S.A. § 8005(b) and the defendant later at any time shows that the plea and conviction for a violation of this subsection

may have or has had a negative consequence, the court, upon the defendant's motion, shall vacate the judgment and permit the defendant to withdraw the plea or admission and enter a plea of not guilty. Failure of the court to advise the defendant of a particular collateral consequence shall not support a motion to vacate.

(7) The amounts of cannabis in this subsection shall not include cannabis cultivated, harvested, and stored in accordance with section 4230e of this title.

(b) Selling or dispensing.

(1) A person knowingly and unlawfully selling cannabis or hashish ~~shall be imprisoned not more than two years or fined not more than \$10,000.00, or both~~ commits a Class B misdemeanor.

(2) A person knowingly and unlawfully selling or dispensing more than one ounce of cannabis or five grams or more of hashish ~~shall be imprisoned not more than five years or fined not more than \$100,000.00, or both~~ commits a Class A misdemeanor.

(3) A person knowingly and unlawfully selling or dispensing one pound or more of cannabis or 2.8 ounces or more of hashish ~~shall be imprisoned not more than 15 years or fined not more than \$500,000.00, or both~~ commits a Class D felony.

(4) A person 21 years of age or older may dispense one ounce or less of cannabis or five grams or less of hashish to another person who is 21 years of age or older, provided that the dispensing is not advertised or promoted to the public.

(c) Trafficking. A person knowingly and unlawfully possessing 50 pounds or more of cannabis or five pounds or more of hashish with the intent to sell or dispense the cannabis or hashish ~~shall be imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both~~ commits a Class C felony. There shall be a permissive inference that a person who possesses 50 pounds or more of cannabis or five pounds or more of hashish intends to sell or dispense the cannabis or hashish.

(d) ~~Cannabis-infused~~ Cannabis-infused products. Only the portion of a cannabis-infused product that is attributable to cannabis shall count toward the possession limits of this section. ~~The weight of cannabis that is attributable to cannabis-infused products shall be determined according to methods set forth in rule by the Department of Public Safety in accordance with chapter 86 of this title (therapeutic use of cannabis).~~

Sec. 5. 18 V.S.A. § 4230f is amended to read:

§ 4230f. DISPENSING CANNABIS TO A PERSON UNDER 21 YEARS
OF AGE; CRIMINAL OFFENSE

(a) No person shall:

(1) dispense cannabis to a person under 21 years of age; or

(2) knowingly enable the consumption of cannabis by a person under 21 years of age.

(b) As used in this section, “enable the consumption of cannabis” means creating a direct and immediate opportunity for a person to consume cannabis.

(c) Except as provided in subsection (d) of this section, a person who violates subsection (a) of this section ~~shall be imprisoned not more than two years or fined not more than \$2,000.00, or both~~ commits a Class A misdemeanor. Notwithstanding 13 V.S.A. § 53, a person who violates this section shall not be fined more than \$2,000.00.

(d) A person who violates subsection (a) of this section, where the person under 21 years of age while operating a motor vehicle on a public highway causes death or serious bodily injury to ~~himself or herself themselves~~ or to another person as a result of the violation, ~~shall be imprisoned not more than five years or fined not more than \$10,000.00, or both~~ commits a Class D felony.

(e)(1) Subsections (a)–(d) of this section shall not apply to a person under 21 years of age who dispenses cannabis to a person under 21 years of age or who knowingly enables the consumption of cannabis by a person under 21 years of age.

(2) A person who is 18, 19, or 20 years of age who knowingly dispenses cannabis to a person who is 18, 19, or 20 years of age commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Awareness Safety Program in accordance with the provisions of section 4230b of this title and shall be subject to the penalties in that section for failure to complete the program successfully.

(3) A person 18, 19, or 20 years of age who knowingly dispenses to a person under 18 years of age who is at least three years that person’s junior ~~shall be sentenced to a term of imprisonment of not more than five years in accordance with section 4237 of this title~~ commits a Class B misdemeanor. Notwithstanding 13 V.S.A. § 53, a person who violates this section shall not be fined.

(4) A person who is 19 years of age who knowingly dispenses to a person 17 years of age or a person who is 18 years of age who knowingly dispenses cannabis to a person who is 16 or 17 years of age commits a ~~misdemeanor crime and shall be fined not more than \$500.00~~ Class E misdemeanor.

(5) A person who is under 18 years of age who knowingly dispenses cannabis to another person who is under 18 years of age commits a delinquent act and shall be subject to 33 V.S.A. chapter 52.

* * *

Sec. 6. 18 V.S.A. § 4230h is amended to read:

§ 4230h. CHEMICAL EXTRACTION VIA BUTANE OR HEXANE

PROHIBITED

(a) No person shall manufacture concentrated cannabis by chemical extraction or chemical synthesis using butane or hexane ~~unless authorized as a dispensary pursuant to a registration issued by the Department of Public Safety pursuant to chapter 86 of this title.~~

(b) A person who violates subsection (a) of this section ~~shall be imprisoned not more than two years or fined not more than \$2,000.00, or both commits a Class A misdemeanor. Notwithstanding 13 V.S.A. § 53, a person who violates this section shall not be fined more than \$2,000.00.~~ A person who violates subsection (a) of this section and causes serious bodily injury to another person ~~shall be imprisoned not more than five years or fined not more than \$5,000.00, or both commits a Class E felony. Notwithstanding 13 V.S.A. § 53, a person who violates this section shall not be fined more than \$5,000.00.~~

Sec. 7. 18 V.S.A. § 4231 is amended to read:

§ 4231. COCAINE

(a) Possession.

(1) A person knowingly and unlawfully possessing cocaine ~~shall be imprisoned not more than one year or fined not more than \$2,000.00, or both commits a Class B misdemeanor. Notwithstanding 13 V.S.A. § 53, a person who violates this section shall not be fined more than \$2,000.00.~~

(2) A person knowingly and unlawfully possessing cocaine in an amount consisting of 2.5 grams or more of one or more preparations, compounds, mixtures, or substances containing cocaine ~~shall be imprisoned not more than five years or fined not more than \$100,000.00, or both commits a Class E felony.~~

(3) A person knowingly and unlawfully possessing cocaine in an amount consisting of one ounce or more of one or more preparations, compounds, mixtures, or substances containing cocaine ~~shall be imprisoned not more than 10 years or fined not more than \$250,000.00, or both~~ commits a Class D felony.

(4) [Repealed.]

(b) Selling or dispensing.

(1) A person knowingly and unlawfully dispensing cocaine ~~shall be imprisoned not more than three years or fined not more than \$75,000.00, or both~~ commits a Class E felony. A person knowingly and unlawfully selling cocaine ~~shall be imprisoned not more than five years or fined not more than \$100,000.00, or both~~ commits a Class D felony.

(2) ~~A person knowingly and unlawfully selling or dispensing cocaine in an amount consisting of 2.5 grams or more of one or more preparations, compounds, mixtures, or substances containing cocaine shall be imprisoned not more than 10 years or fined not more than \$250,000.00, or both.~~ [Repealed.]

(3) A person knowingly and unlawfully selling or dispensing cocaine in an amount consisting of one ounce or more of one or more preparations, compounds, mixtures, or substances containing cocaine ~~shall be imprisoned not more than 20 years or fined not more than \$1,000,000.00, or both~~ commits a Class C felony.

(c) Trafficking.

(1) A person knowingly and unlawfully possessing cocaine in an amount consisting of 150 grams or more of one or more preparations, compounds, mixtures, or substances containing cocaine with the intent to sell or dispense the cocaine ~~shall be imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both~~ commits a Class B felony. There shall be a permissive inference that a person who possesses cocaine in an amount consisting of 150 grams or more of one or more preparations, compounds, mixtures, or substances containing cocaine intends to sell or dispense the cocaine. The amount of possessed cocaine under this subdivision to sustain a charge of conspiracy under 13 V.S.A. § 1404 shall be not less than 400 grams in the aggregate.

(2) ~~A person knowingly and unlawfully possessing crack cocaine in an amount consisting of 60 grams or more of one or more preparations, compounds, mixtures, or substances containing crack cocaine with the intent to sell or dispense the crack cocaine shall be imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both. There shall be a permissive~~

~~inference that a person who possesses crack cocaine in an amount consisting of 60 grams or more of one or more preparations, compounds, mixtures, or substances containing crack cocaine intends to sell or dispense the crack cocaine. [Repealed.]~~

Sec. 8. 18 V.S.A. § 4232 is amended to read:

§ 4232. LSD

(a) Possession.

(1) ~~A person knowingly and unlawfully possessing lysergic acid diethylamide shall be imprisoned not more than one year or fined not more than \$2,000.00, or both commits a Class B misdemeanor. Notwithstanding 13 V.S.A. § 53, a person who violates this section shall not be fined more than \$2,000.00.~~

(2) A person knowingly and unlawfully possessing lysergic acid diethylamide in an amount consisting of 100 milligrams or more of one or more preparations, compounds, mixtures, or substances containing lysergic acid diethylamide ~~shall be imprisoned not more than five years or fined not more than \$25,000.00, or both commits a Class E felony.~~

(3) A person knowingly and unlawfully possessing lysergic acid diethylamide in an amount consisting of one gram or more of one or more preparations, compounds, mixtures, or substances containing lysergic acid diethylamide ~~shall be imprisoned not more than 10 years or fined not more than \$100,000.00, or both commits a Class D felony.~~

(4) ~~A person knowingly and unlawfully possessing lysergic acid diethylamide in an amount consisting of 10 grams or more of one or more preparations, compounds, mixtures, or substances containing lysergic acid diethylamide shall be imprisoned not more than 20 years or fined not more than \$500,000.00, or both. [Repealed.]~~

(b) Selling or dispensing.

(1) A person knowingly and unlawfully dispensing lysergic acid diethylamide ~~shall be imprisoned not more than three years or fined not more than \$25,000.00, or both commits a Class E felony.~~ A person knowingly and unlawfully selling lysergic acid diethylamide ~~shall be imprisoned not more than five years or fined not more than \$25,000.00, or both commits a Class D felony.~~

(2) A person knowingly and unlawfully selling or dispensing lysergic acid diethylamide in an amount consisting of 100 milligrams or more of one or more preparations, compounds, mixtures, or substances containing lysergic

acid diethylamide shall be imprisoned not more than 10 years or fined not more than \$100,000.00, or both commits a Class C felony.

(3) A person knowingly and unlawfully selling or dispensing lysergie acid diethylamide in an amount consisting of one gram or more of one or more preparations, compounds, mixtures, or substances containing lysergie acid diethylamide shall be imprisoned not more than 20 years or fined not more than \$500,000.00, or both. [Repealed.]

Sec. 9. 18 V.S.A. § 4233 is amended to read:

§ 4233. HEROIN

(a) Possession.

(1) A person knowingly and unlawfully possessing heroin shall be imprisoned not more than one year or fined not more than \$2,000.00, or both commits a Class B misdemeanor. Notwithstanding 13 V.S.A. § 53, a person who violates this section shall not be fined more than \$2,000.00.

(2) A person knowingly and unlawfully possessing heroin in an amount consisting of 200 milligrams or more of one or more preparations, compounds, mixtures, or substances containing heroin shall be imprisoned not more than five years or fined not more than \$100,000.00, or both commits a Class A misdemeanor.

(3) A person knowingly and unlawfully possessing heroin in an amount consisting of one gram or more of one or more preparations, compounds, mixtures, or substances containing heroin shall be imprisoned not more than 10 years or fined not more than \$250,000.00, or both commits a Class D felony.

(4) A person knowingly and unlawfully possessing heroin in an amount consisting of two grams or more of one or more preparations, compounds, mixtures, or substances containing heroin shall be imprisoned not more than 20 years or fined not more than \$1,000,000.00, or both commits a Class C felony.

(b) Selling or dispensing.

(1) A person knowingly and unlawfully dispensing heroin shall be imprisoned not more than three years or fined not more than \$75,000.00, or both commits a Class E felony. A person knowingly and unlawfully selling heroin shall be imprisoned not more than five years or fined not more than \$100,000.00, or both commits a Class D felony.

(2) A person knowingly and unlawfully selling or dispensing heroin in an amount consisting of 200 milligrams or more of one or more preparations,

~~compounds, mixtures, or substances containing heroin shall be imprisoned not more than 10 years or fined not more than \$250,000.00, or both. [Repealed]~~

(3) A person knowingly and unlawfully selling or dispensing heroin in an amount consisting of one gram or more of one or more preparations, compounds, mixtures, or substances containing heroin ~~shall be imprisoned not more than 20 years or fined not more than \$1,000,000.00, or both~~ commits a Class C felony.

(c) Trafficking. A person knowingly and unlawfully possessing heroin in an amount consisting of 3.5 grams or more of one or more preparations, compounds, mixtures, or substances containing heroin with the intent to sell or dispense the heroin ~~shall be imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both~~ commits a Class B felony. There shall be a permissive inference that a person who possesses heroin in an amount of 3.5 grams or more of one or more preparations, compounds, mixtures, or substances containing heroin intends to sell or dispense the heroin. The amount of possessed heroin under this subsection to sustain a charge of conspiracy under 13 V.S.A. § 1404 shall be no less than 10 grams in the aggregate.

(d) ~~Transportation into the State. In addition to any other penalties provided by law, a person knowingly and unlawfully transporting one gram or more of heroin into Vermont with the intent to sell or dispense the heroin shall be imprisoned not more than 10 years or fined not more than \$100,000.00, or both. [Repealed]~~

Sec. 10. 18 V.S.A. § 4233a is amended to read:

§ 4233a. FENTANYL

(a) Selling or dispensing.

(1) A person knowingly and unlawfully dispensing fentanyl ~~shall be imprisoned not more than three years or fined not more than \$75,000.00, or both~~ commits a Class E felony. A person knowingly and unlawfully selling fentanyl ~~shall be imprisoned not more than five years or fined not more than \$100,000.00, or both~~ commits a Class D felony.

(2) A person knowingly and unlawfully selling or dispensing fentanyl in an amount consisting of four milligrams or more of one or more preparations, compounds, mixtures, or substances containing fentanyl ~~shall be imprisoned not more than 10 years or fined not more than \$250,000.00, or both~~ commits a Class C felony.

(3) A person knowingly and unlawfully selling or dispensing fentanyl in an amount consisting of 20 milligrams or more of one or more preparations,

compounds, mixtures, or substances containing fentanyl ~~shall be imprisoned not more than 20 years or fined not more than \$1,000,000.00, or both~~ commits a Class B felony.

(4) In lieu of a charge under this subsection, but in addition to any other penalties provided by law, a person knowingly and unlawfully selling or dispensing any regulated drug containing a detectable amount of fentanyl ~~shall be imprisoned not more than five years or fined not more than \$250,000.00, or both~~ commits a Class D felony.

(b) Trafficking. A person knowingly and unlawfully possessing fentanyl in an amount consisting of 70 milligrams or more of one or more preparations, compounds, mixtures, or substances containing fentanyl with the intent to sell or dispense the fentanyl ~~shall be imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both~~ commits a Class B felony. There shall be a permissive inference that a person who possesses fentanyl in an amount of 70 milligrams or more of one or more preparations, compounds, mixtures, or substances containing fentanyl intends to sell or dispense the fentanyl. The amount of possessed fentanyl under this subsection to sustain a charge of conspiracy under 13 V.S.A. § 1404 shall be not less than 70 milligrams in the aggregate.

(c) Transportation into the State. In addition to any other penalties provided by law, a person knowingly and unlawfully transporting more than 20 milligrams of fentanyl into Vermont with the intent to sell or dispense the fentanyl ~~shall be imprisoned not more than 10 years or fined not more than \$100,000.00, or both~~ commits a Class C Felony.

Sec. 11. 18 V.S.A. § 4234 is amended to read:

§ 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

(a) Possession.

~~(1)(A) Except as provided by subdivision (B) of this subdivision (1), a~~ A person knowingly and unlawfully possessing a depressant, stimulant, or narcotic drug, ~~other than heroin or cocaine, shall be imprisoned not more than one year or fined not more than \$2,000.00, or both~~ commits a Class B misdemeanor. Notwithstanding 13 V.S.A. § 53, a person who violates this section shall not be fined more than \$2,000.00.

~~(B) A person knowingly and unlawfully possessing 224 milligrams or less of buprenorphine shall not be punished in accordance with subdivision (A) of this subdivision (1).~~

(2) A person knowingly and unlawfully possessing a depressant, stimulant, or narcotic drug, ~~other than heroin or cocaine,~~ consisting of 100

times a benchmark unlawful dosage or its equivalent as determined by the Board of Health by rule shall be imprisoned not more than five years or fined not more than \$25,000.00, or both commits a Class E felony.

(3) A person knowingly and unlawfully possessing a depressant, stimulant, or narcotic drug, ~~other than heroin or cocaine~~, consisting of 1,000 times a benchmark unlawful dosage or its equivalent as determined by the Board of Health by rule shall be imprisoned not more than 10 years or fined not more than \$100,000.00, or both commits a Class D felony.

(4) A person knowingly and unlawfully possessing a depressant, stimulant, or narcotic drug, ~~other than heroin or cocaine~~, consisting of 10,000 times a benchmark unlawful dosage or its equivalent as determined by the Board of Health by rule shall be imprisoned not more than 20 years or fined not more than \$500,000.00, or both. [Repealed.]

(b) Selling or dispensing.

(1) A person knowingly and unlawfully dispensing a depressant, stimulant, or narcotic drug, ~~other than fentanyl, heroin, or cocaine~~, shall be imprisoned not more than three years or fined not more than \$75,000.00, or both commits a Class E felony. A person knowingly and unlawfully selling a depressant, stimulant, or narcotic drug, other than fentanyl, cocaine, or heroin, shall be imprisoned not more than five years or fined not more than \$25,000.00, or both commits a Class D felony.

(2) A person knowingly and unlawfully selling or dispensing a depressant, stimulant, or narcotic drug, ~~other than fentanyl, heroin, or cocaine~~, consisting of 100 times a benchmark unlawful dosage or its equivalent as determined by the Board of Health by rule shall be imprisoned not more than 10 years or fined not more than \$100,000.00, or both. [Repealed.]

(3) A person knowingly and unlawfully selling or dispensing a depressant, stimulant, or narcotic drug, ~~other than fentanyl, heroin, or cocaine~~, consisting of 1,000 times a benchmark unlawful dosage or its equivalent as determined by the Board of Health by rule shall be imprisoned not more than 20 years or fined not more than \$500,000.00, or both. [Repealed.]

(c) Possession of buprenorphine by a person under 21 years of age.

(1) ~~Except as provided in subdivision (2) of this subsection, a person under 21 years of age who knowingly and unlawfully possesses 224 milligrams or less of buprenorphine commits a civil violation and shall be subject to the provisions of section 4230b of this title.~~

~~(2) A person under 16 years of age who knowingly and unlawfully possesses 224 milligrams or less of buprenorphine commits a delinquent act and shall be subject to the provisions of section 4230j of this title. [Repealed.]~~

Sec. 12. 18 V.S.A. § 4234a is amended to read:

§ 4234a. METHAMPHETAMINE

(a) Possession.

(1) A person knowingly and unlawfully possessing methamphetamine ~~shall be imprisoned not more than one year or fined not more than \$2,000.00, or both commits a Class B misdemeanor. Notwithstanding 13 V.S.A. § 53, a person who violates this section shall not be fined more than \$2,000.00.~~

(2) A person knowingly and unlawfully possessing methamphetamine in an amount consisting of 2.5 grams or more of one or more preparations, compounds, mixtures, or substances containing methamphetamine ~~shall be imprisoned not more than five years or fined not more than \$100,000.00, or both commits a Class D felony.~~

(3) A person knowingly and unlawfully possessing methamphetamine in an amount consisting of 25 grams or more of one or more preparations, compounds, mixtures, or substances containing methamphetamine ~~shall be imprisoned not more than 10 years or fined not more than \$250,000.00, or both commits a Class C felony.~~

(b) Selling and dispensing.

(1) A person knowingly and unlawfully dispensing methamphetamine ~~shall be imprisoned not more than three years or fined not more than \$75,000.00, or both commits a Class E felony. A person knowingly and unlawfully selling methamphetamine shall be imprisoned not more than five years or fined not more than \$100,000.00, or both commits a Class D felony.~~

(2) ~~A person knowingly and unlawfully selling or dispensing methamphetamine in an amount consisting of 2.5 grams or more of one or more preparations, compounds, mixtures, or substances containing methamphetamine shall be imprisoned not more than 10 years or fined not more than \$250,000.00, or both. [Repealed.]~~

(3) A person knowingly and unlawfully selling or dispensing methamphetamine in an amount consisting of 25 grams or more of one or more preparations, compounds, mixtures, or substances containing methamphetamine ~~shall be imprisoned not more than 20 years or fined not more than \$1,000,000.00, or both commits a Class C felony.~~

(c) Trafficking. A person knowingly and unlawfully possessing methamphetamine in an amount consisting of 300 grams or more of one or more preparations, compounds, mixtures, or substances containing methamphetamine with the intent to sell or dispense the methamphetamine ~~shall be imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both~~ commits a Class B felony. There shall be a permissive inference that a person who possesses methamphetamine in an amount consisting of 300 grams or more of one or more preparations, compounds, mixtures, or substances containing methamphetamine intends to sell or dispense the methamphetamine. The amount of possessed methamphetamine under this subsection to sustain a charge of conspiracy under 13 V.S.A. § 1404 shall be ~~no~~ not less than 800 grams in the aggregate

Sec. 13. 18 V.S.A. § 4234b is amended to read:

§ 4234b. EPHEDRINE AND PSEUDOEPHEDRINE

(a) Possession.

(1) No person shall knowingly and unlawfully possess a drug product containing ephedrine base, pseudoephedrine base, or phenylpropanolamine base with the intent to use the product as a precursor to manufacture methamphetamine or another controlled substance.

(2) A person who violates this subsection shall:

(A) commits a Class B misdemeanor if the offense involves possession of less than nine grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base, ~~be imprisoned not more than one year or fined not more than \$2,000.00, or both; however, notwithstanding 13 V.S.A. § 53, a person who violates this section shall not be fined more than \$2,000.00;~~

(B) commits a Class E felony if the offense involves possession of nine or more grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base, ~~be imprisoned not more than five years or fined not more than \$100,000.00, or both.~~

* * *

Sec. 14. 18 V.S.A. § 4235 is amended to read:

§ 4235. HALLUCINOGENIC DRUGS

(a) “Dose” of a hallucinogenic drug means that minimum amount of a hallucinogenic drug, not commonly used for therapeutic purposes, ~~which~~ that causes a substantial hallucinogenic effect. The Board of Health shall adopt rules ~~which~~ that establish doses for hallucinogenic drugs. The Board may incorporate, where applicable, dosage calculations or schedules, whether

described as “dosage equivalencies” or otherwise, established by the federal government.

(b) Possession.

(1) A person knowingly and unlawfully possessing a hallucinogenic drug, other than lysergic acid diethylamide, ~~shall be imprisoned not more than one year or fined not more than \$2,000.00, or both~~ commits a Class B misdemeanor. Notwithstanding 13 V.S.A. § 53, a person who violates this section shall not be fined more than \$2,000.00.

(2) A person knowingly and unlawfully possessing 10 or more doses of a hallucinogenic drug, other than lysergic acid diethylamide, ~~shall be imprisoned not more than five years or fined not more than \$25,000.00, or both~~ commits a Class A misdemeanor.

(3) A person knowingly and unlawfully possessing 100 or more doses of a hallucinogenic drug, other than lysergic acid diethylamide, ~~shall be imprisoned not more than 10 years or fined not more than \$100,000.00, or both~~ commits a Class D felony.

(4) A person knowingly and unlawfully possessing 1,000 or more doses of a hallucinogenic drug, other than lysergic acid diethylamide, ~~shall be imprisoned not more than 15 years or fined not more than \$500,000.00, or both~~ commits a Class C felony.

(c) Selling or dispensing.

(1) A person knowingly and unlawfully dispensing a hallucinogenic drug, other than lysergic acid diethylamide, ~~shall be imprisoned not more than three years or fined not more than \$25,000.00, or both~~ commits a Class E felony. A person knowingly and unlawfully selling a hallucinogenic drug, other than lysergic acid diethylamide, ~~shall be imprisoned not more than five years or fined not more than \$25,000.00, or both~~ commits a Class D felony.

(2) ~~A person knowingly and unlawfully selling or dispensing 10 or more doses of a hallucinogenic drug, other than lysergic acid diethylamide, shall be imprisoned not more than 10 years or fined not more than \$100,000.00, or both.~~ [Repealed.]

(3) A person knowingly and unlawfully selling or dispensing 100 or more doses of a hallucinogenic drug, other than lysergic acid diethylamide, ~~shall be imprisoned not more than 15 years or fined not more than \$500,000.00, or both~~ commits a Class C felony.

Sec. 15. 18 V.S.A. § 4235a is amended to read:

§ 4235a. ECSTASY

(a) Possession.

(1) A person knowingly and unlawfully possessing Ecstasy ~~shall be imprisoned not more than one year or fined not more than \$2,000.00, or both commits a Class B misdemeanor.~~ Notwithstanding 13 V.S.A. § 53, a person who violates this section shall not be fined more than \$2,000.00.

(2) A person knowingly and unlawfully possessing Ecstasy in an amount consisting of two grams or more of one or more preparations, compounds, mixtures, or substances containing Ecstasy ~~shall be imprisoned not more than five years or fined not more than \$25,000.00, or both commits a Class E felony.~~

(3) A person knowingly and unlawfully possessing Ecstasy in an amount consisting of 20 grams or more of one or more preparations, compounds, mixtures, or substances containing Ecstasy ~~shall be imprisoned not more than 10 years or fined not more than \$100,000.00, or both commits a Class D felony.~~

(4) ~~A person knowingly and unlawfully possessing Ecstasy in an amount consisting of seven ounces or more of one or more preparations, compounds, mixtures, or substances containing Ecstasy shall be imprisoned not more than 20 years or fined not more than \$500,000.00, or both.~~
[Repealed.]

(b) Selling or dispensing.

(1) A person knowingly and unlawfully dispensing Ecstasy ~~shall be imprisoned not more than three years or fined not more than \$25,000.00, or both commits a Class E felony.~~ A person knowingly and unlawfully selling Ecstasy ~~shall be imprisoned not more than five years or fined not more than \$25,000.00, or both commits a Class D felony.~~

(2) ~~A person knowingly and unlawfully selling or dispensing Ecstasy in an amount consisting of two grams or more of one or more preparations, compounds, mixtures, or substances containing Ecstasy shall be imprisoned not more than 10 years or fined not more than \$100,000.00, or both.~~
[Repealed.]

(3) A person knowingly and unlawfully selling or dispensing Ecstasy in an amount consisting of 20 grams or more of one or more preparations, compounds, mixtures, or substances containing Ecstasy ~~shall be imprisoned not more than 20 years or fined not more than \$500,000.00, or both commits a Class C felony.~~

Sec. 16. 18 V.S.A. § 4236 is amended to read:

§ 4236. MANUFACTURE OR CULTIVATION

(a) A person knowingly and unlawfully manufacturing or cultivating a regulated drug ~~shall be imprisoned not more than 20 years or fined not more than \$1,000,000.00, or both~~ commits a Class B felony.

(b) This section shall not apply to the cultivation of cannabis.

Sec. 17. 18 V.S.A. § 4237 is amended to read:

§ 4237. SELLING OR DISPENSING TO MINORS; SELLING ON
SCHOOL GROUNDS

(a) Dispensing regulated drugs to minors. A person knowingly and unlawfully dispensing any regulated drug to a minor who is at least three years that person's junior ~~shall be sentenced to a term of imprisonment of not more than five years~~ commits a Class E felony. Notwithstanding 13 V.S.A. § 53, a person who violates this section shall not be fined.

(b) Sale of regulated drugs. A person knowingly and unlawfully selling any regulated drug to a minor shall, in addition to any other penalty, be sentenced to a term of imprisonment of not more than ~~10~~ 5 years.

(c) Selling on school grounds. No person shall knowingly and unlawfully:

(1) dispense or sell a regulated drug to any person on a school bus or on real property owned by a public or private elementary, secondary, or vocational school;

(2) sell a regulated drug to any person on real property abutting real property owned by a public or private elementary, secondary, or vocational school; or

(3) dispense a regulated drug to any person in public view on real property abutting real property owned by a school.

(d) Abutting school property. The selling or dispensing of a regulated drug to a person on property abutting school property is a violation under this section only if it occurs within 500 feet of the school property. Property shall be considered abutting school property if:

(1) it shares a boundary with school property; or

(2) it is adjacent to school property and is separated only by a river, stream, or public highway.

(e) Penalty. A person who violates subsection (c) of this section shall, in addition to any other penalty, be sentenced to a term of imprisonment of not more than ~~10~~ 5 years.

(f) Definitions. As used in this section:

(1) "Minor" means a person under ~~the age of~~ 18 years of age.

(2) "Owned by a school" means owned, leased, controlled, or subcontracted by a school and used frequently by students for educational or recreational activities.

Sec. 18. 18 V.S.A. § 4249 is amended to read:

§ 4249. TRANSPORTATION OF ALCOHOL, TOBACCO, OR

REGULATED DRUGS INTO PLACES OF DETENTION

(a) No person shall knowingly carry or introduce or cause to be carried or introduced into a lockup, jail, prison, or correctional facility:

(1) alcohol or alcoholic beverages;

(2) cannabis;

(3) a regulated drug, other than cannabis, as defined in section 4201 of this title, except upon the prescription or direction of a practitioner as that term is defined in 26 V.S.A. chapter 36; or

(4) tobacco or tobacco products, except that an employee may possess or store tobacco or tobacco products in a locked automobile parked on the correctional facility grounds, store tobacco or tobacco products in a secure place within the correctional facility ~~which~~ that is designated for storage of employee tobacco, and possess tobacco or tobacco products in a designated smoking area.

(b) A person who violates subdivision (a)(1) of this section ~~shall be imprisoned not more than three months or fined not more than \$300.00, or both~~ commits a Class D misdemeanor. Notwithstanding 13 V.S.A. § 53, a person who violates this section shall not be fined more than \$300.00.

(c) A person who violates subdivision (a)(2) of this section ~~shall be imprisoned not more than six months or fined not more than \$500.00, or both~~ commits a Class D misdemeanor.

(d) A person who violates subdivision (a)(3) of this section ~~shall be imprisoned not more than one year or fined not more than \$1,000.00, or both~~ commits a Class B misdemeanor. Notwithstanding 13 V.S.A. § 53, a person who violates this section shall not be fined more than \$1,000.00.

Sec. 19. 18 V.S.A. § 4250 is amended to read:

§ 4250. SELLING OR DISPENSING A REGULATED DRUG WITH
DEATH RESULTING

(a) If the death of a person results from the selling or dispensing of a regulated drug to the person in violation of this chapter, the person convicted of the violation ~~shall be imprisoned not less than two years nor more than 20 years~~ commits a Class B felony. Notwithstanding 13 V.S.A. § 53, a person who violates this section shall not be fined.

(b) This section shall apply only if the person's use of the regulated drug is the proximate cause of ~~his or her~~ the person's death.

Sec. 20. 18 V.S.A. § 4252 is amended to read:

§ 4252. PENALTIES FOR DISPENSING OR SELLING REGULATED
DRUGS IN A DWELLING

(a) No person shall knowingly permit a dwelling, building, or structure owned by or under the control of the person to be used for the purpose of illegally dispensing or selling a regulated drug.

(b) A landlord shall be in violation of subsection (a) of this section only if the landlord knew at the time ~~he or she~~ the landlord signed the lease agreement that the tenant intended to use the dwelling, building, or structure for the purpose of illegally dispensing or selling a regulated drug.

(c) A person who violates this section ~~shall be imprisoned not more than two years or fined not more than \$1,000.00 or both~~ commits a Class A misdemeanor. Notwithstanding 13 V.S.A. § 53, a person who violates this section shall not be fined more than \$1,000.00.

Sec. 21. 18 V.S.A. § 4256 is added to read:

§ 4256. DRUG USE STANDARDS ADVISORY BOARD

(a) There is hereby created the Drug Use Standards Advisory Board established within the Vermont Sentencing Commission composed of experts in the fields of general and behavioral health care, substance use disorder treatment, and drug user communities.

(b) The primary objective of the Board shall be to determine, for each regulated and unregulated drug, the benchmark personal use dosage and the benchmark personal use supply. The benchmarks determined pursuant to this subsection shall be determined with a goal of preventing and reducing the criminalization of personal drug use. The Board may provide additional recommendations to the Commission and the General Assembly regarding

how to transition from a criminal justice approach to a public health approach to addressing drug possession.

(c) The Board shall be convened and chaired by the Deputy Commissioner of Health for Alcohol and Drug Abuse Programs. After receiving nominations from harm reduction service providers, the Deputy Commissioner shall appoint three consumer representatives to the Board who have lived experience in drug use and consumption practices. The Deputy Commissioner and the three consumer representatives shall appoint the remaining Board members as follows:

(1) two representatives from harm reduction service providers;

(2) an expert on medication-assisted treatment programs;

(3) an expert on human behavior and addiction;

(4) an expert on substance use disorder treatment;

(5) an expert on legal reform from the University of Vermont Law School Center for Justice Reform; and

(6) an academic researcher specializing in drug use or drug policy.

(d) The Board shall have the administrative assistance of the Division of Alcohol and Drug Abuse Programs.

(e) Members of the Board shall be entitled to per diems pursuant to 32 V.S.A. § 1010 for not more than three meetings to develop initial recommendations required by subsection (f) of this section and once annually thereafter.

(f) On or before September 1, 2022, the Board shall provide to the Commission and the General Assembly:

(1) the recommended quantities for both the benchmark personal use dosage and benchmark personal use supply for each category of regulated drug listed in subdivision 4201(29) of this title; and

(2) a recommendation as to whether 18 V.S.A. § 4233 (heroin) and 18 V.S.A. § 4234a (fentanyl) should be combined into one statute.

(g) On or before December 1, 2022, based on the benchmark personal use dosage and benchmark personal use supply recommendations of the Board, the Commission shall make recommendations to the General Assembly regarding adjustments in the amounts for possession, dispensing, and sale of regulated drugs under this chapter and a proposal for combining the heroin and fentanyl statutes if recommended by the Board.

(h) Starting in 2023, the Board shall convene at least one time per year to review benchmarks established pursuant to this section and recommend any necessary amendments to the Commission and the General Assembly.

(i) As used in this section:

(1) “Benchmark personal use dosage” means the quantity of a drug commonly consumed over a 24-hour period for any therapeutic, medicinal, or recreational purpose.

(2) “Benchmark personal use supply” means the quantity of a drug commonly possessed for consumption by an individual for any therapeutic, medicinal, or recreational purpose.

Sec. 22. 18 V.S.A. § 4476 is amended to read:

§ 4476. OFFENSES AND PENALTIES

(a) A person who sells drug paraphernalia to a person under 18 years of age shall be imprisoned for not more than two years or fined not more than \$2,000.00, or both commits a Class C misdemeanor.

(b) The distribution and possession of needles and syringes as part of an organized community-based needle exchange program shall not be a violation of this section or of chapter 84 of this title.

Sec. 24. EFFECTIVE DATES

(a) This section and Sec. 21 shall take effect on July 1, 2022.

(b) All remaining sections shall take effect on July 1, 2023.

Rep. Scheu of Middlebury, for the Committee on Appropriations, reported in favor of its passage when amended as recommended by the Committee on Judiciary.

Having appeared on the Calendar for Notice, was taken up and read the second time.

Pending the question, Shall the bill be amended as recommended by the Committee on Judiciary?, **Rep. Gannon of Wilmington** moved to amend the report of the Committee on Judiciary as follows:

By adding a new section to be Sec. 21a to read as follows:

Sec. 21a. SUNSET OF DRUG USE STANDARDS ADVISORY BOARD

18 V.S.A. § 4256 (Drug Use Standards Advisory Board) is repealed on July 1, 2027.

Which was agreed to.

Thereafter, **Rep. Donahue of Northfield** moved to amend the report of the Committee on Judiciary as follows:

In Sec. 21, 18 V.S.A. § 4256, in subsection (a, by striking out “behavioral” and inserting in lieu thereof “mental”

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

Second Reading; Bill Amended; Third Reading Ordered

H. 626

Rep. Surprenant of Barnard, for the Committee on Agriculture and Forestry, to which had been referred House bill, entitled

An act relating to the sale, use, or application of neonicotinoid pesticides

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

Sec. 1. 6 V.S.A. § 1105a is amended to read:

§ 1105a. TREATED ARTICLES; POWERS OF SECRETARY; BEST
MANAGEMENT PRACTICES

(a) The Secretary of Agriculture, Food and Markets, upon the recommendation of the Agricultural Innovation Board, may adopt by rule:

(1) best management practices (BMPs), standards, procedures, and requirements relating to the sale, use, storage, or disposal of treated articles the use of which the Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous;

(2) requirements for the response to or corrective actions for exigent circumstances or contamination from a treated article that presents a threat to human health or the environment;

(3) requirements for the examination or inspection of treated articles the use of which the Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous;

(4) requirements for persons selling treated articles to keep or make available to the Secretary records of sale of treated articles, and what treatments were received, the use of which the Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous; or

(5) requirements for reporting of incidents resulting from accidental contamination from or misuse of treated articles the use of which the Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous.

(b) At least 30 days prior to prefiling a rule authorized under subsection (a) or subsection (c) of this section with the Interagency Committee on Administrative Rules under 3 V.S.A. § 837, the Secretary shall submit a copy of the draft rule to the Senate Committee on Agriculture and the House Committee on Agriculture and Forestry for review.

(c)(1) Under subsection (a) of this section, the Secretary of Agriculture, Food and Markets, after consultation with the Agricultural Innovation Board, shall adopt by rule BMPs for the use of treated article seeds in the State. In developing the rules with the Agricultural Innovation Board, the Secretary shall address:

(A) establishment of threshold levels of pest pressure required prior to use of treated article seeds;

(B) availability of nontreated article seeds;

(C) economic impact from crop loss as compared to crop yield when treated article seeds are used;

(D) relative toxicities of different treated article seeds and effects of treated article seeds on human health and the environment;

(E) surveillance and monitoring techniques for in-field pest pressure;

(F) ways to reduce pest harborage from conservation tillage practices; and

(G) criteria for a system of approval of treated article seeds.

(2) In implementing the rules required under this subsection, the Secretary of Agriculture, Food and Markets shall work with farmers, seed companies, and other relevant parties to ensure that farmers have access to appropriate varieties and amounts of untreated seed or treated seed that has not been treated with a neonicotinoid pesticide.

Sec. 2. 6 V.S.A. § 3036 is added to read:

§ 3036. MONITORING OF POLLINATOR HEALTH

The Secretary of Agriculture, Food and Markets shall monitor managed pollinator health to establish pollinator health benchmarks for Vermont, including:

- (1) presence of pesticides in hives;
- (2) mite pressure;
- (3) disease pressure;
- (4) mite control methods;
- (5) genetic influence on survival;
- (6) winter survival rate; and
- (7) forage availability.

Sec. 3. IMPLEMENTATION; RULEMAKING

The Secretary of Agriculture, Food and Markets shall adopt the rules required under 6 V.S.A. § 1105a for the use of treated article seeds on or before July 1, 2024.

Sec. 4. AGENCY OF AGRICULTURE, FOOD AND MARKETS;

RESIDUALS MANAGEMENT POSITIONS

Two new permanent classified positions at the Agency of Agriculture, Food and Markets are authorized in fiscal year 2023 for the purpose of staffing the Agency's Residuals Management Program, supporting the Agricultural Innovation Board, and enforcing and reviewing the use of treated article pesticides in the State. The two positions shall be transferred and converted from existing vacant positions in the Executive Branch. The two positions shall be funded from the revenue raised from the registration of soil amendments under 6 V.S.A. chapter 28 and the registration of dosage form animal health products and feed supplements under 6 V.S.A. chapter 26.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

Rep. Toleno of Brattleboro, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Agriculture and Forestry and when further amended as follows:

In Sec. 4, Agency of Agriculture, Food and Markets; residuals management positions, by striking out the last sentence in its entirety and inserting in lieu thereof the following two new sentences to read as follows:

In fiscal year 2023, \$181,190.00 is appropriated to the Agency of Agriculture, Food and Markets for the purpose of hiring the two new positions in the Agency's Residuals Management Program. The two positions shall be funded from the revenue raised from the registration of soil amendments under

6 V.S.A. chapter 28 and the registration of dosage form animal health products and feed supplements under 6 V.S.A. chapter 26.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Agriculture and Forestry was amended as recommended by the Committee on Appropriations. Report of the Committee on Agriculture and Forestry, as amended, agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 546

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

An act relating to racial justice statistics

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

Sec. 1. 3 V.S.A. chapter 68 is amended to read:

CHAPTER 68. EXECUTIVE DIRECTOR OFFICE OF RACIAL EQUITY

Subchapter 1. Executive Director of Racial Equity

* * *

§ 5003. DUTIES OF EXECUTIVE DIRECTOR OF RACIAL EQUITY

* * *

(e) The Director shall oversee the Division of Racial Justice Statistics (Division) established in subchapter 2 of this chapter.

(1) The Director shall have general charge of the Division and may appoint employees as necessary to carry out the purposes of this chapter.

(2) The Director may apply for grant funding, if available, to advance or support any responsibility within the Division's jurisdiction.

(e)(f) The Director shall periodically report to the Racial Equity Advisory Panel on the progress toward carrying out the duties as established by this section.

(f)(g) On or before January 15, 2020, and annually thereafter, the Director shall report to the House and Senate Committees on Government Operations demonstrating the State's progress in identifying and remediating systemic racial bias within State government.

* * *

Subchapter 2. Division of Racial Justice Statistics§ 5011. DIVISION OF RACIAL JUSTICE STATISTICS; CREATION;PURPOSE

(a) Creation. There is created within the Office of Racial Equity the Division of Racial Justice Statistics to collect and analyze data related to systemic racial bias and disparities within the criminal and juvenile justice systems.

(b) Purpose. The mission of the Division is to collect and analyze data relating to racial disparities with the intent to center racial equity throughout these efforts. The purpose of the Division is to create, promote, and advance a system and structure that provides access to appropriate data and information, ensuring that privacy interests are protected and principles of transparency and accountability are clearly expressed. The data are to be used to inform policy decisions that work toward the amelioration of racial disparities across various systems of State government.

§ 5012. DUTIES

(a) The Division shall have the following duties:

(1) Work collaboratively with, and have the assistance of, all State and local agencies and departments for purposes of collecting all data related to systemic racial bias and disparities within the criminal and juvenile justice systems.

(2) Collect and analyze the data related to systemic racial bias and disparities within the criminal and juvenile justice systems.

(3) Conduct justice information sharing gap analyses.

(4) Maintain an inventory of justice technology assets and a data dictionary to identify elements and structure of databases and relationships, if any, to other databases.

(5) Develop a justice technology strategic plan, which shall be updated annually. The justice technology strategic plan shall include identification and prioritization of data needs and requirements to fulfill new or emerging data research proposals or operational enhancements.

(6) Develop interagency agreements and memorandums of understanding for data sharing and publish public use files.

(7) Report its data, analyses, and recommendations to the Racial Justice Statistics Advisory Council on a monthly basis.

(b) On or before January 15, 2023, and annually thereafter, the Division shall report its data, analyses, and recommendations to the House and Senate Committees on Judiciary and on Government Operations. The report may include an operational assessment of the Division's structure and staffing levels, and any recommendations for necessary adjustments.

(c) To carry out its duties under this subchapter, the Division may adopt procedural and substantive rules in accordance with the provisions of chapter 25 of this title.

§ 5013. DATA GOVERNANCE

(a) Data collection. In consultation with the Racial Disparities in the Criminal and Juvenile Justice Systems Advisory Panel and the Racial Justice Statistics Advisory Council, the Division shall establish the data to be collected to carry out the duties of this subchapter.

(1) Any data or records transmitted to or obtained by the Division that are exempt from public inspection and copying under the Public Records Act shall remain exempt and shall be kept confidential to the extent required by law. A State or local agency or department that transmits data or records to the Division shall be the sole records custodian for purposes of responding to requests for the data or records. The Division may direct any request for these data or records to the transmitting agency or department for response, provided that the Division shall respond to a Public Records Act request for nonidentifying data used by the Division for preparation of the reports required by subdivision 5012(a)(7) and subsection 5012(b) of this title.

(2) The Division shall identify which State agencies or departments possess the data necessary for the Division to perform the requirements and objectives of this subchapter. An agency or department identified pursuant to this subdivision shall, upon request, provide the Division with any data that the Division determines is relevant to its purpose under subsection 5011(b) of this title, provided that the Office of the Defender General shall not be required to make any disclosures that would violate 1 V.S.A. § 317(c)(3). The Division may access the data of a non-State entity pursuant to a data sharing agreement or memorandum of understanding with the entity.

(3) The Division shall, pursuant to section 218 of this title, establish, maintain, and implement an active and continuing management program for its records and information, including data, with support and services provided by the Vermont State Archives and Records Administration pursuant to section 117 of this title and the Agency of Digital Services pursuant to section 3301 of this title.

(b) Data analysis. The Division shall analyze the data collected pursuant to this subchapter in order to:

(1) identify the stages of the criminal and juvenile justice systems at which racial bias and disparities are most likely to occur;

(2) organize and synthesize the data in a cohesive and logical manner so that it can be best presented and understood; and

(3) present the data to the Racial Justice Statistics Advisory Council as required under this subchapter.

(c) Data governance policy. The Division shall develop and adopt a data governance policy and shall establish:

(1) a system or systems to standardize the collection and retention of the data collected pursuant to this subchapter; and

(2) methods to permit sharing and communication of the data between the State agencies, local agencies, and external researchers, including the use of data sharing agreements.

(d) Data collection. The Division shall recommend to State and local agencies evidence-based practices and standards for the collection of racial justice data.

(e) Publicly available data.

(1) The Division shall maintain a public-facing website and dashboard that maximizes the transparency of the Division's work and ensures the ability of the public and historically impacted communities to review and understand the data collected by the Division and its analyses.

(2) The Division shall develop public use data files.

§ 5014. RACIAL JUSTICE STATISTICS ADVISORY COUNCIL

(a) Creation. The Racial Justice Statistics Advisory Council is established. The Council shall be organized and have the duties and responsibilities as provided in this section. The Council shall have the administrative, legal, and technical support of the Agency of Administration.

(b) Membership.

(1) Appointments. The Council shall consist of seven members, as follows:

(A) an individual with substantive expertise in community-based research on racial equity, to be appointed by the Governor; and

(B)(i) six individuals who have experience with or knowledge about one or more of the following situations:

(I) facing eviction;

(II) violence, discrimination, or criminal conduct, including law enforcement misconduct;

(III) moving to Vermont as an immigrant or refugee;

(IV) effects of racial disparities and discipline policies within the educational system; or

(V) participation in treatment programs addressing mental health, substance use disorder, and reentry programs; and

(ii) appointments made pursuant to this subdivision (B) shall be made by the following entities, each of which shall appoint one member: NAACP, Vermont Racial Justice Alliance, Migrant Justice, AALV Inc., Vermont Commission on Native American Affairs, and Outright Vermont.

(2) Qualifications. Members shall be drawn from diverse backgrounds to represent the interests of communities of color and other historically disadvantaged communities throughout the State and, to the extent possible, have experience working to implement racial justice reform and represent geographically diverse areas of the State.

(3) Terms. The term of each member shall be four years. As terms of currently serving members expire, appointments of successors shall be in accord with the provisions of this section. Appointments of members to fill vacancies or expired terms shall be made by the authority that made the initial appointment to the vacated or expired term. Members shall serve until their successors are appointed. Members shall serve not more than two consecutive terms in any capacity.

(4) Chair and terms. Members of the Council shall elect by majority vote the Chair of the Council. Members of the Council shall be appointed on or before November 1, 2022 in order to prepare as they deem necessary for the establishment of the Council, including the election of the Chair of the Council. Terms of members shall officially begin on January 1, 2023.

(c) Liaisons. The following entities shall each make available a person to serve as a liaison with the Council for purposes of providing consultation as needed:

(1) the Supreme Court;

(2) the Office of the Attorney General;

- (3) the Office of the Defender General;
- (4) the Department of State's Attorneys and Sheriffs;
- (5) the Department of Public Safety;
- (6) the Department for Children and Families;
- (7) the Department of Corrections;
- (8) the Agency of Education;
- (9) the Human Rights Commission; and
- (10) the Center for Crime Victims Services.

(d) Duties. The Council shall have the following duties and responsibilities:

(1) work with and assist the Director or designee to implement the requirements of this subchapter;

(2) advise the Director to ensure ongoing compliance with the purpose of this subchapter;

(3) evaluate the data and analyses received from the Division and make recommendations to the Division as a result of the evaluations; and

(4) on or before January 15, 2023 and annually thereafter, report to the House and Senate Committees on Judiciary and on Government Operations on:

(A) its findings regarding systemic racial bias and disparities within the criminal and juvenile justice systems based upon the data and analyses the Council receives from the Division pursuant to subdivision 5012(a)(7) of this subchapter; and

(B) a status report on progress made and recommendations for further action, including legislative proposals, to address systemic racial bias and disparities within the criminal and juvenile justice systems.

(e) Meetings. The Council shall meet monthly.

(f) Compensation. Each member of the Council shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010.

(g) This section shall be repealed on June 30, 2027.

Sec. 2. RACIAL JUSTICE STATISTICS ADVISORY COUNCIL;
IMPLEMENTATION

(a) First meeting. The first meeting of the Racial Justice Statistics Advisory Council shall be called by the Director of Racial Equity or designee. All subsequent meetings shall be called by the Chair.

(b) Staggered terms. Notwithstanding Sec. 1 of this act, the initial terms of the Council members beginning on January 1, 2023 shall be as follows:

(1) Members appointed pursuant to 3 V.S.A. § 5014(b)(1)(A) and (b)(1)(B)(i)(I) shall be appointed to a two-year term.

(2) Members appointed pursuant to 3 V.S.A. § 5014(b)(1)(B)(i)(II) and (III) shall be appointed to a three-year term.

(3) Members appointed pursuant to 3 V.S.A. § 5014(b)(1)(B)(i)(IV) and (V) shall be appointed to a four-year term.

Sec. 3. DIVISION OF RACIAL JUSTICE STATISTICS; POSITIONS

The following new positions are created in the Division of Racial Justice Statistics:

(1) one full-time, exempt Division lead, who shall be an Information Technology Data Analyst; and

(2) two full-time, exempt Information Technology Data Analysts, at a level to be determined by the Division.

Sec. 4. APPROPRIATION

The following appropriations shall be made in fiscal year 2023:

(1) \$363,000.00 from the General Fund to the Office of Racial Equity for the Division of Racial Justice Statistics.

(2) \$3,360.00 from the General Fund to the Office of Racial Equity for per diem compensation and reimbursement of expenses under 32 V.S.A. § 1010 for members of the Racial Justice Statistics Advisory Council established by 13 V.S.A. § 5014.

(3) \$520,300.00 from the General Fund to the Agency of Digital Services to assist and support the Division of Racial Justice Statistics in the Office of Racial Equity.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

Rep. Long of Newfane presiding.

Rep. Krowinski of Burlington presiding.

Rep. Hooper of Montpelier, for the Committee on Appropriations, recommended the bill ought to pass when amended by the Committee on Judiciary.

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

**Committee Bill; Second Reading;
Bill Amended; Third Reading Ordered**

H. 720

Rep. Wood of Waterbury spoke for the Committee on Human Services.

House bill, entitled

An act relating to the system of care for individuals with developmental disabilities

Rep. Yacovone of Morristown, for the Committee on Appropriations, recommended that the bill ought to pass when amended as follows:

In Sec. 4, Department of Disabilities, Aging, and Independent Living; Residential Program Developer, by inserting a subsection (a designation before the first sentence of the section and by adding a subsection (b to read as follows:

(b) In fiscal year 2023, \$102,000.00 is appropriated to the Department of Disabilities, Aging, and Independent Living from the Global Commitment Federal Medical Assistance Percentage (FMAP) home- and community-based services monies to fund the Residential Program Developer position established in subsection (a) of this section.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Appropriations agreed to.

Pending the question, Shall the bill be read a third time?, **Reps. Wood of Waterbury, Brumsted of Shelburne, Garofano of Essex, Gregoire of Fairfield, McFaun of Barre Town, Noyes of Wolcott, Pajala of Londonderry, Pugh of South Burlington, Rosenquist of Georgia, Small of Winooski, and Whitman of Bennington** moved that the bill be amended as follows:

In Sec. 5, Department of Disabilities, Aging, and Independent Living; Development of Housing and Residential Services Pilot Planning Grants, in

subsection (c), by striking out subdivision (3) in its entirety and inserting in lieu thereof a new subdivision (3) to read as follows:

(3)(A) The steering committee shall have the technical, legal, and administrative assistance of the Department.

(B) The steering committee shall cease to exist on January 1, 2024.

Which was agreed to. Thereupon, third reading was ordered.

Adjournment

At twelve o'clock and eight minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, March 22, 2022, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 46.

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. 120

House concurrent resolution congratulating the 2022 Mt. Anthony Union High School boys' Division I Nordic skiing championship team

H.C.R. 121

House concurrent resolution congratulating the 2022 Mt. Anthony Union High School Patriots State championship wrestling team

S.C.R. 17

Senate concurrent resolution honoring John Shannahan for his extraordinary contributions to the economic and cultural life of the Town of Bennington

[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 2022 Adjourned Session.]

Tuesday, March 22, 2022

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

Message from the Senate No. 37

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 188. An act relating to regulating licensed small cannabis cultivation as farming.

S. 247. An act relating to prohibiting discrimination based on genetic information.

In the passage of which the concurrence of the House is requested.

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

S. 53. An act relating to exempting feminine hygiene products from the Vermont Sales and Use Tax.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 17. Senate concurrent resolution honoring John Shannahan for his extraordinary contributions to the economic and cultural life of the Town of Bennington.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 120. House concurrent resolution congratulating the 2022 Mt. Anthony Union High School boys' Division I Nordic skiing championship team.

H.C.R. 121. House concurrent resolution congratulating the 2022 Mt. Anthony Union High School Patriots State championship wrestling team.

Seating Ceremony of New Members

A formal seating ceremony was held for new members who joined the Legislature during its period of remote operation. Members were seated in the House Chamber pursuant to House Rule 5.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Pledge of Allegiance

Page Madelyn Morris of Williston led the House in the Pledge of Allegiance.

Committee Bill Introduced; Referred to Committee on Appropriations**H. 739**

By the Committee on Corrections and Institutions

House bill, entitled

An act relating to capital construction and State bonding budget adjustment

Was read the first time and, pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Committee Bill Introduced**H. 740**

By the Committee on Appropriations,

House bill, entitled

An act relating to making appropriations for the support of government

Was read the first time, and pursuant to House Rule 48, placed on the Notice Calendar.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 188

Senate bill, entitled

An act relating to regulating licensed small cannabis cultivation as farming

To the Committee on Agriculture and Forestry.

S. 247

Senate bill, entitled

An act relating to prohibiting discrimination based on genetic information

To the Committee on Health Care.

Second Reading; Bill Amended; Third Reading Ordered**H. 353**

Rep. Cordes of Lincoln, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to pharmacy benefit management

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

Sec. 1. INTENT

It is the intent of the General Assembly to increase access to needed medications by making prescription drugs more affordable and accessible to Vermonters by increasing State regulation of pharmacy benefit managers and pharmacy benefit management. It is also the intent of the General Assembly to stabilize and safeguard against the loss of more independent and community pharmacies, where pharmacists provide personalized care to Vermonters and help them with their health care needs, including medication management, medication adherence, and health screenings.

Sec. 2. 18 V.S.A. chapter 221, subchapter 9 is amended to read:

Subchapter 9. Pharmacy Benefit Managers**§ 9471. DEFINITIONS**

As used in this subchapter:

* * *

(2) “Health insurer” is defined by section 9402 of this title and shall include:

(A) a health insurance company, a nonprofit hospital and medical service corporation, and health maintenance organizations;

(B) an employer, labor union, or other group of persons organized in Vermont that provides a health plan to beneficiaries who are employed or reside in Vermont; and

(C) the State of Vermont and any agent or instrumentality of the State that offers, administers, or provides financial support to State government; and

~~(D) Medicaid, and any other public health care assistance program.~~

* * *

§ 9472. PHARMACY BENEFIT MANAGERS; REQUIRED PRACTICES
WITH RESPECT TO HEALTH INSURERS AND COVERED
PERSONS

(a) A pharmacy benefit manager that provides pharmacy benefit management for a health plan ~~shall discharge its duties with reasonable care and diligence and be fair and truthful under the circumstances then prevailing that a pharmacy benefit manager acting in like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims~~ has a fiduciary duty to its health insurer client that includes a duty to be fair and truthful toward the health insurer, to act in the health insurer's best interests, and to perform its duties with care, skill, prudence, and diligence. In the case of a health benefit plan offered by a health insurer as defined by subdivision 9471(2)(A) of this title, the health insurer shall remain responsible for administering the health benefit plan in accordance with the health insurance policy or subscriber contract or plan and in compliance with all applicable provisions of Title 8 and this title.

(b) A pharmacy benefit manager shall provide notice to the health insurer that the terms contained in subsection (c) of this section may be included in the contract between the pharmacy benefit manager and the health insurer.

(c) A pharmacy benefit manager that provides pharmacy benefit management for a health plan shall do all of the following:

(1) Provide all financial and utilization information requested by a health insurer relating to the provision of benefits to beneficiaries through that health insurer's health plan and all financial and utilization information relating to services to that health insurer. A pharmacy benefit manager providing information under this subsection may designate that material as confidential. Information designated as confidential by a pharmacy benefit manager and provided to a health insurer under this subsection ~~may~~ shall not be disclosed by the health insurer to any person without the consent of the pharmacy benefit manager, except that disclosure may be made by the health insurer:

(A) in a court filing under the consumer protection provisions of 9 V.S.A. chapter 63, provided that the information shall be filed under seal and

that prior to the information being unsealed, the court shall give notice and an opportunity to be heard to the pharmacy benefit manager on why the information should remain confidential;

(B) to State and federal government officials;

(C) when authorized by 9 V.S.A. chapter 63;

~~(C)~~(D) when ordered by a court for good cause shown; or

~~(D)~~(E) when ordered by the Commissioner as to a health insurer as defined in subdivision 9471(2)(A) of this title pursuant to the provisions of Title 8 and this title.

(2) Notify a health insurer in writing of any proposed or ongoing activity, policy, or practice of the pharmacy benefit manager that presents, directly or indirectly, any conflict of interest with the requirements of this section.

(3) With regard to the dispensation of a substitute prescription drug for a prescribed drug to a beneficiary in which the substitute drug costs more than the prescribed drug and the pharmacy benefit manager receives a benefit or payment directly or indirectly, disclose to the health insurer the cost of both drugs and the benefit or payment directly or indirectly accruing to the pharmacy benefit manager as a result of the substitution.

(4) ~~Unless the contract provides otherwise, if~~ If the pharmacy benefit manager derives any payment or benefit for the dispensation of prescription drugs within the State based on volume of sales for certain prescription drugs or classes or brands of drugs within the State, pass that payment or benefit on in full to the health insurer.

(5) Disclose to the health insurer all financial terms and arrangements for remuneration of any kind that apply between the pharmacy benefit manager and any prescription drug manufacturer that relate to benefits provided to beneficiaries under or services to the health insurer's health plan, including formulary management and drug-switch programs, educational support, claims processing, and pharmacy network fees charged from retail pharmacies and data sales fees. A pharmacy benefit manager providing information under this subsection may designate that material as confidential. Information designated as confidential by a pharmacy benefit manager and provided to a health insurer under this subsection ~~may~~ shall not be disclosed by the health insurer to any person without the consent of the pharmacy benefit manager, except that disclosure may be made by the health insurer:

(A) in a court filing under the consumer protection provisions of 9 V.S.A. chapter 63, provided that the information shall be filed under seal and

that prior to the information being unsealed, the court shall give notice and an opportunity to be heard to the pharmacy benefit manager on why the information should remain confidential;

(B) when authorized by 9 V.S.A. chapter 63;

(C) when ordered by a court for good cause shown; or

(D) when ordered by the Commissioner as to a health insurer as defined in subdivision 9471(2)(A) of this title pursuant to the provisions of Title 8 and this title.

(d) At least annually, a pharmacy benefit manager that provides pharmacy benefit management for a health plan shall disclose to the health insurer, the Department of Financial Regulation, and the Green Mountain Care Board the aggregate amount the pharmacy benefit manager retained on all claims charged to the health insurer for prescriptions filled during the preceding calendar year in excess of the amount the pharmacy benefit manager reimbursed pharmacies.

(e) A pharmacy benefit manager contract with a health insurer shall not contain any provision purporting to reserve discretion to the pharmacy benefit manager to move a drug to a higher tier or remove a drug from its drug formulary any more frequently than two times per year.

(f)(1) A pharmacy benefit manager shall not require a covered person purchasing a covered prescription drug to pay an amount greater than the lesser of:

(A) the cost-sharing amount under the terms of the health benefit plan;

(B) the maximum allowable cost for the drug; or

(C) the amount the covered person would pay for the drug, after application of any known discounts, if the covered person were paying the cash price.

(2) Any amount paid by a covered person under subdivision (1) of this subsection shall be attributed toward any deductible and, to the extent consistent with Sec. 2707 of the Public Health Service Act (42 U.S.C. § 300gg-6), the annual out-of-pocket maximums under the covered person's health benefit plan.

(g) Compliance with the requirements of this section is required for pharmacy benefit managers entering into contracts with a health insurer in this State for pharmacy benefit management in this State.

§ 9473. PHARMACY BENEFIT MANAGERS; REQUIRED PRACTICES
WITH RESPECT TO PHARMACIES

(a) Within 14 calendar days following receipt of a pharmacy claim, a pharmacy benefit manager or other entity paying pharmacy claims shall do one of the following:

(1) Pay or reimburse the claim.

(2) Notify the pharmacy in writing that the claim is contested or denied. The notice shall include specific reasons supporting the contest or denial and a description of any additional information required for the pharmacy benefit manager or other payer to determine liability for the claim.

(b) A participation contract between a pharmacy benefit manager and a pharmacist shall not prohibit, restrict, or penalize a pharmacy or pharmacist in any way from disclosing to any covered person any health care information that the pharmacy or pharmacist deems appropriate, including:

(1) the nature of treatment, risks, or alternatives to treatment;

(2) the availability of alternate therapies, consultations, or tests;

(3) the decision of utilization reviewers or similar persons to authorize or deny services;

(4) the process that is used to authorize or deny health care services; or

(5) information on finance incentives and structures used by the health insurer.

~~(b)~~(c) A pharmacy benefit manager or other entity paying pharmacy claims shall not:

~~(1) impose a higher co-payment for a prescription drug than the co-payment applicable to the type of drug purchased under the insured's health plan;~~

~~(2) impose a higher co-payment for a prescription drug than the maximum allowable cost for the drug;~~

~~(3) require a pharmacy to pass through any portion of the insured's co-payment, or patient responsibility, to the pharmacy benefit manager or other payer;~~

(2) prohibit a pharmacy or pharmacist from discussing information regarding the total cost for pharmacist services for a prescription drug;

(4)(3) prohibit or penalize a pharmacy or pharmacist for providing information to an insured regarding the insured's cost-sharing amount for a prescription drug; or

(5)(4) prohibit or penalize a pharmacy or pharmacist for the pharmacist or other pharmacy employee disclosing to an insured the cash price for a prescription drug or selling a lower cost drug to the insured if one is available.

(d) A pharmacy benefit manager contract with a participating pharmacist or pharmacy shall not prohibit, restrict, or limit disclosure of information to the Commissioner, law enforcement, or State and federal government officials, provided that:

(1) the recipient of the information represents that the recipient has the authority, to the extent provided by State or federal law, to maintain proprietary information as confidential; and

(2) prior to disclosure of information designated as confidential, the pharmacist or pharmacy:

(A) marks as confidential any document in which the information appears; and

(B) requests confidential treatment for any oral communication of the information.

(e) A pharmacy benefit manager shall not terminate a contract with or penalize a pharmacist or pharmacy due to the pharmacist or pharmacy:

(1) disclosing information about pharmacy benefit manager practices, except for information determined to be a trade secret under State law or by the Commissioner, when disclosed in a manner other than in accordance with subsection (d) of this section; or

(2) sharing any portion of the pharmacy benefit manager contract with the Commissioner pursuant to a complaint or query regarding the contract's compliance with the provisions of this chapter.

(e)(f) For each drug for which a pharmacy benefit manager establishes a maximum allowable cost in order to determine the reimbursement rate, the pharmacy benefit manager shall do all of the following:

(1) Make available, in a format that is readily accessible and understandable by a pharmacist, the actual maximum allowable cost for each drug and the source used to determine the maximum allowable cost, which shall not be dependent upon individual beneficiary identification or benefit stage.

(2) Update the maximum allowable cost at least once every seven calendar days. In order to be subject to maximum allowable cost, a drug must be widely available for purchase by all pharmacies in the State, without limitations, from national or regional wholesalers and must not be obsolete or temporarily unavailable.

(3) Establish or maintain a reasonable administrative appeals process to allow a dispensing pharmacy provider to contest a listed maximum allowable cost.

(4)(A) Respond in writing to any appealing pharmacy provider within 10 calendar days after receipt of an appeal, provided that, except as provided in subdivision (B) of this subdivision (4), a dispensing pharmacy provider shall file any appeal within 10 calendar days from the date its claim for reimbursement is adjudicated.

(B) A pharmacy benefit manager shall allow a dispensing pharmacy provider to appeal after the 10-calendar-day appeal period set forth in subdivision (A) of this subdivision (4) if the prescription claim is subject to an audit initiated by the pharmacy benefit manager or its auditing agent.

(5) For a denied appeal, provide the reason for the denial and identify the national drug code and a Vermont-licensed wholesaler of an equivalent drug product that may be purchased by contracted pharmacies at or below the maximum allowable cost.

(6) For an appeal in which the appealing pharmacy is successful:

(A) make the change in the maximum allowable cost within 30 business days after the redetermination; and

(B) allow the appealing pharmacy or pharmacist to reverse and rebill the claim in question.

~~(d)~~(g) A pharmacy benefit manager shall not:

(1) require a claim for a drug to include a modifier or supplemental transmission, or both, to indicate that the drug is a 340B drug unless the claim is for payment, directly or indirectly, by Medicaid; or

(2) restrict access to a pharmacy network or adjust reimbursement rates based on a pharmacy's participation in a 340B contract pharmacy arrangement.

(h)(1) A pharmacy benefit manager or other third party that reimburses a 340B covered entity for drugs that are subject to an agreement under 42 U.S.C. § 256b through the 340B drug pricing program shall not reimburse the 340B covered entity for pharmacy-dispensed drugs at a rate lower than that paid for

the same drug to pharmacies that are not 340B covered entities, and the pharmacy benefit manager shall not assess any fee, charge-back, or other adjustment on the 340B covered entity on the basis that the covered entity participates in the 340B program as set forth in 42 U.S.C. § 256b.

(2) With respect to a patient who is eligible to receive drugs that are subject to an agreement under 42 U.S.C. § 256b through the 340B drug pricing program, a pharmacy benefit manager or other third party that makes payment for the drugs shall not discriminate against a 340B covered entity in a manner that prevents or interferes with the patient's choice to receive the drugs from the 340B covered entity.

(i) A pharmacy benefit manager shall not reimburse a pharmacy or pharmacist in this State an amount less than the amount the pharmacy benefit manager reimburses a pharmacy benefit manager affiliate for providing the same pharmacist services.

(j) A pharmacy benefit manager shall not restrict, limit, or impose requirements on a licensed pharmacy in excess of those set forth by the Vermont Board of Pharmacy or by other State or federal law, nor shall it withhold reimbursement for services on the basis of noncompliance with participation requirements.

(k) A pharmacy benefit manager shall provide notice to all participating pharmacies prior to changing its drug formulary.

Sec. 3. 18 V.S.A. § 3802 is amended to read:

§ 3802. PHARMACY RIGHTS DURING AN AUDIT

Notwithstanding any provision of law to the contrary, whenever a health insurer, a third-party payer, or an entity representing a responsible party conducts an audit of the records of a pharmacy, the pharmacy shall have a right to all of the following:

* * *

(2) If an audit is to be conducted on-site at a pharmacy, the entity conducting the audit:

(A) shall give the pharmacy at least 14 days' advance written notice of the audit and the specific prescriptions to be included in the audit; ~~and~~

(B) ~~may~~ shall not audit a pharmacy on Mondays or on weeks containing a federal holiday, unless the pharmacy agrees to alternative timing for the audit; ~~and~~

~~(3) Not to have an entity~~

(C) shall not audit claims that:

(A)(i) were submitted to the pharmacy benefit manager more than 18 months prior to the date of the audit, unless:

(i)(I) required by federal law; or

(ii)(II) the originating prescription was dated within the 24-month period preceding the date of the audit; or

(B)(ii) exceed 200 selected prescription claims.

(3) If any audit is to be conducted remotely, the entity conducting the audit:

(A) shall give the pharmacy at least seven business days following the pharmacy's confirmation of receipt of the notice of the audit to respond to the audit; and

(B) shall not audit claims that:

(i) were submitted to the pharmacy benefit manager more than three months prior to the date of the audit or on a date earlier than that for which the pharmacy could electronically retransmit a corrected claim; or

(ii) exceed five selected prescription claims.

* * *

(19) To have the preliminary audit report delivered to the pharmacy within ~~60~~ 30 days following the ~~conclusion of the audit~~ pharmacy's preliminary response.

* * *

(21) To have a final audit report delivered to the pharmacy within 120 30 days after the end of the appeals period, as required by section 3803 of this title.

* * *

(24) To have all payment data related to audited claims, including:

(A) payment amount;

(B) any direct and indirect remuneration (DIR) or generic effective rate (GER) fees assessed or other financial offsets;

(C) date of electronic payment or check date and number;

(D) the specific contracted reimbursement basis for each claim, including its basis, such as maximum allowable cost (MAC), wholesale

acquisition cost (WAC), average wholesale price (AWP), or average manufacturer price (AMP); and

(E) the respective values used to calculate each claim payment.

Sec. 4. 8 V.S.A. § 4089j is amended to read:

§ 4089j. RETAIL PHARMACIES; FILLING OF PRESCRIPTIONS

* * *

(d)(1) A health insurer or pharmacy benefit manager shall permit a beneficiary of a plan offered by the health insurer to fill a prescription at the in-network pharmacy of the beneficiary's choice and, except with respect to pharmacies owned or operated, or both, by a health care facility, as defined in 18 V.S.A. § 9432, shall not impose differential cost-sharing requirements based on the choice of pharmacy or otherwise promote the use of one pharmacy over another.

(2) A health insurer or pharmacy benefit manager shall permit a participating network pharmacy to perform all pharmacy services within the lawful scope of the profession of pharmacy as set forth in 26 V.S.A. chapter 36.

(3) A health insurer or pharmacy benefit manager shall adhere to the definitions of prescription drugs and the requirements and guidance regarding the pharmacy profession established by State and federal law and the Vermont Board of Pharmacy and shall not establish classifications of or distinctions between prescription drugs, impose penalties on prescription drug claims, attempt to dictate the behavior of pharmacies or pharmacists, or place restrictions on pharmacies or pharmacists that are more restrictive than or inconsistent with State or federal law or with rules adopted or guidance provided by the Board of Pharmacy.

(4) The provisions of this subsection shall not apply to Medicaid.

Sec. 5. DEPARTMENT OF FINANCIAL REGULATION; PHARMACY
BENEFIT MANAGEMENT; REPORT

(a) The Department of Financial Regulation, in consultation with interested stakeholders, shall consider:

(1) whether pharmacy benefit managers should be required to be licensed to operate in this State;

(2) whether pharmacy benefit managers should be prohibited from conducting or participating in spread pricing;

(3) in collaboration with the Board of Pharmacy, whether any amendments to the Board's rules are needed to reflect necessary distinctions or appropriate limitations on pharmacist scope of practice;

(4) whether there should be a minimum dispensing fee that pharmacy benefit managers and health insurers must pay to pharmacies and pharmacists for dispensing prescription drugs;

(5) how a pharmacy should be reimbursed for a claim if a pharmacy benefit manager denies a pharmacy's appeal in whole or in part, including whether the pharmacy should be allowed to submit a claim to the health insurer for the balance between the pharmacy benefit manager's reimbursement and the pharmacy's reasonable acquisition cost plus a dispensing fee;

(6) whether there is a problem in Vermont of pharmacies soliciting health insurance plan beneficiaries directly to market the pharmacy's services and, if so, how best to address the problem; and

(7) other issues relating to pharmacy benefit management and its effects on Vermonters, on pharmacies and pharmacists, and on health insurance in this State.

(b) On or before January 15, 2023, the Department of Financial Regulation shall provide its findings and recommendations regarding the issues described in subsection (a) of this section to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance.

Sec. 6. APPLICABILITY

(a) The provisions of Sec. 1 of this act (18 V.S.A. chapter 221, subchapter 9, pharmacy benefit managers) shall apply to a contract or health plan issued, offered, renewed, recredentialed, amended, or extended on or after the effective date of this act, including any health insurer that performs claims processing or other prescription drug or device services through a third party.

(b) A person doing business in this State as a pharmacy benefit manager on or before the effective date of this act shall have six months following the effective date of this act to come into compliance with the provisions of Sec. 1 of this act (18 V.S.A. chapter 221, subchapter 9, pharmacy benefit managers).

Sec. 7. 2021 Acts and Resolves No. 74, Sec. E.227.2 is amended to read:

Sec. E.227.2 REPEAL

18 V.S.A. § 9473(d)(g) (pharmacy benefit managers; 340B entities) is repealed on January 1, 2023 April 1, 2024.

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

Rep. Durfee of Shaftsbury, for the Committee on Ways and Means, recommended the bill ought to pass when amended by the Committee on Health Care.

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

Second Reading; Bill Amended; Third Reading Ordered

H. 492

Rep. Bongartz of Manchester, for the Committee on Natural Resources, Fish, and Wildlife, to which had been referred House bill, entitled

An act relating to the structure of the Natural Resources Board

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

* * * Natural Resources Board * * *

Sec. 1. PURPOSE

The purpose of this act is to strengthen the administration of the Act 250 program by changing the structure, function, and name of the Natural Resources Board. This act requires that appeals of Act 250 permit decisions be heard by a five-member board called the Environmental Review Board. The Environmental Division of the Superior Court would continue to hear the other types of cases within its jurisdiction. The Environmental Review Board would keep the current duties of the Natural Resources Board in addition to hearing appeals. This change would allow the Act 250 program to return to how it was originally envisioned when enacted by being a citizen-friendly process. The Board would provide oversight, management, and training to the Act 250 program staff and District Commissions and develop Act 250 program policy through permit decisions and rulemaking.

Sec. 2. 10 V.S.A. § 6021 is amended to read:

§ 6021. BOARD; VACANCY; REMOVAL

(a) ~~A Natural Resources Board established. The Environmental Review Board is created to administer the Act 250 program and hear appeals.~~

(1) The Board shall consist of five members appointed by the Governor, after review and approval by the Environmental Review Board Nominating

Committee in accordance with subdivision (2) of this section and confirmed with the advice and consent of the Senate, so that one appointment expires in each year. The Chair shall be a full-time position, and the other four members shall be half-time positions. In making these appointments, the Governor and the Senate shall give consideration to candidates who have experience, expertise, or skills relating to the environment or land use one or more of the following areas: environmental science, natural resources law and policy, land use planning, community planning, or environmental justice.

(A) The Governor shall appoint a chair of the Board, a position that shall be a full-time position. The Governor shall ensure Board membership shall reflect, to the extent possible, the racial, ethnic, gender, and geographic diversity of the State. The Board shall not contain two members who reside in the same county.

(B) Following initial appointments, the members, except for the Chair, shall be appointed for terms of four five years. All terms shall begin on July 1 and expire on June 30. A member may continue serving until a successor is appointed. The initial appointments shall be for staggered terms.

(2) The Governor shall appoint up to five persons, with preference given to former Environmental Board, Natural Resources Board, or District Commission members, with the advice and consent of the Senate, to serve as alternates for Board members.

(A) Alternates shall be appointed for terms of four years, with initial appointments being staggered. The Environmental Review Board Nominating Committee shall advertise the position when a vacancy will occur on the Environmental Review Board.

(B) The Chair of the Board may assign alternates to sit on specific matters before the Board in situations where fewer than five members are available to serve. The Nominating Committee shall review the applicants to determine which are well-qualified for appointment to the Board and shall recommend those candidates to the Governor. The names of candidates shall be confidential.

(C) The Governor shall appoint, with the advice and consent of the Senate, a chair and four members of the Board from the list of well-qualified candidates sent to the Governor by the Committee.

(b) Any vacancy occurring in the membership of the Board shall be filled by the Governor for the unexpired portion of the term. Terms; vacancy; succession. The term of each appointment subsequent to the initial appointments described in subsection (a) of this section shall be five years. Any appointment to fill a vacancy shall be for the unexpired portion of the

term vacated. A member may seek reappointment by informing the Governor. If the Governor decides not to reappoint the member, the Nominating Committee shall advertise the vacancy.

(c) Removal. Notwithstanding the provisions of 3 V.S.A. § 2004, members shall only be removable for cause only, except the Chair, who shall serve at the pleasure of the Governor by the remaining members of the Board in accordance with the Vermont Administrative Procedures Act. The Board shall adopt rules pursuant to 3 V.S.A. chapter 25 to define the basis and process for removal.

(d) Disqualified members. The Chair of the Board, upon request of the Chair of a District Commission, may appoint and assign former Commission members to sit on specific Commission cases when some or all of the regular members and alternates of the District Commission are disqualified or otherwise unable to serve.

(e) Retirement from office. When a Board member who hears all or a substantial part of a case retires from office before the case is completed, the member may remain a member of the Board, at the member's discretion, for the purpose of concluding and deciding that case and signing the findings and judgments involved. A retiring Chair shall also remain a member for the purpose of certifying questions of law if a party appeals to the Supreme Court. For the service, the member shall receive a reasonable compensation to be fixed by the remaining members of the Board and necessary expenses while on official business.

Sec. 3. 10 V.S.A. § 6032 is added to read:

§ 6032. ENVIRONMENTAL REVIEW BOARD NOMINATING
COMMITTEE

(a) Creation. The Environmental Review Board Nominating Committee is created for the purpose of assessing the qualifications of applicants for appointment to the Environmental Review Board in accordance with section 6021 of this title.

(b) Members. The Committee shall consist of seven members who shall be appointed as follows:

(1) The Governor shall appoint three members from the Executive Branch, with at least one being an employee of the Department of Human Resources.

(2) The Speaker of the House of Representatives shall appoint two members from the House of Representatives.

(3) The Senate Committee on Committees shall appoint two members from the Senate.

(c) Terms. The members of the Committee shall serve for terms of two years. Members shall serve until their successors are appointed. Members shall serve not more than three consecutive terms in any capacity. A legislative member who is appointed as a member of the Committee shall retain the position for the term appointed to the Committee even if the member is subsequently not reelected to the General Assembly during the member's term on the Committee.

(d) Chair. The members shall elect their own chair.

(e) Quorum. A quorum of the Committee shall consist of four members.

(f) Staff and services. The Committee is authorized to use the staff and services of appropriate State agencies and departments as necessary to conduct investigations of applicants.

(g) Confidentiality. Except as provided in subsection (h) of this section, proceedings of the Committee, including the names of candidates considered by the Committee and information about any candidate submitted to the Governor, shall be confidential. The provisions of 1 V.S.A. § 317(e) (expiration of Public Records Act exemptions) shall not apply to the exemptions or confidentiality provisions in this subsection.

(h) Public information. The following shall be public:

(1) operating procedures of the Committee;

(2) standard application forms and any other forms used by the Committee, provided they do not contain personal information about a candidate or confidential proceedings;

(3) all proceedings of the Committee prior to the receipt of the first candidate's completed application; and

(4) at the time the Committee sends the names of the candidates to the Governor, the total number of applicants for the vacancies and the total number of candidates sent to the Governor.

(i) Reimbursement. Legislative members of the Committee shall be entitled to per diem compensation and reimbursement for expenses in accordance with 2 V.S.A. § 23. Compensation and reimbursement shall be paid from the legislative appropriation.

(j) Duties.

(1) When a vacancy occurs, the Committee shall review applicants to determine which are well-qualified for the Board and submit those names to the Governor. The Committee shall submit to the Governor a summary of the qualifications and experience of each candidate whose name is submitted to the Governor, together with any further information relevant to the matter.

(2) An applicant for the position of member of the Environmental Review Board shall not be required to be an attorney. If the candidate is admitted to practice law in Vermont or practices a profession requiring licensure, certification, or other professional regulation by the State, the Committee shall submit the candidate's name to the Court Administrator or the applicable State professional regulatory entity, and that entity shall disclose to the Committee any professional disciplinary action taken or pending concerning the candidate.

(3) Candidates shall be sought who have experience, expertise, or skills relating to one or more of the following areas: environmental science, natural resources law and policy, land use planning, community planning, or environmental justice.

(4) The Committee shall ensure a candidate possesses the following attributes:

(A) Integrity. A candidate shall possess a record and reputation for excellent character and integrity.

(B) Impartiality. A candidate shall exhibit an ability to make judicial determinations in a manner free of bias.

(C) Work ethic. A candidate shall demonstrate diligence.

(D) Availability. A candidate shall have adequate time to dedicate to the position.

Sec. 4. 10 V.S.A. § 6025 is amended to read:

§ 6025. RULES

(a) The Board may adopt rules of procedure for itself and the District Commissions. The Board shall adopt rules of procedure that govern appeals and other contested cases before it that are consistent with this chapter.

* * *

Sec. 5. 10 V.S.A. § 6027 is amended to read:

§ 6027. POWERS

(a) The Board and District Commissions each shall have supervisory authority in environmental matters respecting projects within their jurisdiction

and shall apply their independent judgment in determining facts and interpreting law. Each shall have the power, with respect to any matter within its jurisdiction, to:

(1) administer oaths, take depositions, subpoena and compel the attendance of witnesses, and require the production of evidence;

(2) allow parties to enter upon lands of other parties for the purposes of inspecting and investigating conditions related to the matter before the Board or Commission;

(3) enter upon lands for the purpose of conducting inspections, investigations, examinations, tests, and site evaluations as it deems necessary to verify information presented in any matter within its jurisdiction; and

(4) apply for and receive grants from the federal government and from other sources.

(b) The powers granted under this chapter are additional to any other powers ~~which~~ that may be granted by other legislation.

(c) ~~The Natural Resources Board may designate or establish such regional offices as it deems necessary to implement the provisions of this chapter and the rules adopted hereunder. The Natural Resources Board may designate or require a regional planning commission to receive applications, provide administrative assistance, perform investigations, and make recommendations.~~

(d) At the request of a District Commission, if the Board Chair determines that the workload in the requesting district is likely to result in unreasonable delays or that the requesting District Commission is disqualified to hear a case, the Chair may authorize the District Commission of another district to sit in the requesting district to consider one or more applications.

(e) ~~The Natural Resources Board may by rule allow joint hearings to be conducted with specified State agencies or specified municipalities.~~

(f) The Board shall publish its decisions online. The Board may publish online or contract to publish annotations and indices of its decisions, the decisions of the Environmental Division of the Superior Court and the Supreme Court, and the text of those decisions. The published product shall be available at a reasonable rate to the general public and at a reduced rate to libraries and governmental bodies within the State.

(g) ~~The Natural Resources Board shall manage the process by which land use permits are issued under section 6086 of this title, may initiate enforcement on related matters under the provisions of chapters 201 and 211 of this title, and may petition the Environmental Division~~ initiate and hear

petitions for revocation of land use permits issued under this chapter. Grounds for revocation are:

(1) noncompliance with this chapter, rules adopted under this chapter, or an order that is issued that relates to this chapter;

(2) noncompliance with any permit or permit condition;

(3) failure to disclose all relevant and material facts in the application or during the permitting process;

(4) misrepresentation of any relevant and material fact at any time;

(5) failure to pay a penalty or other sums owed pursuant to, or other failure to comply with, court order, stipulation agreement, schedule of compliance, or other order issued under Vermont statutes and related to the permit; or

(6) failure to provide certification of construction costs, as required under subsection 6083a(a) of this title, or failure to pay supplemental fees as required under that section.

(h) ~~The Natural Resources Board may hear appeals of fee refund requests under section 6083a of this title. The Board shall hear appeals of decisions made by District Commissions and district coordinators.~~

(i) The Chair, subject to the direction of the Board, shall have general charge of the offices and employees of the Board and the offices and employees of the District Commissions.

(j) ~~The Natural Resources Board may participate as a party in all matters before the Environmental Division that relate to land use permits issued under this chapter. [Repealed.]~~

* * *

Sec. 6. 10 V.S.A. § 6028 is amended to read:

§ 6028. COMPENSATION

Members of the Board and District Commissions shall receive per diem pay of \$100.00 and all necessary and actual expenses in accordance with 32 V.S.A. § 4010. Per diem pay shall be available for time spent reviewing permit applications and for time spent making decisions on permit applications. Per diem requests shall be approved or denied by the Executive Director.

Sec. 7. 10 V.S.A. § 6022 is amended to read:

§ 6022. PERSONNEL

(a) Regular personnel. The Board may appoint legal counsel, scientists, engineers, experts, investigators, temporary employees, and administrative personnel as it finds necessary in carrying out its duties,~~unless the Governor shall otherwise provide in providing personnel to assist the District Commissions and in investigating matters within its jurisdiction.~~

(b) Personnel for particular proceedings.

(1) Retention.

(A) The Board may authorize or retain legal counsel, official stenographers, expert witnesses, advisors, temporary employees, and other research services:

(i) to assist the Board in any proceeding before it under this chapter; and

(ii) to monitor compliance with any formal opinion of the Board or a District Commission.

(B) The personnel authorized by this section shall be in addition to the regular personnel of the Board. The Board shall fix the amount of compensation and expenses to be paid to such additional personnel.

(2) Assessment of costs.

(A) The Board may allocate to an applicant the portion of its expenses incurred by retaining additional personnel for a proceeding. On petition of an applicant to which costs are proposed to be allocated, the Board shall review and determine, after opportunity for hearing, the necessity and reasonableness of those costs, having due regard for the size and complexity of the project, and may amend or revise an allocation.

(B) Prior to allocating costs, the Board shall make a determination of the purpose and use of the funds to be raised under this section, identify the recipient of the funds, provide for allocation of costs among applicants to be assessed, indicate an estimated duration of the proceedings, and estimate the total costs to be imposed. With the approval of the Board, estimates may be revised as necessary. From time to time during the progress of the work, the Board shall render to the applicant detailed statements showing the amount of money expended or contracted for in the work of additional personnel, which statements shall be paid into the State Treasury at the time and in the manner as the Board may reasonably direct.

(C) All payments for costs allocated pursuant to this section shall be deposited into the fund created under section 6029 of this title.

(c) Executive Director. The Board shall appoint an Executive Director. The Director shall be a full-time State employee, shall be exempt from the State classified system, and shall serve at the pleasure of the Board. The Director shall be responsible for:

(1) supervising and administering the operation and implementation of this chapter and the rules adopted by the Board as directed by the Board;

(2) assisting the Board in its duties and administering the requirements of this chapter;

(3) employing such staff as may be required to carry out the functions of the Board; and

(4) preparing an annual budget for submission to the Board.

Sec. 8. 10 V.S.A. § 6084 is amended to read:

§ 6084. NOTICE OF APPLICATION; HEARINGS; COMMENCEMENT OF
REVIEW

~~(a) On or before the date of~~ Upon the filing of an application with the District Commission, the ~~applicant~~ District Commission shall send, by electronic means, notice ~~and a copy~~ of the ~~initial~~ application to the owner of the land if the applicant is not the owner; the municipality in which the land is located; the municipal and regional planning commissions for the municipality in which the land is located; the Vermont Agency of Natural Resources; and any adjacent Vermont municipality and municipal and regional planning commission if the land is located on a municipal or regional boundary. ~~The applicant shall furnish to the District Commission the names of those furnished notice by affidavit, and shall post~~ send by electronic means a copy of the notice ~~in to~~ the town clerk's office of the town or towns in which the project lies. The town clerk shall post the notice in the town office. The applicant shall also provide a list of adjoining landowners to the District Commission. Upon request and for good cause, the District Commission may authorize the applicant to provide a partial list of adjoining landowners in accordance with Board rules.

* * *

(e) Any notice for a major or minor application, as required by this section, shall also be published by the District Commission in a local newspaper generally circulating in the area where the development or subdivision is

located and on the Board's website not more than ten days after receipt of a complete application.

* * *

Sec. 9. 10 V.S.A. § 6089 is amended to read:

§ 6089. APPEALS

~~Appeals of any act or decision of a District Commission under this chapter or a district coordinator under subsection 6007(e) of this title shall be made to the Environmental Division in accordance with chapter 220 of this title. For the purpose of this section, a decision of the Chair of a District Commission under section 6001e of this title on whether action has been taken to circumvent the requirements of this chapter shall be considered an act or decision of the District Commission.~~

(a)(1) An appeal of any act or decision of a District Commission shall be to the Board and shall be accompanied by a fee prescribed by section 6083a of this title.

(2) Participation before District Commission. A person shall not appeal an act or decision that was made by a District Commission unless the person was granted party status by the District Commission pursuant to subdivision 6085(c)(1)(E) of this title, participated in the proceedings before the District Commission, and retained party status at the end of the District Commission proceedings. In addition, the person may only appeal those issues under the criteria with respect to which the person was granted party status. However, notwithstanding these limitations, a person may appeal an act or decision of the District Commission if the Board determines that:

(A) there was a procedural defect that prevented the person from obtaining party status or participating in the proceeding;

(B) the decision being appealed is the grant or denial of party status;
or

(C) some other condition exists that would result in manifest injustice if the person's right to appeal was disallowed.

(3) An appellant to the Board, under this section, shall file with the notice of appeal a statement of the issues to be addressed in the appeal, a summary of the evidence that will be presented, and a preliminary list of witnesses who will testify on behalf of the appellant.

(4) The Board shall hold a de novo hearing on all findings requested by any party that files an appeal or cross appeal, according to the rules of the

Board. The hearing shall be held in the municipality where the project subject to the appeal is located, if possible, or as close as possible.

(5) Notice of appeal shall be filed with the Board within 30 days following the act or decision by the District Commission. The Board shall notify the parties who had party status before the District Commission of the filing of any appeal.

(6) Prehearing discovery.

(A) A party may obtain discovery of expert witnesses who may provide testimony relevant to the appeal. Expert witness prefiled testimony shall be in accordance with the Vermont Rules of Evidence. The use of discovery for experts shall comply with the requirements in the Vermont Rules of Civil Procedure 26–37.

(B) Interrogatories served on nonexpert witnesses shall be limited to discovery of the identity of witnesses and a summary of each witness' testimony, except by order of the Board for cause shown. Interrogatories served on expert witnesses shall be in accordance with the Vermont Rules of Civil Procedure.

(C) Parties may submit requests to produce and requests to enter upon land pursuant to the Vermont Rule of Civil Procedure 34.

(D) Parties may not take depositions of witnesses, except by order of the Board for cause shown.

(E) The Board may require a party to supplement, as necessary, any prehearing testimony that is provided.

(b) Prior decisions of the former Environmental Board, Water Resources Board, Waste Facilities Panel, and Environmental Division of the Superior Court shall be given the same weight and consideration as prior decisions of the Environmental Review Board.

(c) An appeal from a decision of the Board under subsection (a) of this section shall be to the Supreme Court by a party as set forth in subsection 6085(c) of this title.

(d) No objection that has not been raised before the Board may be considered by the Supreme Court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(e) An appeal of a decision by the Board shall be allowed pursuant to 3 V.S.A. § 815, including the unreasonableness or insufficiency of the conditions attached to a permit. An appeal from the District Commission shall

be allowed for any reason, except no appeal shall be allowed when an application has been granted and no hearing was requested.

(f) Precedent from the former Environmental Board and of the Environmental Review Board that interpret Act 250 shall be provided the same deference by the Supreme Court as precedents accorded to other Executive Branch agencies charged with administering their enabling act. On appeal to the Supreme Court from the Environmental Review Board, decisions of the Environmental Review Board interpreting this act also shall be accorded that deference.

(g) Upon appeal to the Supreme Court, the Board's findings of fact shall be accepted unless clearly erroneous.

(h) Completion of case. A case shall be deemed completed when the Board enters a final decision even though that decision is appealed to the Supreme Court and remanded by that Court.

(i) Court of record; jurisdiction. The Board shall have the powers of a court of record in the determination and adjudication of all matters within its jurisdiction. It may initiate proceedings on any matter within its jurisdiction. It may render judgments and enforce the same by any suitable process issuable by courts in this State. An order issued by the Board on any matter within its jurisdiction shall have the effect of a judicial order. The Board's jurisdiction shall include:

(1) the issuance of declaratory rulings on the applicability of this chapter and rules or orders issued under this chapter, pursuant to 3 V.S.A. § 808; and

(2) the issuance of decisions on appeals pursuant to sections 6007 and 6089 of this title.

Sec. 10. 10 V.S.A. § 6007 is amended to read:

§ 6007. ACT 250 DISCLOSURE STATEMENT; JURISDICTIONAL
DETERMINATION

* * *

(c) With respect to the partition or division of land, or with respect to an activity that might or might not constitute development, any person may submit to the district coordinator an "Act 250 Disclosure Statement" and other information required by the rules of the Board and may request a jurisdictional opinion from the district coordinator concerning the applicability of this chapter. If a requestor wishes a final determination to be rendered on the question, the district coordinator, at the expense of the requestor and in

accordance with rules of the Board, shall publish notice of the issuance of the opinion in a local newspaper generally circulating in the area where the land that is the subject of the opinion is located and shall serve the opinion on all persons listed in subdivisions 6085(c)(1)(A) through (D) of this title. In addition, the requestor who is seeking a final determination shall consult with the district coordinator and obtain approval of a subdivision 6085(c)(1)(E) list of persons who shall be notified by the district coordinator because they are adjoining property owners or other persons who would be likely to be able to demonstrate a particularized interest protected by this chapter that may be affected by an act or decision by a District Commission.

(d) A person who seeks review of a jurisdictional opinion issued by a district coordinator may bring to the Board an appeal of issues addressed in the opinion.

(1) The appellant shall provide notice of the filing of an appeal to each person entitled to notice under subdivisions 6085(c)(1)(A) through (D) of this title and to each person on an approved subdivision 6085(c)(1)(E) list.

(2) Failure to appeal within 30 days following the issuance of the jurisdictional opinion shall render the decision of the district coordinator under subsection (c) of this section the final determination regarding jurisdiction unless the underlying jurisdictional opinion was not properly served on persons listed in subdivisions 6085(c)(1)(A) through (D) of this title and on persons on a subdivision 6085(c)(1)(E) list approved under subsection (c) of this section.

Sec. 11. 10 V.S.A. § 6083a is amended to read:

§ 6083a. ACT 250 FEES

* * *

(i) All persons filing an appeal, cross appeal, or petition from a District Commission decision or jurisdictional determination shall pay a fee of \$295.00, plus publication costs.

* * * Appeals * * *

Sec. 12. 10 V.S.A. chapter 220 is amended to read:

CHAPTER 220. CONSOLIDATED ENVIRONMENTAL APPEALS

§ 8501. PURPOSE

It is the purpose of this chapter to:

(1) consolidate existing appeal routes for municipal zoning and subdivision decisions and acts or decisions of the Secretary of Natural

Resources, ~~district environmental coordinators, and District Commissions,~~ excluding enforcement actions brought pursuant to chapters 201 and 211 of this title and the adoption of rules under 3 V.S.A. chapter 25;

(2) standardize the appeal periods, the parties who may appeal these acts or decisions, and the ability to stay any act or decision upon appeal, taking into account the nature of the different programs affected;

~~(3) encourage people to get involved in the Act 250 permitting process at the initial stages of review by a District Commission by requiring participation as a prerequisite for an appeal of a District Commission decision to the Environmental Division;~~

(4) assure ~~ensure~~ that clear appeal routes exist for acts and decisions of the Secretary of Natural Resources; and

~~(5)~~(4) consolidate appeals of decisions related to renewable energy generation plants and telecommunications facilities with review under, respectively, 30 V.S.A. §§ 248 and 248a, with appeals and consolidation of proceedings pertaining to telecommunications facilities occurring only while 30 V.S.A. § 248a remains in effect.

§ 8502. DEFINITIONS

As used in this chapter:

(1) ~~“District Commission” means a District Environmental Commission established under chapter 151 of this title. [Repealed.]~~

(2) ~~“District coordinator” means a district environmental coordinator attached to a District Commission established under chapter 151 of this title. [Repealed.]~~

(3) “Environmental Court” or “Environmental Division” means the Environmental Division of the Superior Court established by 4 V.S.A. § 30.

(4) ~~“Natural Resource~~ Environmental Review Board” or “Board” means the Board established under chapter 151 of this title.

(5) “Party by right” means the following:

(A) the applicant;

(B) the landowner, if the applicant is not the landowner;

(C) the municipality in which the project site is located and the municipal and regional planning commissions for that municipality;

(D) if the project site is located on a boundary, any Vermont municipality adjacent to that border and the municipal and regional planning commissions for that municipality;

(E) the solid waste management district in which the land is located, if the development or subdivision constitutes a facility pursuant to subdivision 6602(10) of this title;

(F) any State agency affected by the proposed project.

(6) “Person” means any individual; partnership; company; corporation; association; joint venture; trust; municipality; the State of Vermont or any agency, department, or subdivision of the State; any federal agency; or any other legal or commercial entity.

(7) “Person aggrieved” means a person who alleges an injury to a particularized interest protected by the provisions of law listed in section 8503 of this title, attributable to an act or decision by ~~a district coordinator, District Commission,~~ the Secretary, or the Environmental Division that can be redressed by the Environmental Division or the Supreme Court.

(8) “Secretary” means the Secretary of Natural Resources or the Secretary’s duly authorized representative. As used in this chapter, “Secretary” shall also mean the Commissioner of Environmental Conservation, the Commissioner of Forests, Parks and Recreation, and the Commissioner of Fish and Wildlife, with respect to those statutes that refer to the authority of that commissioner or department.

§ 8503. APPLICABILITY

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

* * *

(b) ~~This chapter shall govern:~~

~~(1) all appeals from an act or decision of a District Commission under chapter 151 of this title, excluding appeals of application fee refund requests;~~

~~(2) appeals from an act or decision of a district coordinator under subsection 6007(e) of this title;~~

~~(3) appeals from findings of fact and conclusions of law issued by the Natural Resources Board in its review of a designated growth center for conformance with the criteria of subsection 6086(a) of this title, pursuant to authority granted at 24 V.S.A. § 2793e(f). [Repealed.]~~

(c) This chapter shall govern all appeals arising under 24 V.S.A. chapter 117, the planning and zoning chapter.

(d) This chapter shall govern all appeals from an act or decision of the Environmental Division under this chapter.

(e) This chapter shall not govern appeals from rulemaking decisions by the ~~Natural Resources~~ Environmental Review Board under chapter 151 of this title or enforcement actions under chapters 201 and 211 of this title.

(f) This chapter shall govern all appeals of acts or decisions of the legislative body of a municipality arising under 24 V.S.A. chapter 61, subchapter 10, relating to the municipal certificate of approved location for salvage yards.

(g) This chapter shall govern all appeals of an act or decision of the Secretary of Natural Resources that a solid waste implementation plan for a municipality proposed under 24 V.S.A. § 2202a conforms with the State Solid Waste Implementation Plan adopted pursuant to section 6604 of this title.

§ 8504. APPEALS TO THE ENVIRONMENTAL DIVISION

(a) ~~Act 250 and Agency~~ appeals. Within 30 days of the date of following the act or decision, any person aggrieved by an act or decision of the Secretary, ~~a District Commission, or a district coordinator~~ under the provisions of law listed in section 8503 of this title, or any party by right, may appeal to the Environmental Division, except for an act or decision of the Secretary under subdivision 6086b(3)(E) of this title or governed by section 8506 of this title.

* * *

(c) Notice of the filing of an appeal.

(1) ~~Upon filing an appeal from an act or decision of the District Commission, the appellant shall notify all parties who had party status as of the end of the District Commission proceeding, all friends of the Commission, and the Natural Resources Board that an appeal is being filed. In addition, the appellant shall publish notice not more than 10 days after providing notice as required under this subsection, at the appellant's expense, in a newspaper of general circulation in the area of the project that is the subject of the decision. [Repealed.]~~

* * *

(d) Requirement to participate before ~~the District Commission or the~~ Secretary.

(1) ~~Participation before District Commission. An aggrieved person shall not appeal an act or decision that was made by a District Commission unless the person was granted party status by the District Commission pursuant to~~

~~subdivision 6085(c)(1)(E) of this title, participated in the proceedings before the District Commission, and retained party status at the end of the District Commission proceedings. In addition, the person may only appeal those issues under the criteria with respect to which the person was granted party status. However, notwithstanding these limitations, an aggrieved person may appeal an act or decision of the District Commission if the Environmental judge determines that:~~

~~(A) there was a procedural defect that prevented the person from obtaining party status or participating in the proceeding;~~

~~(B) the decision being appealed is the grant or denial of party status;~~

~~or~~

~~(C) some other condition exists that would result in manifest injustice if the person's right to appeal was disallowed. [Repealed.]~~

~~(2) Participation before the Secretary.~~

~~* * *~~

~~(c) Act 250 jurisdictional determinations by a district coordinator.~~

~~(1) The appellant shall provide notice of the filing of an appeal to each person entitled to notice under subdivisions 6085(c)(1)(A) through (D) of this title, to each person on an approved subdivision 6085(c)(1)(E) list, and to the Natural Resources Board.~~

~~(2) Failure to appeal within the time required under subsection (a) of this section shall render the decision of the district coordinator under subsection 6007(c) of this title the final determination regarding jurisdiction under chapter 151 of this title unless the underlying jurisdictional opinion was not properly served on persons listed in subdivisions 6085(c)(1)(A) through (D) of this title and on persons on a subdivision 6085(c)(1)(E) list approved under subsection 6007(c) of this title. [Repealed.]~~

~~* * *~~

~~(g) Consolidated appeals. The Environmental Division may consolidate or coordinate different appeals where those appeals all relate to the same project.~~

~~* * *~~

~~(i) Deference to Agency technical determinations. In the adjudication of appeals relating to land use permits under chapter 151 of this title, technical determinations of the Secretary shall be accorded the same deference as they are accorded by a District Commission under subsection 6086(d) of this title. [Repealed.]~~

* * *

(k) Limitations on appeals. Notwithstanding any other provision of this section:

~~(1) there shall be no appeal from a District Commission decision when the Commission has issued a permit and no hearing was requested or held, or no motion to alter was filed following the issuance of an administrative amendment;~~

(2) a municipal decision regarding whether a particular application qualifies for a recorded hearing under 24 V.S.A. § 4471(b) shall not be subject to appeal;

~~(3) if a District Commission issues a partial decision under subsection 6086(b) of this title, any appeal of that decision must be taken within 30 days of the date of that decision.~~

(l) Representation. The Secretary may represent the Agency of Natural Resources in all appeals under this section. ~~The Chair of the Natural Resources Board may represent the Board in any appeal under this section, unless the Board directs otherwise. If more than one State agency, other than the Board, either appeals or seeks to intervene in an appeal under this section, only the Attorney General may represent the interests of those agencies of the State in the appeal.~~

(m) Precedent. Prior decisions of the Environmental Board, Water Resources Board, and Waste Facilities Panel shall be given the same weight and consideration as prior decisions of the Environmental Division.

(n) Intervention. Any person may intervene in a pending appeal if that person:

(1) appeared as a party in the action appealed from and retained party status;

(2) is a party by right;

(3) ~~is the Natural Resources Board; [Repealed.]~~

(4) is a person aggrieved, as defined in this chapter;

(5) qualifies as an “interested person,” as established in 24 V.S.A. § 4465, with respect to appeals under 24 V.S.A. chapter 117; or

(6) meets the standard for intervention established in the Vermont Rules of Civil Procedure.

(o) With respect to review of an act or decision of the Secretary pursuant to 3 V.S.A. § 2809, the Division may reverse the act or decision or amend an

allocation of costs to an applicant only if the Division determines that the act, decision, or allocation was arbitrary, capricious, or an abuse of discretion. In the absence of such a determination, the Division shall require the applicant to pay the Secretary all costs assessed pursuant to 3 V.S.A. § 2809.

(p) Administrative record. The Secretary shall certify the administrative record as defined in chapter 170 of this title and shall transfer a certified copy of that record to the Environmental Division when:

(1) there is an appeal of an act or decision of the Secretary that is based on that record; or

~~(2) there is an appeal of a decision of a District Commission, and the applicant used a decision of the Secretary based on that record to create a presumption under a criterion of subsection 6086(a) of this title that is at issue in the appeal.~~

§ 8505. APPEALS TO THE SUPREME COURT

(a) Any person aggrieved by a decision of the Environmental Division pursuant to this subchapter, any party by right, or any person aggrieved by a decision of the Environmental Review Board may appeal to the Supreme Court within 30 days of following the date of the entry of the order or judgment appealed from, provided that:

(1) the person was a party to the proceeding before the Environmental Division; or

(2) the decision being appealed is the denial of party status; or

(3) the Supreme Court determines that:

(A) there was a procedural defect that prevented the person from participating in the proceeding; or

(B) some other condition exists that would result in manifest injustice if the person's right to appeal were disallowed.

* * *

* * * Environmental Division * * *

Sec. 13. 4 V.S.A. § 34 is amended to read:

§ 34. JURISDICTION; ENVIRONMENTAL DIVISION

The Environmental Division shall have:

(1) jurisdiction of matters arising under 10 V.S.A. chapters 201 and 220; and

(2) jurisdiction of matters arising under 24 V.S.A. chapter 61, subchapter 12 and 24 V.S.A. chapter 117; and

~~(3) original jurisdiction to revoke permits under 10 V.S.A. chapter 151.~~

* * * Report; Transition; Revision Authority; Effective Dates * * *

Sec. 14. ENVIRONMENTAL REVIEW BOARD POSITIONS;

APPROPRIATION

(a) The following new positions are created at the Environmental Review Board for the purposes of carrying out this act:

(1) one Staff Attorney 1; and

(2) four half-time Environmental Review Board members.

(b) The sum of \$300,000.00 is appropriated to the Environmental Review Board from the General Fund in fiscal year 2023 for the positions established in subsection (a) of this section and for additional operating costs required to implement the appeals process established in this act.

Sec. 15. NATURAL RESOURCES BOARD TRANSITION

(a) The Governor shall appoint the members of Environmental Review Board on or before July 1, 2023, and the terms of any Natural Resources Board member not appointed consistent with the requirements of 10 V.S.A. § 6021(a)(1)(A) or (B) shall expire on that day.

(b) As of July 1, 2023, all appropriations and employee positions of the Natural Resources Board are transferred to the Environmental Review Board.

(c) The Environmental Review Board shall adopt rules of procedure for its hearing process pursuant to 10 V.S.A. § 6025(a) on or before July 1, 2024.

Sec. 16. ENVIRONMENTAL DIVISION; CONTINUED JURISDICTION

Notwithstanding the repeal of its jurisdictional authority to hear appeals relative to land use permits under Sec. 12 of this act, the Environmental Division of the Superior Court shall continue to have jurisdiction to complete its consideration of any appeal that is pending before it as of July 1, 2024 if the act or appeal has been filed. The Environmental Review Board shall have authority to be a party in any appeals pending under this section until July 1, 2024.

Sec. 17. REPORT; ENVIRONMENTAL REVIEW BOARD

(a) On or before December 31, 2023, the Chair of the Environmental Review Board shall report to the House Committee on Natural Resources,

Fish, and Wildlife and the Senate Committee on Natural Resources and Energy on necessary updates to the Act 250 program.

(b) The report shall include:

(1) how to transition to a system in which Act 250 jurisdiction is based on location, which shall encourage development in appropriate locations and protect natural resources of statewide significance including biodiversity;

(2) how to use the Capability and Development Plan to meet the statewide planning goals;

(3) the effectiveness of the current permit fee structure; and

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

Sec. 18. REVISION AUTHORITY

In preparing the Vermont Statutes Annotated for publication in 2022, the Office of Legislative Counsel shall replace all references to the “Natural Resources Board” with the “Environmental Review Board” in Title 3, Title 10, Title 24, Title 29, Title 30, and Title 32.

* * * Effective Dates * * *

Sec. 19. EFFECTIVE DATES

This act shall take effect on passage, except that Secs. 12 and 13 (10 V.S.A. chapter 220; 4 V.S.A. § 34) shall take effect on July 1, 2024.

Rep. Ancel of Calais, for the Committee on Ways and Means, recommended that the bill ought to pass as recommended by the Committee on Natural Resources, Fish, and Wildlife when the report of the Committee on Natural Resources, Fish, and Wildlife is amended as follows:

First: In Sec. 7, 10 V.S.A. § 6022, by striking out subsection (b) in its entirety and relettering the remaining subsection to be alphabetically correct.

Second: In Sec. 14, environmental review board positions; appropriation, in subsection (b), by striking out “\$300,000.00” and inserting “\$384,000.00”

Third: By striking out Sec. 17, report; environmental review board, in its entirety and inserting in lieu thereof the following:

Sec. 17. REPORT; ENVIRONMENTAL REVIEW BOARD

(a) On or before December 31, 2023, the Chair of the Environmental Review Board shall report to the House Committees on Natural Resources, Fish, and Wildlife and on Ways and Means and the Senate Committees on

Finance and on Natural Resources and Energy on necessary updates to the Act 250 program.

(b) The report shall include:

(1) how to transition to a system in which Act 250 jurisdiction is based on location, which shall encourage development in appropriate locations and protect natural resources of statewide significance, including biodiversity;

(2) how to use the Capability and Development Plan to meet the statewide planning goals;

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

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

(5) whether the permit fees are effective in providing appropriate incentives; and

(6) whether the Board should be able to assess their costs on applicants.

Rep. Squirrell of Underhill, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committees on Natural Resources, Fish, and Wildlife and on Ways and Means, and when further amended as follows:

By striking out Sec. 6, 10 V.S.A. § 6028, in its entirety and by renumbering the remaining sections to be numerically correct.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Natural Resources, Fish, and Wildlife was amended as recommended by the Committees on Ways and Means and on Appropriations.

Pending the question, Shall the bill be amended as recommended by the Committee on Natural Resources, Fish, and Wildlife, as amended?, **Rep. McCoy of Poultney** 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 amended as recommended by the Committee on Natural Resources, Fish, and Wildlife, as amended?, was decided in the affirmative. Yeas, 92. Nays, 49.

Those who voted in the affirmative are:

Ancel of Calais	Donnally of Hyde Park	Nigro of Bennington
Anthony of Barre City	Durfee of Shaftsbury	Notte of Rutland City
Arrison of Weathersfield	Emmons of Springfield	Noyes of Wolcott
Austin of Colchester	Gannon of Wilmington	O'Brien of Tunbridge
Bartholomew of Hartland	Garofano of Essex	Ode of Burlington
Beck of St. Johnsbury	Goldman of Rockingham	Pajala of Londonderry
Birong of Vergennes	Grad of Moretown	Partridge of Windham
Black of Essex	Hooper of Montpelier	Pugh of South Burlington
Bock of Chester	Hooper of Randolph	Rachelson of Burlington
Bongartz of Manchester	Hooper of Burlington	Rogers of Waterville
Bos-Lun of Westminster	Houghton of Essex	Satcowitz of Randolph
Brady of Williston	Howard of Rutland City	Scheu of Middlebury
Briglin of Thetford	James of Manchester	Sheldon of Middlebury
Brown of Richmond	Jerome of Brandon	Sibilia of Dover
Brownell of Pownal	Jessup of Middlesex	Squirrell of Underhill
Brumsted of Shelburne	Killackey of South Burlington	Stebbins of Burlington
Burke of Brattleboro	Kimbell of Woodstock	Stevens of Waterbury
Burrows of West Windsor	Kitzmiller of Montpelier	Taylor of Colchester
Campbell of St. Johnsbury	Kornheiser of Brattleboro	Till of Jericho
Chase of Colchester	LaLonde of South Burlington	Toleno of Brattleboro
Christie of Hartford	Lanpher of Vergennes	Townsend of South Burlington
Cina of Burlington	Lefebvre of Newark	Troiano of Stannard
Coffey of Guilford	Lippert of Hinesburg	Walz of Barre City
Colburn of Burlington	Long of Newfane	Webb of Shelburne
Colston of Winooski	Masland of Thetford	White of Bethel
Conlon of Cornwall	McCarthy of St. Albans City	White of Hartford
Copeland Hanzas of Bradford	McCormack of Burlington	Whitman of Bennington
Corcoran of Bennington	McCullough of Williston	Wood of Waterbury
Cordes of Lincoln	Morris of Springfield	Yacovone of Morristown
Dolan of Essex	Mrowicki of Putney	Yantachka of Charlotte
Dolan of Waitsfield	Nicoll of Ludlow	

Those who voted in the negative are:

Brennan of Colchester	Labor of Morgan	Page of Newport City
Burditt of West Rutland	LaClair of Barre Town	Parsons of Newbury
Canfield of Fair Haven	Laroche of Franklin	Pearl of Danville
Cupoli of Rutland City	Lefebvre of Orange	Peterson of Clarendon
Dickinson of St. Albans Town	Marcotte of Coventry	Rosenquist of Georgia
Donahue of Northfield	Martel of Waterford	Scheuermann of Stowe
Fagan of Rutland City	Mattos of Milton	Shaw of Pittsford
Feltus of Lyndon	McCoy of Poultney	Sims of Craftsbury
Goslant of Northfield	McFaun of Barre Town	Small of Winooski
Graham of Williamstown	Morgan, L. of Milton	Smith of Derby
Gregoire of Fairfield	Morgan, M. of Milton	Smith of New Haven
Hango of Berkshire	Morrissey of Bennington	Strong of Albany
Harrison of Chittenden	Mulvaney-Stanak of Burlington	Terenzini of Rutland Town
		Toof of St. Albans Town

Helm of Fair Haven
Higley of Lowell
Kascenska of Burke

Murphy of Fairfax
Norris of Sheldon
Norris of Shoreham

Vyhovsky of Essex
Walker of Swanton
Williams of Granby

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

Achey of Middletown
Springs
Bluemle of Burlington

Elder of Starksboro
Leffler of Enosburgh
Palasik of Milton

Patt of Worcester
Sullivan of Dorset
Surprenant of Barnard

Thereupon, third reading was ordered.

Recess

At twelve o'clock and nineteen minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

Second Reading; Bill Amended; Third Reading Ordered

H. 635

Rep. Colston of Winooski, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to secondary enforcement of minor traffic offenses

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

Sec. 1. REPEAL OF CERTAIN MOTOR VEHICLE OFFENSES; REPORT

(a)(1) The Commissioner of Public Safety shall examine the following motor vehicle violations for the purpose of making recommendations as to whether the statutes should be repealed, modified, or limited to secondary enforcement:

(A) 23 V.S.A. § 307 (failure to carry a registration certificate);

(B) 23 V.S.A. § 511(c) (failure to display registration sticker or failure to display unobstructed license numbers);

(C) 23 V.S.A. § 512 (failure to display number plate on trailer or semi-trailer);

(D) 23 V.S.A. § 615 (operation by an individual with a learner's permit);

(E) 23 V.S.A. § 1023 (pedestrian-control signals);

(F) 23 V.S.A. §§ 1052 (crossing except at crosswalks), 1054 (pedestrians to use right half of crosswalks), 1055 (pedestrians on roadways), 1056 (highway solicitations), and 1058 (duties of pedestrians);

(G) 23 V.S.A. § 1125 (obstructing windshield or windows);

(H) 23 V.S.A. §§ 1134 (possession or consumption of alcohol or cannabis by operator), 1134a (possession or consumption of alcohol or cannabis by passenger) and 1134b(a) (using tobacco in a motor vehicle with child present);

(I) 23 V.S.A. § 1221 (condition of vehicle);

(J) 23 V.S.A. §§ 1243 (headlights), 1244 (illumination required), 1245 (illumination required on motorcycles), 1248 (taillights), and 1249 (directional signal lights); and

(K) 23 V.S.A. § 1259 (safety belts; persons 18 years of age or older).

(2) The Commissioner may make recommendations for repeal, modification, or designation for secondary enforcement of other motor vehicle violations at the Commissioner's discretion.

(b) The Commissioner shall report the recommendations to the House and Senate Committees on Government Operations and on Transportation not later than October 1, 2022.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

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

Bill Amended; Read Third Time; Bill Passed

H. 505

House bill, entitled

An act relating to reclassification of penalties for unlawfully possessing, dispensing, and selling a regulated drug

Was taken up and, pending third reading of the bill, **Rep. Murphy of Fairfax** moved to amend the bill as follows:

By renumbering Sec. 21a to be Sec. 22 and by renumbering the remaining sections to be numerically correct.

Which was agreed to. Thereupon, the bill was read the third time and passed.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 546

House bill, entitled

An act relating to racial justice statistics

H. 626

House bill, entitled

An act relating to the sale, use, or application of neonicotinoid pesticides

H. 720

House bill, entitled

An act relating to the system of care for individuals with developmental disabilities

Action on Bill Postponed

H. 96

House bill, entitled

An act relating to creating the Truth and Reconciliation Commission Development Task Force

Was taken up and, pending the reading of the report of the Committee on General, Housing, and Military Affairs, on motion of **Rep. Stevens of Waterbury**, action on the bill was postponed until March 23, 2022.

Second Reading; Bill Amended; Third Reading Ordered

H. 464

Rep. Brumsted of Shelburne, for the Committee on Human Services, to which had been referred House bill, entitled

An act relating to the medical review process in the Reach Up program and Postsecondary Education Program eligibility

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

Sec. 1. 33 V.S.A. § 1101 is amended to read:

§ 1101. DEFINITIONS

As used in this chapter:

* * *

(10) “Dependent child” means a child who is a resident of this State and:

(A) is under 18 years of age; or

(B) is 18 years of age or older who is a full-time student in a secondary school, or attending an equivalent level of vocational or technical training, and is reasonably expected to complete the educational program before reaching 19 22 years of age or is not expected to complete the educational program before reaching 19 22 years of age solely due to a documented disability.

* * *

Sec. 2. 33 V.S.A. § 1103 is amended to read:

§ 1103. ELIGIBILITY AND BENEFIT LEVELS

* * *

(c) The Commissioner shall adopt rules for the determination of eligibility for the Reach Up program and benefit levels for all participating families that include the following provisions:

(1) ~~No~~ Not less than the first ~~\$250.00~~ \$350.00 per month of earnings from an unsubsidized or subsidized job and 25 percent of the remaining ~~unsubsidized~~ earnings shall be disregarded in determining the amount of the family’s financial assistance grant. The family shall receive the difference between countable income and the Reach Up payment standard in a partial financial assistance grant.

(2) ~~No less than the first \$90.00 per month of earnings from a subsidized job shall be disregarded in determining the amount of the family’s financial assistance grant. The family shall receive the difference between countable income and the Reach Up payment standard in a partial financial assistance grant. Earnings from subsidized jobs shall qualify for federal and State earned income credit if the family is otherwise eligible for such credit.~~

* * *

(f) The Commissioner shall disregard ~~no~~ not less than ~~\$50.00~~ \$100.00 per month of child support payments in determining eligibility and benefit levels for participating families.

* * *

Sec. 3. 33 V.S.A. § 1105 is amended to read:

§ 1105. CHILD SUPPORT PAYMENTS

(a) A financial assistance case shall not be closed until child support payments, minus the first ~~\$50.00~~ \$100.00 per month in such payments received on behalf of the family, in combination with other countable income, have exceeded the financial assistance payment standard in 12 consecutive calendar months.

(b) Notwithstanding any other provision of law, if financial assistance to a participating family is terminated due to receipt of child support, minus the first ~~\$50.00~~ \$100.00 per month in such payments, that in combination with other countable income is in excess of the financial assistance cash payment standard, and the family again becomes eligible for financial assistance within the following 12 calendar months solely because the family no longer receives excess child support, financial assistance shall be paid as of the date of the family's reapplication.

Sec. 4. 33 V.S.A. § 1107 is amended to read:

§ 1107. CASE MANAGEMENT; FAMILY DEVELOPMENT PLANS;
COORDINATED SERVICES

(a)(1) The Commissioner shall provide all Reach Up services to participating families through a case management model informed by knowledge of the family's goals and aspirations, circumstances, home, community, employment, and available resources. Services may be delivered in the district office, the family's home, or the community in a way that facilitates progress toward accomplishment of the family development plan consistent with research on best practices. Case management may be provided to other eligible families. The case manager, ~~with the full involvement of the family, and family together~~ shall ~~recommend, and the Commissioner shall modify as necessary,~~ create a family development plan ~~established under the Reach First or Reach Up program~~ for each participating family, with a right of appeal as provided by section 1132 of this title. A case manager shall be assigned to each participating family as soon as the family begins to receive financial assistance. If administratively feasible and appropriate, the case manager shall be the same case manager the family was assigned in the Reach First program. ~~The applicant for or recipient of financial assistance under this chapter shall have the burden of demonstrating the existence of his or her condition.~~

(2) Each case manager shall utilize a universal engagement model that aims to engage each participating family, to the best of their ability, in improving the family's social, emotional, and economic well-being. The

universal engagement model approaches work and workforce development as a continuum in which each participating adult who is able participates in work or the process of preparing for work, participates in training and education, and increases the participating family's income. A participating adult who is unable to participate due to extenuating personal or family challenges shall be excused from the program participation requirements until able to participate, in accordance with criteria established by rule pursuant to 3 V.S.A. chapter 25.

(3) The case manager shall meet with each participating family following any statutory or rule changes affecting the amount of the earned income disregard, asset limitations, or other eligibility or benefit criteria in the Reach Up program to inform the family of the changes and advise the family about ways to maximize the opportunities to achieve earned income without a corresponding loss of benefits.

* * *

Sec. 5. 33 V.S.A. § 1108 is amended to read:

§ 1108. LIMITS ON FAMILY FINANCIAL ASSISTANCE

(a) Except for grants to children in the care of persons other than their parents, only participating families who have received fewer than 60 cumulative months of financial assistance in which the family was not granted a deferment, including those months in which any type of cash assistance funded by a TANF block grant was received in other states or territories of the United States, shall be eligible for benefits under the Reach Up program.

(b) Deferment granted for the following reasons The Department shall not count toward the Reach Up program's cumulative 60-month lifetime eligibility period any months in which:

(1) the participant is not able-to-work;

(2) the participant is a parent or caretaker who is caring for a child during the first year of a possible two-year deferment pursuant to subdivision 1114(b)(3) of this chapter under one year of age, in accordance with criteria established by rule pursuant to 3 V.S.A. chapter 25;

(3) the participant is affected by domestic violence pursuant to subdivision 1114(b)(9) of this chapter in accordance with criteria established by rule pursuant to 3 V.S.A. chapter 25; and

(4) the participant is needed in the home on a full-time basis to care for an ill or disabled parent, spouse, or child pursuant to subdivision 1114(b)(5) of this chapter in accordance with criteria established by rule pursuant to 3 V.S.A. chapter 25.

(c) The cumulative 60-month lifetime eligibility period shall not begin to toll until the parent or parents of a participating family have reached the age of 18 years of age.

(d) Notwithstanding subsection (a) of this section, a participating family that does not have a qualifying deferment meet any of the criteria under section 1114 of this title subsection (b) of this section and that has exceeded the cumulative 60-month lifetime eligibility period set forth in subsection (a) of this section shall qualify for a hardship exemption that allows the adult member of the participating family to receive: continue to receive financial assistance if the participating adult is engaged in any of the work activities listed in subdivision 1101(2) of this chapter, with the exception of subdivision 1101(2)(L) of this chapter.

~~(1) a wage equivalent to that of the participating family's cash benefit under the Reach Up program for participation in any of the work activities listed in subdivision 1101(28) of this title, with the exception of subdivision (28)(L); or~~

~~(2) supplemental benefits to the wages of the adult member of the participating family if the work requirement is otherwise being met.~~

(e) A participating family that does not qualify for a hardship exemption pursuant to subsection (d) of this section may be eligible to continue receiving benefits under the Reach Up program if the program director, or the program director's designee, determines, on a monthly basis, that the participating adult is actively participating in the universal engagement model, including the process of planning and engaging in goal achievement related to employment, training, education, and addressing obstacles pursuant to subsection 1113(a) of this chapter.

Sec. 6. 33 V.S.A. § 1112 is amended to read:

§ 1112. FAMILY DEVELOPMENT PLAN REQUIREMENTS

(a)(1) Each participating adult in a family applying for or receiving financial assistance shall comply with each Reach Up family development plan requirement provided for in the family development plan, unless good cause exists for such noncompliance as defined by the Commissioner by rule.

(2) The process of developing a family development plan shall include planning and engaging in goal achievement related to employment, training, and education; addressing obstacles to employment; following through with established steps to achieve goals; reviewing and revising goals as necessary; and setting new goals as each existing goal is achieved.

Sec. 7. 33 V.S.A. § 1113 is amended to read:

§ 1113. WORK REQUIREMENTS EMPLOYMENT PREPARATION,
READINESS, AND PARTICIPATION

(a) ~~Each participating adult in a family receiving a financial assistance grant shall fulfill a work requirement in accordance with this section. Subject to the provisions of this chapter, and provided that all services required by this chapter are offered when appropriate and are available when needed to support fulfillment of the work requirement, an adult having a work requirement shall obtain employment or participate in one or more work activities, and shall work in accordance with the requirements of this section, in order to maintain continued eligibility for financial assistance and to avoid fiscal sanctions participate in the process of planning and engaging in goal achievement. These goals may be related to family well-being, financial stability, employment, training, education, and addressing obstacles to employment. Participating families shall participate in establishing goals and steps to achieve goals, reviewing and revising goals as necessary, and setting new goals as each goal is achieved.~~

~~(b)(1) The work requirement shall become effective as soon as the participating adult is work-ready, or upon the family's receipt of 12 cumulative months of financial assistance, whichever is sooner, unless at the end of the 12-cumulative-month period the participant's case manager concludes that the participant is unable to meet the hours of the applicable unmodified work requirement, as established in subsection (c) of this section. In such cases, the case manager shall prepare a written request on behalf of the participant for an extension of up to six months. The request shall identify the particular reasons why the participant is unable to meet the work requirement and the remedial actions and services to be provided to the recipient to enable fulfillment of the requirement. The request shall be submitted to the Commissioner or the Commissioner's designee for approval. The request shall be approved unless the participant is able to meet the work requirement or a modified work requirement established in accordance with section 1114 of this title.~~

~~(2) A participant may meet the work requirement through a combination of work activities until the participant has received 24 months of financial assistance. After that time, the participant shall meet the work requirement through employment Program participation requirements shall become effective as soon as the participating adult becomes eligible for financial assistance.~~

~~(c) A participating family shall be deemed to meet the work requirement if A participating adult may meet program participation requirements, including~~

the following activities, through one or a combination of work, education, training, and other activities that address the family's goals and well-being:

~~(1) In two-parent families in which neither parent receives Supplemental Security Income (SSI), a combined total of at least 35 hours a week of employment or work activities or the number of hours the parents have been determined able to work by the Department is completed. One or both parents may contribute to the completion of the employment or work activities required by this subdivision.~~

~~(2) In a two-parent family in which one parent receives SSI:~~

~~(A) If the family includes a child six years of age or older, the work-eligible parent shall participate in one or more work activities for at least 30 hours per week or the number of hours the parent has been determined able to work by the Department.~~

~~(B) If the family includes a child under six years of age, the work-eligible parent shall participate in one or more work activities for at least 20 hours per week or the number of hours the parent has been determined able to work by the Department.~~

~~(C) As used in this subdivision (c)(2), "work-eligible parent" means a parent who is not receiving SSI.~~

~~(3) In a single-parent family:~~

~~(A) If the family's youngest child is six years of age or older, the participant shall participate in one or more work activities for at least 30 hours per week or the number of hours the parent has been determined able to work by the Department.~~

~~(B) If the family's youngest child is under six years of age, the participant shall participate in one or more work activities for at least 20 hours per week or the number of hours the parent has been determined able to work by the Department.~~

~~(4) A pregnant individual who is employed shall continue such employment unless there has been a medical determination that the individual is unable to work, or the individual is exempt from the work requirement based on other criteria established by the Commissioner by rule. A pregnant individual shall not be required to begin new employment employment, either full-time or part-time;~~

(2) activities that develop and enhance the skills employers need their employees to have in the workplace, including:

(A) career-specific training programs;

- (B) English language learning;
 - (C) literacy and math skill courses; or
 - (D) credential programs;
- (3) entrepreneurship and business development;
- (4) job search and career exploration, including:
 - (A) engaging in work experience; or
 - (B) participating in job shadow opportunities;
- (5) education, including obtaining:
 - (A) a high school diploma;
 - (B) technical training and vocation education; or
 - (C) career-specific education;
- (6) building foundations for employment, including:
 - (A) housing search efforts;
 - (B) arranging transportation; or
 - (C) arranging child care;
- (7) activities aimed at improving family and financial well-being, including:
 - (A) financial capability classes and coaching;
 - (B) mental health treatment;
 - (C) treatment for substance use disorder;
 - (D) working with children's health and school professionals;
 - (E) applying for Supplemental Security Income; or
 - (F) working with the Division of Family Services; or
- (8) any other activity designated by the Commissioner in accordance with criteria established in rule pursuant to 3 V.S.A. chapter 25.

~~(d)(1) A participant required to fulfill a work requirement shall accept any unsubsidized job he or she is capable of performing, even if it pays wages that are less than the financial assistance grant. In cases in which monthly wages are less than the financial assistance grant and the family is otherwise eligible, the wages shall be supplemented with a partial financial assistance grant. The Commissioner shall establish by rule criteria for jobs that must be accepted if offered, including the criterion that each job must pay at least minimum wage.~~

~~(2) A participating adult who had wages in the three months prior to his or her application for financial assistance that, when annualized, equal or exceed 150 percent of the federal poverty level applicable to the participating adult's family shall not be required to accept employment with annualized earnings of less than 150 percent of the federal poverty level applicable to the participating adult's family for the three-month period after being deemed eligible for financial assistance, provided that the participant:~~

~~(A) has not been disqualified within the prior six months from receiving unemployment compensation benefits for failing, without good cause, either to apply for available, suitable work when so directed by the employment office or the Commissioner of Labor, or to accept suitable work when offered;~~

~~(B) is not sanctioned within the three-month period immediately following being deemed eligible for financial assistance;~~

~~(C) does not leave an unsubsidized job without good cause within the three-month period immediately following being deemed eligible for financial assistance;~~

~~(D) follows through in a satisfactory manner on all referrals to employment opportunities;~~

~~(E) is engaged in acceptable work activities in accordance with this section; and~~

~~(F) agrees to accept any unsubsidized job if still unemployed after completion of the three-month period immediately following the determination of eligibility to receive financial assistance.~~

~~(3) A postsecondary education program participant who has received a degree and any Reach Up participant who has recently completed specialized vocational training shall not be required to accept an unsubsidized job that is unrelated to his or her training or degree for the three-month period immediately following completion of such education or training, provided that the participant:~~

~~(A) is not sanctioned within that three-month period;~~

~~(B) does not leave an unsubsidized job related to his or her training or degree without good cause within that three-month period;~~

~~(C) follows through in a satisfactory manner on all referrals to employment opportunities related to his or her training or degree;~~

~~(D) is engaged in acceptable work activities in accordance with this section; and~~

~~(E) agrees to accept any unsubsidized job if still unemployed after such three-month period. A participating adult shall be deemed to meet the program participation requirements if the adult is participating in activities that lead to employment based on goal setting and active universal engagement.~~

~~(c) The Commissioner may require a participant to participate in a job search, coordinated by the Commissioner, for the number of hours per week that corresponds to the participant's work requirement hours under subsection (c) of this section, or a lesser amount that in combination with the participant's unsubsidized employment equals the participant's work requirement hours under subsection (c) of this section.~~

~~(f) Notwithstanding any other provision of this chapter, a participant's hours of unpaid work activities unpaid work activities that are not primarily education, job search, job readiness, or training activities shall not exceed the levels established by the Fair Labor Standards Act. Adjustments required to conform with the Fair Labor Standards Act shall be made pursuant to calculation standards established by the Commissioner by rule.~~

Sec. 8. 33 V.S.A. § 1114 is amended to read:

§ 1114. DEFERMENTS, MODIFICATIONS, AND REFERRAL

~~(a) The Commissioner shall establish by rule criteria, standards, and procedures for granting deferments from or modifications to the work requirements established in section 1113 of this title, in accordance with the provisions of this section and for referring individuals with disabilities to the Office of Vocational Rehabilitation~~

~~(b) The work requirements shall be either modified or deferred for:~~

~~(1) A participant for whom no unsubsidized or subsidized job or other equivalent supervised work activity recognized by the Commissioner by rule is available.~~

~~(2) A participant for whom support services that are essential to employment and other work activities and identified in the family development plan cannot be arranged. Such services shall include case management, education and job training, child care, and transportation.~~

~~(3) A primary caretaker parent in a two-parent family in which one parent is able to work part-time or unable to work, a single parent, or a caretaker who is caring for a child who has not attained 24 months of age for no more than 24 months of the parent's or caretaker's lifetime receipt of financial assistance. To qualify for such deferment, a parent or caretaker of a child older than the age of six months but younger than 24 months shall cooperate in the development of and participate in a family development plan.~~

(4) An individual who has exhausted the 24 months of deferment provided for in subdivision (3) of this subsection and who is caring for a child who is not yet 13 weeks of age or a primary caretaker parent in a family with two parents who are able to work if the primary caretaker is caring for a child under 13 weeks of age and is otherwise subject to a work requirement because the other parent in the family is being sanctioned in accordance with section 1116 of this title.

(5) A participant who is needed in the home on a full or part-time basis in order to care for an ill or disabled parent, spouse, or child. In granting deferments, the Department shall fully consider the participant's preference as to the number of hours the participant is able to leave home to participate in work activities. A deferral or modification of the work requirement exceeding 60 days due to the existence of illness or disability pursuant to this subdivision shall be confirmed by the independent medical review of one or more physicians, physician assistants, advanced practice registered nurses, or other health care providers designated by the Secretary of Human Services prior to receipt of continued financial assistance under the Reach Up program.

(6) A participant who is under 20 years of age, who is a single head of household or married, and who maintains satisfactory attendance at secondary school or the equivalent during the month, or participates in education directly related to employment for an average of 20 or more hours per week during the month.

(7) A participant who has attained 20 years of age and who is engaged in at least 15 hours per week of classes and related learning activities for the purpose of attaining a high school diploma or General Educational Development (GED) certificate or completing a literacy program approved by the Department; provided that the participant is making satisfactory progress toward the attainment of the diploma or certificate; and provided further that a deferment or modification granted for this purpose does not exceed 18 months.

(8) A participant who is enrolled in, attending, and making satisfactory progress toward the completion of a full-time vocational training program that has a normal duration of no more than two years and who is within 12 months of expected completion of such program. Such deferment or modification shall continue until he or she has completed the program, he or she is no longer attending the program, or the 12-month expected completion period has ended, whichever occurs first.

(9) A participant for whom, due to the effects of domestic violence, fulfillment of the work requirement can be reasonably anticipated to result in serious physical or emotional harm to the participant that significantly impairs his or her capacity either to fulfill the work requirement or to care for his or

her child adequately, or can be reasonably anticipated to result in serious physical or emotional harm to the child.

(10) Any other participant designated by the Commissioner in accordance with criteria established by rule.

(e) A participant who is able to work part-time or is unable to work shall be referred for assessment of the individual's skills and strengths, accommodations and support services, and vocational and other services in accordance with the provisions of his or her family development plan. The work requirement hours shall reflect the individual's ability to work. Participants with disabilities that do not meet the standards used to determine disability under Title XVI of the Social Security Act shall participate in rehabilitation, education, or training programs as appropriate. A participant who qualifies for a deferment or modification and who is able to work part-time shall have his or her work requirement hours modified or deferred. In granting deferments, the Department shall fully consider the participant's estimation of the number of hours the participant is able to work.

(d) Absent an apparent condition or claimed physical, emotional, or mental condition, participants are presumed to be able to work. A participant shall have the burden of demonstrating the existence of the condition asserted as the basis for a deferral or modification of the work requirement. A deferral or modification of the work requirement exceeding 60 days due to the existence of conditions rendering the participant unable to work shall be confirmed by the independent medical review of one or more physicians, physician assistants, advanced practice registered nurses, or other health care providers designated by the Secretary of Human Services prior to receipt of continued financial assistance under the Reach Up program.

(e) Deferments and modifications granted pursuant to this section shall continue for as long as the grounds for the deferment or modification exist or until expiration of a related time period specified in subsection (b) of this section, whichever occurs first.

(f) As used in this section, "health care provider" means a person, partnership, or corporation, other than a facility or institution, licensed or certified or authorized by law to provide professional health care service in this State to an individual during that individual's medical care, treatment, or confinement. The program participation requirements established in section 1113 of this chapter shall be deferred when:

- (1) a participating adult is 60 years of age or older;
- (2) a participating adult is caring for a child under six weeks of age;

(3) a participating adult for whom, due to the effects of domestic violence, engaging in the program participation requirements can be reasonably anticipated to result in serious physical or emotional harm to the participating adult or child; or

(4) any other participant designated by the Commissioner in accordance with criteria established by the Commissioner in rule pursuant to 3 V.S.A. chapter 25.

Sec. 9. 33 V.S.A. § 1116 is amended to read:

§ 1116. SANCTIONS

(a) The financial assistance grant of a participating family shall be reduced, in accordance with the provisions of this section, if a participating adult ~~fails to engage, without good cause, to fully comply or continue to comply in full with the family development plan or work~~ program participation requirements in sections 1112 and 1113 of this title.

(b) Prior to the reduction in a family's financial assistance grant resulting from a sanction imposed under this section, the Department shall provide an independent review of the participant's circumstances and the basis for ~~his or her noncompliance~~ the participant's nonengagement. The Commissioner or the Commissioner's designee shall perform the review.

(c)(1) For a first, second, and third month in which a participating adult is not ~~in compliance~~ engaged with a family development plan or ~~work requirement~~ program participation requirements and has not demonstrated good cause for such ~~noncompliance~~ nonengagement, the family's financial assistance grant shall be reduced by the amount of \$75.00 ~~for each adult sanctioned.~~

(2) For the fourth and any subsequent month not subject to the reduction required by subsection (e) of this section in which a participating adult is not ~~in compliance~~ engaged with a family development plan or ~~work requirement~~ program participation requirements and has not demonstrated good cause for such ~~noncompliance~~ nonengagement, the family's financial assistance grant shall be reduced by the amount of \$150.00 for each adult sanctioned.

(d) A participant may cure a sanction by ~~coming into compliance in~~ accordance engaging with the Department's rules. During the first 60 months of the family's receipt of financial assistance, a participating adult may have all previous sanctions forgiven by demonstrating 12 consecutive months of compliance with family development plan requirements or work requirements or any combination of the two. Subsequent acts of noncompliance after a sanctioned adult has completed a successful 12-month sanction forgiveness

period will be treated in accordance with subdivisions (c)(1) and (2) of this section without consideration of the sanctions that have been forgiven.

* * *

(h) To receive payments during the fiscal sanction period, an adult who is the subject of the sanction shall meet ~~no~~ not less than once each month to report ~~his or her~~ the adult's circumstances to the case manager or to participate in assessments as directed by the case manager. In addition, this meeting shall be for initial assessment and development of the family development plan when such tasks have not been completed; and reassessment or review and revision of the family development plan, if appropriate; ~~and to encourage the participant to fulfill the work requirement. Meetings required under this section may take place in the district office, a community location, or in the participant's home. Facilitation of meeting the participant's family development plan goals shall be a primary consideration in determining the location of the meeting. The Commissioner may waive any meeting when extraordinary circumstances prevent a participant from attending. The Commissioner shall adopt rules to implement this subsection.~~

(i) ~~A family sanctioned under this section for failure to meet work or family development plan requirements shall remain eligible for Supplemental Nutrition Assistance Program benefits and shall not, because of such failure, be sanctioned under the Supplemental Nutrition Assistance Program for reasons of "failure to comply without good cause" and "voluntary quit without good cause," provided that such eligibility and waivers of such sanctions are consistent with federal law and regulations governing the Supplemental Nutrition Assistance Program. [Repealed.]~~

Sec. 10. 33 V.S.A. § 1122 is amended to read:

§ 1122. POSTSECONDARY EDUCATION PROGRAM

* * *

(b) The Program authorized by this section shall be administered by the Commissioner or by a contractor designated by the Commissioner. The Program shall be supported with funds other than federal TANF block grant funds provided under Title IV-A of the Social Security Act, except that the Commissioner may fund financial assistance grants and support services of families participating in the Postsecondary Education Program with TANF block grant or State maintenance of effort funds when ~~the a~~ a participating ~~adult's parent's~~ adult's educational activities are a countable work activity under federal law and when it will further one or more of the purposes in subdivision 1121(c)(1) of this title.

* * *

(d) To be financially eligible to participate in the Postsecondary Education Program, the family's gross income minus the a participating parent's earnings shall not exceed 150 percent of the federal poverty level for the appropriate family size.

(e) All financially eligible families who apply to participate in the Postsecondary Education Program will shall be considered for admission, provided that they meet all of the following criteria:

(1) ~~No more than one parent per family may participate at the same time. [Repealed.]~~

(2) ~~If the participating parent is in a two-parent family, the nonparticipating parent shall, if able to work, be working full time; if able to work part time, shall be working at least the number of hours per week that he or she has been determined able to work part time; or, if unable to work, may be unemployed. [Repealed.]~~

(3)(A) The A participating parent has not already received a postsecondary undergraduate degree.

(B) The A participating parent has already received a postsecondary undergraduate degree, and the occupations for which it prepared the that participating parent are obsolete.

(C) The A participating parent, due to a disability, is no longer able to perform the occupations for which the degree prepared ~~him or her~~ that participating parent.

(D) The preparation for occupations that ~~the a~~ participating parent received through the postsecondary undergraduate degree is outdated and not marketable in the current labor market.

(4) The A participating parent shall be a matriculating student in a two-year or four-year degree program as provided for in the postsecondary education plan.

(5) The A participating parent has been determined to be eligible for financial assistance from the Vermont Student Assistance Corporation, and can demonstrate ~~that he or she has~~ the ability to cover tuition costs.

(6) The A participating parent agrees to limit employment to ~~no~~ not more than 20 hours per week when school is in session. The Department may establish exceptions by rule to allow the a participating parent to work more than 20 hours per week.

(7) The family and ~~the~~ a participating adult parent maintain financial eligibility for the program and uninterrupted residency in Vermont for the duration of participation in the Postsecondary Education Program.

(8) ~~The~~ A participating parent maintains good academic standing at the college.

* * *

(g) Continued participation in the Postsecondary Education Program is contingent on ~~the~~ a participating parent:

* * *

Sec. 11. EFFECTIVE DATES

This act shall take effect on January 1, 2023, except Sec. 1 (definitions), Sec. 2 (eligibility and benefit levels), and Sec. 3 (child support payments) shall take effect on July 1, 2023.

and that after passage the title of the bill be amended to read: “An act relating to miscellaneous changes to the Reach Up Program”

Rep. Jessup of Middlesex, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Human Services and when further amended as follows:

By striking out Sec. 11, effective dates, in its entirety and inserting in lieu thereof a new Sec. 11 and Sec. 12 to read as follows:

Sec. 11. APPROPRIATION; INFORMATION TECHNOLOGY; REACH UP

In fiscal year 2023, \$500,000.00 is appropriated from the General Fund to the Department for Children and Families to make improvements to the Department’s information technology systems necessary to effect the changes to the Reach Up program required pursuant to this act.

Sec. 12. EFFECTIVE DATES

This section and Sec. 11 (appropriation; information technology; Reach Up) shall take effect on July 1, 2022. All other sections shall take effect on January 1, 2024, except that the Commissioner for Children and Families shall adopt any rules necessary prior to that date in order to perform the Department’s duties under this act.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Human Services was amended as recommended by the Committee on Appropriations. Report of the

Committee on Human Services, as amended, agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 512

Rep. Kimbell of Woodstock, for the Committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to modernizing land records and notarial acts law

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

Sec. 1. FINDINGS AND INTENT

(a) The General Assembly finds:

(1) Uniform laws, standards, and best practices provide desirable and practicable uniformity that:

(A) benefits core aspects of government operations and commerce;

(B) facilitates intrastate and interstate business transactions, commerce, and economic development; and

(C) provides consistency for individuals and businesses.

(2) Notarial acts and the recording of deeds and other property records are:

(A) core aspects of government operations and commerce that benefit from uniformity; and

(B) common intrastate and interstate business transactions that should be consistent and facilitated through the enactment of uniform laws and adoption of uniform standards and best practices.

(3) The Uniform Law Commission, also known as the National Conference of Commissioners on Uniform State Laws, has adopted uniform laws related to notarial acts and the recording of deeds and other property records that have been accepted and enacted into law by a substantial number of states, including:

(A) the Revised Uniform Law on Notarial Acts or “RULONA” of 2010, which was enacted by the General Assembly pursuant to 2018 Acts and Resolves No. 160 to govern actions by a notary public;

(B) the Uniform Electronic Transaction Act or “UETA” of 1999, which was enacted by the General Assembly pursuant to 2003 Acts and

Resolves No. 46 to establish the legal equivalence of electronic records and signatures with paper records and manually signed signatures and remove barriers to electronic commerce; and

(C) the Uniform Real Property Electronic Recording Act or “URPERA” of 2004, which has not been enacted by the General Assembly to allow local recording offices to accept deeds and other property records in electronic form and to provide electronic access to recordings.

(4) The COVID-19 pandemic exacerbated the need to modernize:

(A) notarial acts to include those performed on electronic records and for remotely located individuals; and

(B) the acceptance, recording, and availability of deeds and other property records in electronic form.

(5) The COVID-19 pandemic underscored the need for approaches to modernization that are carefully planned; coordinated and comprehensive; multi-jurisdictional; and include fiscal, governance, and operational sustainability.

(b) Therefore, it is the intent of the General Assembly to provide a practical step forward to modernizing notarial acts and the recording of deeds and other property records in the State of Vermont through legislation that promotes uniformity within Vermont and with other states, specifically:

(1) uniform laws that have been accepted and enacted into law by a substantial number of states;

(2) uniform standards and best practices that have been accepted and adopted by a substantial number of states; and

(3) uniform approaches to modernization that are carefully planned; coordinated; comprehensive; multi-jurisdictional; and have fiscal, governance, and operational sustainability.

Sec. 2. 27 V.S.A. chapter 5, subchapter 8 is added to read:

Subchapter 8. Uniform Real Property Electronic Recording Act

§ 621. SHORT TITLE

This subchapter may be cited as the Uniform Real Property Electronic Recording Act.

§ 622. DEFINITIONS

For the purposes of this subchapter:

(1) “Document” means information that is:

(A) inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

(B) eligible to be recorded in the land records maintained by the recorder.

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

(3) “Electronic document” means a document that is received by the recorder in an electronic form.

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

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

(6) “Recorder” means a town clerk, pursuant to 24 V.S.A. § 1154, or a county clerk, pursuant to subchapter 3 of this chapter, responsible for recording deeds and other instruments or evidences respecting real estate.

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

§ 623. VALIDITY OF ELECTRONIC DOCUMENTS

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium, or be in writing, the requirement is satisfied by an electronic document satisfying this subchapter.

(b) If a law requires, as a condition for recording, that a document be signed, the requirement is satisfied by an electronic signature.

(c) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.

§ 624. RECORDING OF DOCUMENTS

(a) In this section, “paper document” means a document that is received by the recorder in a form that is not electronic.

(b) A recorder:

(1) who implements any of the functions listed in this section shall do so in compliance with the most recent standards and best practices;

(2) may receive, index, store, transmit, and preserve electronic documents;

(3) may provide for access to, and for search and retrieval of, documents and information by electronic means;

(4) who accepts electronic documents for recording shall continue to accept paper documents as authorized by State law and shall place entries for both types of documents in the same index;

(5) may convert paper documents accepted for recording into electronic form;

(6) may convert into electronic form information recorded before the recorder began to record electronic documents;

(7) may accept electronically any fee the recorder is authorized to collect; and

(8) may agree with other officials of this State or a political subdivision thereof, or of the United States, on procedures or processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees.

§ 625. STANDARDS AND BEST PRACTICES

To ensure consistency in the standards and best practices of, and the technologies used by, recorders in this State, recorders shall, so far as is consistent with the purposes, policies, and provisions of this subchapter, seek services from the Vermont State Archives and Records Administration pursuant to 3 V.S.A. § 117.

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

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

Sec. 3. VERMONT STATE ARCHIVES AND RECORDS

ADMINISTRATION; REPORT

(a) On or before January 15, 2024, the Vermont State Archives and Records Administration, in consultation with the Joint Fiscal Office, the Vermont League of Cities and Towns, the Vermont Municipal Clerks' and Treasurers' Association, and other interested parties, shall submit a report to the House Committees on Commerce and Economic Development and Government Operations and the Senate Committees on Economic Development, Housing and General Affairs and Government Operations concerning the fiscal, governance, and operational sustainability of uniform approaches to the modernization of the acceptance, recording, and availability of deeds and other property records in electronic form.

(b) The report shall be based on analyses of the following:

(1) services requested by recorders pursuant to 27 V.S.A. § 625 to achieve consistency and uniformity in standards and best practices;

(2) systems currently deployed by recorders and associated costs; and

(3) anticipated recorder costs to transition to electronic recording pursuant to 27 V.S.A. chapter 5, subchapter 8.

(c) On or before January 15, 2023, the Vermont State Archives and Records Administration shall prepare an interim report concerning the information and analyses required by this section and submit the interim report to the House Committees on Commerce and Economic Development and Government Operations and the Senate Committees on Economic Development, Housing and General Affairs and Government Operations

Sec. 4. VERMONT STATE ARCHIVES AND RECORDS

ADMINISTRATION; POSITION

There is created within Vermont State Archives and Records Administration one new permanent classified position to facilitate and provide the services described in 27 V.S.A. § 625. Any funding necessary to support the position created in this section shall be derived from the Secretary of State Services Fund, with no General Fund dollars.

Sec. 5. 26 V.S.A. chapter 103 is amended to read:

CHAPTER 103. NOTARIES PUBLIC

* * *

§ 5304. DEFINITIONS

As used in this chapter:

* * *

(4) “Communication technology” means an electronic device or process operating in accordance with section 5380 of this chapter and any standards adopted by the Office pursuant to section 5323 of this chapter that:

(A) allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound; and

(B) when necessary and consistent with other applicable laws, facilitates communication with a remotely located individual who has a vision, hearing, or speech impairment.

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

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

(7) “Foreign state” means a government other than the United States, a state, or a federally recognized Indian tribe.

(8) “Identity proofing” means a process or service operating in accordance with section 5380 of this chapter and any standards adopted by the Office pursuant to section 5323 of this chapter by which a third person provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.

(6)(9) “In a representative capacity” means acting as:

* * *

(7)(10)(A) “Notarial act” means an act, whether performed with respect to a tangible or an electronic record, that a notary public may perform under the law of this State. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

* * *

~~(8)(11) “Notarial officer” means an individual authorized to perform a notarial act under authority and within the jurisdiction of another state, under authority and within the jurisdiction of a federally recognized Indian tribe, under authority of federal law, under authority and within the jurisdiction of a foreign state or constituent unit of the foreign state, or under authority of a~~

multinational or international governmental organization a notary public or other individual authorized to perform a notarial act.

(9)(12) “Notary public” means an individual commissioned to perform a notarial act by the Office.

(10)(13) “Office” means the Office of Professional Regulation within the Office of the Secretary of State.

(11)(14) “Official stamp” means a physical image affixed to or embossed on a tangible record or an electronic process, seal, or image or electronic information attached to or logically associated with an electronic record.

(15) “Outside the United States” means a location outside the geographic boundaries of the United States; Puerto Rico; the U.S. Virgin Islands; and any territory, insular possession, or other location subject to the jurisdiction of the United States.

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

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

(18) “Remotely located individual” means an individual who is not in the physical presence of the notary public who performs a notarial act under section 5379 of this chapter.

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

* * *

(15)(20) “Signature” means a tangible symbol or an electronic signature that evidences the signing of a record.

(16)(21) “Stamping device” means:

* * *

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

(18)(23) “Verification on oath or affirmation” means a declaration, made by an individual on oath or affirmation before a notary public, that a statement in a record is true.

* * *

§ 5323. RULES

(a) The Office, with the advice of the advisor appointees, may adopt rules to implement this chapter. The rules may:

* * *

(4) prescribe the process of granting, renewing, conditioning, denying, suspending, or revoking the commission or special commission endorsement of or otherwise disciplining a notary public and assuring the trustworthiness of an individual holding a commission or special commission endorsement as notary public;

(5) include provisions to prevent fraud or mistake in the performance of notarial acts; and

(6) ~~prescribe standards for remote online notarization, including standards for credential analysis, the process through which a third person affirms the identity of an individual, the methods for communicating through a secure communication link, the means by which the remote notarization is certified, and the form of notice to be appended disclosing the fact that the notarization was completed remotely on any document acknowledged through remote online notarization~~ the means of performing a notarial act involving a remotely located individual using communication technology;

(7) establish standards for communication technology and identity proofing;

(8) establish standards and a period for the retention of an audiovisual recording created under section 5379 of this chapter; and

(9) prescribe methods for a notary public to confirm, under subsections 5379(c) and (d) of this chapter, the identity of a tangible record.

(b) Rules adopted regarding the performance of notarial acts with respect to electronic records and remote online notarization may not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification. In adopting, amending, or repealing rules regarding notarial acts with respect to electronic records and remote online notarization, the Office shall consider, as far as is consistent with this chapter:

(1) the most recent standards regarding electronic records and ~~remote online notarization~~ promulgated by national bodies, such as the National Association of Secretaries of State;

(2) standards, practices, and customs of other jurisdictions that have laws substantially enacted similar to this chapter; and

* * *

(c) ~~Neither electronic notarization nor remote online notarization shall be allowed until the Secretary of State has adopted rules and prescribed standards in these areas. [Repealed.]~~

§ 5324. FEES

(a) For the issuance of a commission as a notary public, the Office shall collect a fee of ~~\$15.00~~ \$30.00.

(b) For issuance of a special endorsement authorizing the performance of electronic and remote notarial acts in accordance with subsection 5341(d) of this chapter, the Office shall collect a fee of \$30.00.

* * *

§ 5341. COMMISSION AS NOTARY PUBLIC; QUALIFICATIONS; NO IMMUNITY OR BENEFIT

* * *

(d) ~~Upon compliance with this section, the Office shall issue a commission as a notary public to an applicant, which shall be valid through the then current commission term end date~~ A notary public shall not perform a notarial act on an electronic record or for a remotely located individual without obtaining a special endorsement from the Office. A notary public shall hold a notary public commission to be eligible for a special endorsement to perform notarial acts on electronic records and for remotely located individuals. The Office shall adopt rules for obtaining and regulating a special commission endorsement authorizing a notary public to perform notarial acts on electronic records and for remotely located individuals. These rules shall require notaries public performing notarial acts on electronic records and for remotely located individuals to ensure the communication technology and identity proofing used for the performance of the notarial act on electronic records or for remotely located individuals comply with the requirements of section 5380 of this chapter and any rules adopted by the Office in accordance with section 5323 of this chapter. A notary public shall apply for the special commission endorsement for the performance of notarial acts on electronic records and for remotely located individuals by filing with the Office an application provided

by the Office accompanied by the required fees and evidence of eligibility, as required in rules adopted by the Office in accordance with section 5323 of this chapter.

(e) A commission to act as a notary public authorizes the notary public to perform notarial acts except for notarial acts on electronic records or for remotely located individuals. A commission with a special endorsement issued under subsection (d) of this section authorizes a notary public to perform notarial acts on electronic records and for remotely located individuals. The commission does not provide the notary public any immunity or benefit conferred by law of this State on public officials or employees.

* * *

§ 5362. AUTHORIZED NOTARIAL ACTS

(a) A notary public may perform a notarial act as authorized by and in accordance with the requirements of this chapter or otherwise by law of this State.

* * *

(c) A notary public may certify that a tangible copy of an electronic record is an accurate copy of the electronic record.

§ 5363. REQUIREMENTS FOR CERTAIN NOTARIAL ACTS

* * *

(e) Copies. A notary public who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.

§ 5364. PERSONAL APPEARANCE REQUIRED

(a) If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notary public.

(b) ~~The requirement for a personal appearance is satisfied if:~~

~~(1) the notary public and the person executing the signature are in the same physical place; or~~

~~(2) the notary public and the person are communicating through a secure communication link using protocols and standards prescribed in rules adopted by the Secretary of State pursuant to the rulemaking authority set forth in this chapter. [Repealed.]~~

* * *

§ 5368. SHORT-FORM CERTIFICATES

The following short-form certificates of notarial acts shall be sufficient for the purposes indicated, if completed with the information required by subsections 5367(a) and (b) of this chapter:

* * *

(5) For certifying a copy of a record:

State of _____

County of _____

I certify that this is a true and correct copy of a record in the possession of

Dated _____

Signature of notarial officer _____

Stamp _____

Title of office _____ [My commission expires: _____]

* * *

§ 5371. NOTIFICATION REGARDING PERFORMANCE OF NOTARIAL ACT ON ELECTRONIC RECORD; SELECTION OF TECHNOLOGY

(a) A notary public holding a special commission endorsement pursuant to subsection 5341(d) of this title and who is thus authorized to perform notarial acts on electronic records may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records ~~from the tamper-evident technologies approved by the Office by rule.~~ A person shall not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(b) ~~Before a notary public performs the notary public's initial notarial act with respect to an electronic record, the notary public shall notify the Office that the notary public will be performing notarial acts with respect to electronic records and identify the technology the notary public intends to use from the list of technologies approved by the Office by rule. If the Office has established standards by rule for approval of technology pursuant to section 5323 of this chapter, the technology shall conform to the standards. If the technology conforms to the standards, the Office shall approve the use of the technology~~ A recorder, as defined in 27 V.S.A. § 622, may accept for recording a tangible copy of an electronic record containing a notarial

certificate as satisfying any requirement that a record accepted for recording be an original, if the notary public executing the notarial certificate certifies that the tangible copy is an accurate copy of the electronic record.

* * *

§ 5379. NOTARIAL ACT PERFORMED FOR REMOTELY LOCATED
INDIVIDUAL

(a) A remotely located individual may comply with section 5364 of this chapter by using communication technology to appear before a notary public with a special commission endorsement.

(b) A notary public located in this State may perform a notarial act using communication technology for a remotely located individual if:

(1) the notary public holds a special commission endorsement pursuant to subsection 5341(d) of this title;

(2) the notary public:

(A) has personal knowledge under subsection 5365(a) of this chapter of the identity of the individual;

(B) has satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notary public under subsection 5365(b) of this chapter; or

(C) has obtained satisfactory evidence of the identity of the remotely located individual by using at least two different types of identity proofing;

(3) the notary public is reasonably able to confirm that a record before the notary public is the same record in which the remotely located individual made a statement or on which the individual executed a signature;

(4) the notary public, or a person acting on behalf of the notary public, creates an audiovisual recording of the performance of the notarial act; and

(5) for a remotely located individual located outside the United States:

(A) the record:

(i) is to be filed with or relates to a matter before a public official or court, governmental entity, or other entity subject to the jurisdiction of the United States; or

(ii) involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States; and

(B) the act of making the statement or signing the record is not prohibited by the foreign state in which the remotely located individual is located.

(c) A notary public in this State may use communication technology under subsection (b) of this section to take an acknowledgement of a signature on a tangible record physically present before the notary public if the record is displayed to and identified by the remotely located individual during the audiovisual recording under subdivision (b)(4) of this section.

(d) The requirement under subdivision (b)(3) of this section for the performance of a notarial act with respect to a tangible record not physically present before the notary public is satisfied if:

(1) the remotely located individual:

(A) during the audiovisual recording under subdivision (b)(4) of this section, signs:

(i) the record; and

(ii) a declaration, in substantially the following form, that is part of or securely attached to the record:

I declare under penalty of perjury that the record of which this declaration is part or to which it is attached is the same record on which (name of notary public), a notary public, performed a notarial act and before whom I appeared by means of communication technology on _____ (date).

Signature of remotely located individual

Printed name of remotely located individual _____; and

(B) sends the record and declaration to the notary public not later than three days after the notarial act was performed; and

(2) the notary public:

(A) in the audiovisual recording under subdivision (b)(4) of this section, records the individual signing the record and declaration; and

(B) after receipt of the record and declaration from the individual, executes a certificate of notarial act under section 5367 of this chapter, which must include a statement in substantially the following form:

I, (name of notary public), witnessed, by means of communication technology, (name of remotely located individual) sign the attached record and declaration on (date).

(e) A notarial act performed in compliance with subsection (d) of this section complies with subdivision 5367(a)(1) of this chapter and is effective on the date the remotely located individual signed the declaration under subdivision (d)(1)(A)(ii) of this section.

(f) Subsection (d) of this section does not preclude use of another procedure to satisfy subdivision (b)(3) of this section for a notarial act performed with respect to a tangible record.

(g) A notary public located in this State may use communication technology under subsection (b) of this section to administer an oath or affirmation to a remotely located individual if, except as otherwise provided by other law of this State, the notary public:

(1) identifies the individual under subdivision (b)(2) of this section;

(2) creates or causes the creation under subdivision (b)(4) of this section of an audiovisual recording of the individual taking the oath or affirmation; and

(3) retains or causes the retention under subsection (k) of this section of the recording.

(h) The notary public shall ensure that the communication technology and identity proofing used to perform a notarial act for a remotely located individual complies with section 5380 of this chapter and any standards adopted by the Office in accordance with section 5323 of this chapter.

(i) If a notarial act is performed under this section, the certificate of notarial act required by section 5367 of this chapter and the short-form certificate provided in section 5368 of this chapter must indicate that the notarial act was performed using communication technology.

(j) A short-form certificate provided in section 5368 of this chapter for a notarial act subject to this section is sufficient if it:

(1) complies with rules adopted under section 5323 of this chapter; or

(2) is in the form provided in section 5367 of this chapter and contains a statement substantially as follows: "This notarial act involved the use of communication technology."

(k) A notary public, guardian, conservator, or agent of a notary public or a personal representative of a deceased notary public shall retain the audiovisual recording created under subdivision (b)(4) of this section or cause the

recording to be retained by a repository designated by or on behalf of the person required to retain the recording. Unless a different period is required by rules adopted under section 5323 of this chapter, the recording must be retained for a period of at least 10 years after the recording is made.

(l) Providers of the communication technologies, identity proofing, or storage must be registered with the Secretary of State to do business in Vermont and, by allowing communication technology or identity proofing to facilitate a notarial act of an electronic record or for a remotely located individual or by providing storage of the audiovisual recording under subdivision (b)(3) of this section, providers of the communication technology, identity proofing, or storage consent and agree that the service or process being provided is in compliance with the requirements set forth in this chapter and with any rules adopted by the Office.

§ 5380. COMPUTER TECHNOLOGY AND IDENTITY PROOFING

PROVIDERS; MINIMUM STANDARDS

(a) Communication technology and identity proofing providers shall develop, maintain, and implement processes and services that are consistent with the requirements of this chapter and industry standards and best practices for the process or service provided. Providers must also comply with all applicable federal and State regulations, rules, and standards, including:

(1) with respect to communication technology, regulations, rules, and standards specific to simultaneous communication by sight and sound and information and communication technology for individuals with physical, sensory, and cognitive disabilities; and

(2) with respect to identity proofing, regulations, rules, and standards specific to the enrollment and verification of an identity used in digital authentication.

(b) A provider of communication technology or identity proofing shall provide evidence to the notary public's satisfaction of the provider's ability to satisfy the requirements of this chapter for the service or process being provided.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

Rep. Canfield of Fair Haven, for the Committee on Ways and Means, recommended the bill ought to pass when amended by the Committee on Commerce and Economic Development.

Rep. Toleno of Brattleboro, for the Committee on Appropriations, recommended the bill ought to pass when amended by the Committee on Commerce and Economic Development.

The bill, having appeared on the Notice Calendar, was taken up, read second time, the report of the Committee on Commerce and Economic Development agreed to, and third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 624

Rep. Jerome of Brandon, for the Committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to supporting creative sector businesses and cultural organizations

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

Sec. 1. FINDINGS; PURPOSE

(a) Findings. The General Assembly finds:

(1) The COVID-19 pandemic has profoundly jeopardized the economic viability of creative sector businesses, museums, theaters, galleries, studios, performing arts venues, and other cultural organizations.

(2) Creative sector businesses and nonprofits are important to Vermont's economic growth and community vitality, attracting tourists, boosting local sales, and generating more than nine percent of Vermont's jobs.

(3) These businesses and organizations were among the first to close to protect public health and are also among the last to fully reopen.

(4) Even as performances and cultural activities slowly return to operation, they are often are not able to operate at pre-pandemic capacity, and the public remains trepidatious to gather in close proximity with others, even if masked.

(5) Past financial support for creative sector businesses, performing arts venues, and other cultural organizations has provided a bridge to this point, but these entities continue to have significant need until vaccinations and other public health measures allow them to return to economic health.

(b) Purpose. The purpose of this act is to provide \$17.5 million in additional financial assistance to creative sector businesses and cultural organizations as follows:

(1) to provide direct financial assistance for COVID-19-safe equipment, marketing and re-engaging audiences, and covering operating costs;

(2) to support statewide promotion and marketing of Vermont's creative economy;

(3) to provide funding for the Vermont Arts Council to implement the CreateVT Action Plan; and

(4) to support both creative sector businesses and downtown growth and revitalization by expanding access to affordable studio, housing, performance, and exhibition space and opportunities for artists and other creative sector businesses.

Sec. 2. CREATIVE ECONOMY RECOVERY PROGRAM

In fiscal year 2022, of the amounts remaining in the Economic Recovery Grant Program, the Agency of Commerce and Community Development shall subgrant the amount of \$17,500,000.00 to the Vermont Arts Council to administer consistent with the provisions of this section.

(1) Creative economy grants. The Council shall allocate funding for creative economy grants to theaters, community arts centers, galleries, museums, dance studios, and similarly situated entities as follows:

(A) \$10,000,000.00 to cover a portion of monthly operating costs for businesses and organizations that have sustained substantial losses due to the pandemic, including rent, mortgage, utilities, and insurance;

(B) \$2,000,000.00 for public health-related business and programming adaptations, including to purchase and implement touchless ticketing, online sales platforms, and COVID-19-related health and safety protocols; and

(C) \$4,000,000.00 for public health-related facility adaptations, including the purchase of air purification systems, hand-sanitizer dispensers, expanded outdoor seating, and HVAC assessments and upgrades.

(2) Statewide promotion and marketing of Vermont's creative sector. The Council shall allocate \$500,000.00 to support statewide and regional marketing of arts and cultural events, venues, and creative sector businesses that are essential to revive consumer confidence and spending.

(3) Vermont Creative Network Coordinator and network support. The Council shall allocate \$250,000.00 to hire the Vermont Creative Network Coordinator and Zone Leader positions for two years to implement the CreateVT Action Plan.

(4) Creative sector space in vacant downtown storefronts. The Council shall allocate \$750,000.00 for creative spaces grants to restore vitality to vacant downtown buildings and other retail spaces and provide expanded access to affordable studio, housing, exhibition, and performance space for the creative sector.

(A) A creative sector business may apply for a grant to lease vacant downtown retail space for not more than three years.

(B) A grantee may also use funds to lease residential space in the same building.

(C) The Council shall pay grant funds directly to a landlord after the execution of a lease agreement.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Toleno of Brattleboro, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Commerce and Economic Development and when further amended as follows:

By striking out Sec. 3, effective date, in its entirety and inserting in lieu thereof a new Sec. 3 and a Sec. 4 to read as follows:

Sec. 3. FARMERS' NIGHT CONCERT SERIES; APPROPRIATION

In fiscal year 2022 the amount of \$10,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Office of the Sergeant at Arms to provide honoraria to speakers and performing groups who are invited to participate in the 2023 Farmers' Night Concert Series and are not otherwise sponsored or compensated for their participation.

Sec. 4. EFFECTIVE DATES

This act shall take effect on passage.

Thereupon, **Reps. Toleno of Brattleboro, Fagan of Rutland City, Feltus of Lyndon, Harrison of Chittenden, Helm of Fair Haven, Hooper of Montpelier, Jessup of Middlesex, Scheu of Middlebury, Squirrel of Underhill, Townsend of South Burlington, and Yacovone of Morristown** moved to substitute an amendment for the report of the Committee on Appropriations to read as follows:

By striking out Sec. 3, effective date, in its entirety and inserting in lieu thereof a new Sec. 3 and a Sec. 4 to read as follows:

Sec. 3. FARMERS' NIGHT CONCERT SERIES; APPROPRIATION

In fiscal year 2022, the Office of the Sergeant at Arms is authorized to use not more than \$10,000.00 from resources available within the General Assembly's budget to provide honoraria to speakers and performing groups who are invited to participate in the 2023 Farmers' Night Concert Series and who are not otherwise sponsored or compensated for their participation.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Which was agreed to.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Commerce and Economic Development was amended as recommended by the Committee on Appropriations, as substituted. Report of the Committee on Commerce and Economic Development, as amended, was agreed to and third reading ordered.

Action on Bill Postponed**H. 728**

House bill, entitled

An act relating to opioid overdose response services

Was taken up and, pending the reading of the report of the Committee on Human Services, on motion of **Rep. Whitman of Bennington**, action on the bill was postponed until March 24, 2022.

Message from the Senate No. 38

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 47. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Adjournment

At two o'clock and thirty-two minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon

Wednesday, March 23, 2022

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

Devotional Exercises

Devotional exercises were conducted by Rev. Mark Pitton, Sharon Congregational Church.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 22nd day of March, 2022, he signed bills originating in the House of the following titles:

H. 367 An act relating to the management of perpetual care funds by cemetery associations

H. 654 An act relating to extending COVID-19 health care regulatory flexibility

House Bill Introduced

H. 741

By Reps. McCarthy of St. Albans City and Toof of St. Albans Town,
House bill, entitled

An act relating to approval of amendments to the charter of the City of St. Albans

Was read the first time and referred to the Committee on Government Operations.

House Resolution Referred to Committee**H.R. 22**

House resolution authorizing remote participation in House sessions and committees through the remainder of 2022 for members with a disability as an accommodation under the Americans with Disabilities Act

Offered by: Representative Killacky of South Burlington

Resolved by the House of Representatives:

That in addition to the five conditions for remote participation in House sessions and committees set forth in H.R. 20, through December 31, 2022, a member with a disability may debate and vote remotely in a House session or House committee if the member requests that remote participation as an accommodation under the Americans with Disabilities Act and is approved by the Speaker of the House, who shall consult with the Office of Legislative Counsel and the Office of Legislative Human Resources in considering any such request.

Was read by title, treated as a bill, and referred to the Committee on Rules pursuant to House Rule 52.

Joint Resolution Referred to Committee**J.R.H. 20**

Joint resolution authorizing remote participation in joint committees through the remainder of 2022 for members with a disability as an accommodation under the Americans with Disabilities Act

Offered by: Representative Killacky of South Burlington

Resolved by the Senate and House of Representatives:

That Temporary Joint Rule 22A is amended to read as follows:

Rule 22A. Temporary Rule Regarding Joint Committee Meetings

(a)(1) Joint committees shall return to in-person legislating, except that a member of a joint committee may debate and vote remotely in that committee if the member notifies the committee's chair or a co-chair, as applicable, that the member meets one of the following conditions:

(A) the member has tested positive for COVID-19 and is within a required period of isolation;

(B) the member has been exposed to COVID-19 as a close contact and is within a required term of quarantine;

(C) the member has COVID-19 symptoms and is awaiting the results of a PCR test;

(D) the member has a household member who relies on the member for caregiving and the household member is required to be home due to one of the reasons set forth in subdivisions (A)–(C) of this subdivision (1) or because such a household member’s daycare or school program has a short-term closure due to COVID-19; ~~or~~

(E) the member provides to the joint committee chair or a co-chair, as applicable, written documentation from a health care provider indicating that the ongoing COVID-19 pandemic requires the member to participate remotely due to the member’s health condition; or

(F) the member has a disability and, upon the member’s request, is approved for remote participation as an accommodation under the Americans with Disabilities Act by the chair or co-chair, as applicable, who shall consult with the Office of Legislative Counsel and the Office of Legislative Human Resources in considering any such request.

(2) The definitions, required time periods, and testing referenced in ~~subdivision (1)~~ subdivisions (1)(A)–(E) of this subsection are those provided by Vermont Department of Health guidelines, including any revisions or updates.

* * *

(c) The remote authority set forth in this rule shall remain in effect through December 31, 2022.

* *

Was read by title, treated as a bill, and referred to the Committee on Rules pursuant to House Rule 52.

Joint Resolution Adopted in Concurrence

J.R.S. 47

By Senator Balint,

J.R.S. 47. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 25, 2022, it be to meet again no later than Tuesday, March 29, 2022.

Was taken up, read, and adopted in concurrence.

Recess

At one o'clock and eighteen minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

Second Reading; Bill Amended; Third Reading Ordered

H. 96

Rep. Stevens of Waterbury, for the Committee on General, Housing, and Military Affairs, to which had been referred House bill, entitled

An act relating to creating the Truth and Reconciliation Commission Development Task Force

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

Sec. 1. INTENT

It is the intent of the General Assembly to establish the Vermont Truth and Reconciliation Commission to:

(1) examine and begin the process of dismantling institutional, structural, and systemic discrimination in Vermont, both past and present, that has been caused or permitted by State laws and policies;

(2) establish a public record of institutional, structural, and systemic discrimination in Vermont that has been caused or permitted by State laws and policies; and

(3) identify potential actions that can be taken by the State to repair the damage caused by institutional, structural, and systemic discrimination in Vermont that has been caused or permitted by State laws and policies and prevent the recurrence of such discrimination in the future.

Sec. 2. 1 V.S.A. chapter 25 is added to read:

CHAPTER 25. TRUTH AND RECONCILIATION COMMISSION

§ 901. DEFINITIONS

As used in this chapter:

(1) "Commission" means the Vermont Truth and Reconciliation Commission, including its commissioners, committees, and staff.

(2) “Consultation” means a meaningful and timely process of seeking, discussing, and considering carefully the views of others in a manner that is cognizant of all parties’ cultural values.

(3) “Panel” means the Selection Panel established pursuant to section 904 of this chapter.

(4) “Record” means any written or recorded information, regardless of physical form or characteristics.

§ 902. VERMONT TRUTH AND RECONCILIATION COMMISSION;

ESTABLISHMENT; ORGANIZATION

(a) There is created and established a body corporate and politic to be known as the Vermont Truth and Reconciliation Commission to carry out the provisions of this chapter. The Truth and Reconciliation Commission is constituted a public instrumentality exercising public and essential government functions and the exercise by the Commission of the power conferred by this chapter shall be deemed and held to be the performance of an essential governmental function.

(b)(1) The Commission shall consist of three commissioners appointed pursuant to section 905 of this chapter and shall include one or more committees established by the commissioners to examine institutional, structural, and systemic discrimination caused or permitted by State laws and policies experienced by each of the following populations and communities in Vermont:

(A) individuals who identify as Native American or Indigenous;

(B) individuals with a physical or mental disability and the families of individuals with a physical or mental disability;

(C) individuals of color;

(D) individuals with French Canadian, French-Indian, or other mixed ethnic or racial heritage; and

(E) in the commissioners’ discretion, other populations and communities that have experienced institutional, structural, and systemic discrimination caused or permitted by State laws and policies.

(2)(A) Each committee shall consist of the commissioners and members appointed by the commissioners in consultation with the populations and communities identified pursuant to subdivision (1) of this subsection (b).

(B) The commissioners shall ensure that the members of each committee shall be broadly representative of the populations and communities who are the subject of that committees' work.

(C) The commissioners may appoint not more than 30 committee members in the aggregate across all of the committees established pursuant to subdivision 906(a)(1) of this chapter.

(D) The commissioners shall determine the amount of an annual stipend to be paid to committee members, provided that not more than \$1,000.00 from monies appropriated by the State may be used for each committee member's annual stipend. Stipend payments shall be made from the Truth and Reconciliation Commission Special Fund.

(3) Nothing in this subsection shall be construed to require the Commission to examine institutional, structural, and systemic discrimination experienced by the populations and communities identified in subdivision (1) of this subsection in isolation or separately from each other.

§ 903. COMMISSIONERS

(a) Commissioners shall be full-time State employees and shall be exempt from the State classified system.

(b) The commissioners shall receive compensation equal to one-half that of a Superior Court Judge.

(c) The term of each commissioner shall begin on the date of appointment and end on July 1, 2026.

§ 904. SELECTION PANEL; MEMBERSHIP; DUTIES

(a)(1) The Selection Panel shall be composed of seven members selected on or before September 1, 2022 by a majority vote of the following:

(A) the Executive Director of Racial Equity or designee;

(B) the Executive Director of the Human Rights Commission or designee;

(C) one member, who shall not be a current member of the General Assembly, appointed by the Speaker of the House;

(D) one member, who shall not be a current member of the General Assembly, appointed by the Committee on Committees; and

(E) an individual appointed by the Chief Justice of the Vermont Supreme Court.

(2) The individuals identified in subdivision (1) of this subsection shall hold their first meeting on or before August 1, 2022 at the call of the Executive Director of the Human Rights Commission.

(3) Individuals selected pursuant to subdivision (1) of this subsection who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than two meetings. These payments shall be made from the Truth and Reconciliation Commission Special Fund.

(b)(1) The Selection Panel shall select and appoint the commissioners of the Truth and Reconciliation Commission as provided pursuant to section 905 of this chapter.

(2) To enable it to carry out its duty to select and appoint the commissioners of the Truth and Reconciliation Commission as provided pursuant to section 905 of this chapter, the Panel may:

(A) adopt procedures as necessary to carry out the duties set forth in section 905 of this chapter;

(B) establish and maintain a principal office;

(C) meet and hold hearings at any place in this State; and

(D) hire temporary staff to provide administrative assistance during the period from September 1, 2022 through January 15, 2023, provided that if the Panel extends the time to select commissioners pursuant to subdivision 905(c)(1) of this chapter, it may retain staff to provide administrative assistance through March 31, 2023.

(c) The term of each member of the Panel shall begin on the date of appointment and end on January 15, 2023, except if the Panel extends the time to select commissioners pursuant to subdivision 905(c)(1) of this chapter, the term of the Panel members shall end on March 31, 2023.

(d) The Panel shall select a chair and a vice chair from among its members.

(e)(1) Meetings shall be held at the call of the Chair or at the request of four or more members of the Panel.

(2) A majority of the current membership of the Panel shall constitute a quorum, and actions of the Panel may be authorized by a majority of the members present and voting at a meeting of the Panel.

(f) Members of the Panel shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than 20

meetings during fiscal year 2023. These payments shall be made from the Truth and Reconciliation Commission Special Fund.

§ 905. SELECTION OF COMMISSIONERS

(a)(1) Except as otherwise provided pursuant to subdivision (c)(1) of this section, the Selection Panel shall, on or before December 31, 2022, select three individuals to serve as the commissioners of the Vermont Truth and Reconciliation Commission.

(2) In carrying out its duty to select the commissioners, the Panel shall:

(A) Establish a public, transparent, and simple process for candidates to apply to serve as a commissioner.

(B) Publicize the application process, deadlines, and requirements to serve as a commissioner through media outlets, civil society organizations, and any other forms of public outreach that the Panel determines to be appropriate.

(C) Solicit nominations for individuals to serve as commissioners from civil society organizations in Vermont whose work relates to the mission of the Commission.

(D) Invite Vermont residents to submit applications to serve as commissioners.

(E) Publish the names of all applicants who have applied to serve as commissioners and provide not less than 30 days for members of the public to submit comments on the suitability of any applicant to serve as a commissioner. Public comments regarding an applicant shall only be considered by the Panel if the comment includes the name and contact information of the commenter. Comments received by the Panel shall be exempt from public inspection and copying pursuant to the Public Records Act and shall be kept confidential, except that comments that may be detrimental to an applicant's application shall be shared with the applicant and the applicant shall be provided with an opportunity to provide the Panel with a response to the comment.

(F) Hold one or more public hearings to provide an opportunity for members of the public to comment on the suitability of any finalist to serve as a commissioner.

(G) Hold public interviews for each individual selected by the Panel as a finalist for selection as a commissioner.

(H) Conduct criminal history record checks for finalists, provided that the Panel shall only consider felony convictions or convictions for crimes involving untruthfulness or falsification. A finalist who has been convicted of

a felony or a crime involving untruthfulness or falsification shall be afforded an opportunity to explain the information and the circumstances regarding the conviction, including postconviction rehabilitation.

(I) Take any other actions that the Panel deems appropriate or necessary to carry out its duties in relation to the selection of commissioners.

(3) The three commissioners selected by the Panel shall:

(A) be residents of Vermont;

(B) not be members of the Selection Panel;

(C) have knowledge of the problems and challenges facing the populations and communities identified pursuant to subdivision 902(b)(1)(A)–(D) of this chapter;

(D) have experience advocating in relation to the issues of the populations and communities identified pursuant to subdivision 902(b)(1)(A)–(D) of this chapter in Vermont;

(E) have demonstrated leadership in programs or activities to improve opportunities for the populations and communities identified pursuant to subdivision 902(b)(1)(A)–(D) of this chapter; and

(F) satisfy any additional criteria established by the Panel.

(b) Not later than five days after selecting the commissioners pursuant to subsection (a) of this section, the Panel shall submit a brief report to the Governor and the General Assembly identifying the commissioners. The names of the commissioners shall be made available to the public on the same day that the report is submitted.

(c)(1) If the Panel is unable to identify three suitable applicants on or before December 31, 2022, the Panel may by a majority vote extend the time to select commissioners to March 31, 2023.

(2) If the Panel extends the time to select commissioners pursuant to this subsection, the Panel shall, on or before January 5, 2023, submit a brief written report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs providing notice of its decision to extend the time to select commissioners and its reasons for doing so and identifying any changes to the provisions of this chapter that may be necessary to enable the Panel to successfully identify and select commissioners.

§ 906. POWERS AND DUTIES OF THE COMMISSIONERS

(a) Duties. The commissioners shall:

(1) establish, in consultation with the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter and other interested parties in the commissioners' discretion, committees to examine institutional, structural, and systemic discrimination caused or permitted by State laws and policies that have been experienced by the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter;

(2) determine, in consultation with the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter, historians, social scientists, experts in restorative justice, and other interested parties in the commissioners' discretion, the scope and objectives of the work to be carried out by each committee established pursuant to subdivision (1) of this subsection;

(3) develop and implement a process for each committee established pursuant to subdivision (1) of this subsection to fulfill the objectives established pursuant to subdivision (2) of this subsection;

(4) work with the committees and Commission staff to carry out research, public engagement, and other work necessary to:

(A) identify and examine historic and ongoing institutional, structural, and systemic discrimination against members of the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter that has been caused or permitted by State laws and policies;

(B) determine the current status of members of the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter; and

(C) satisfy the scope of work and the objectives established pursuant to subdivision (1) of this subsection (a);

(5) work with the committees and Commission staff to identify potential programs and activities to create and improve opportunities for or to eliminate disparities experienced by the populations and communities that are the subject of the committees' work;

(6) work with the committees and Commission staff to identify potential educational programs related to historic and ongoing institutional, structural, and systemic discrimination against members of the populations and communities that are the subject of the committees' work;

(7) work in consultation with the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter, experts in

restorative justice, and, in the commissioners' discretion, other interested parties to ensure that the work of the Commission is open, transparent, inclusive, and meaningful;

(8) seek gifts, donations, and grants from public and private sources to support the Commission and its work; and

(9) supervise the work of the Executive Director of the Commission.

(b) Powers. To carry out its duties pursuant to this chapter, the commissioners may:

(1) Adopt rules in accordance with 3 V.S.A. chapter 25 as necessary to implement the provisions of this chapter.

(2) Adopt procedures as necessary to carry out the duties set forth in subsection (a) of this section.

(3) Establish and maintain a principal office.

(4) Meet and hold hearings at any place in this State.

(5) Consult with local, national, and international experts on issues related to discrimination, truth and reconciliation, and restorative justice.

(6) Interview and take statements from members of the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter; members of the public; and persons with knowledge of the institutional, structural, and systemic discrimination experienced by such populations and communities.

(7) Study, research, investigate, and report on the impact of State laws and policies on populations and communities identified pursuant to subdivision 902(b)(1) of this chapter. If the Commission determines that particular laws or policies caused or permitted institutional, structural, and systemic discrimination against a population or community, regardless of whether the discrimination was intentional or adversely impacted the population or community, the Commission may propose legislative or administrative action to the General Assembly or Governor, as appropriate, to remedy the impacts on the population or community.

(8) Enter into cooperative agreements with private organizations or individuals or with any agency or instrumentality of the United States or of this State to carry out the provisions of this chapter.

(9) Make and execute legal documents necessary or convenient for the exercise of its powers and duties under this chapter.

(10) Hire consultants and independent contractors to assist the Commission in carrying out the provisions of this chapter.

(11) Take any other actions necessary to carry out the provisions of this chapter.

§ 907. EXECUTIVE DIRECTOR; DUTIES

(a) The Commissioners shall appoint an Executive Director, who shall be an individual with experience in relation to racial justice or advocating on behalf of historically disadvantaged groups. The Executive Director shall be a full-time State employee, shall be exempt from the State classified system, and shall serve at the pleasure of the commissioners.

(b) The Executive Director shall be responsible for the following:

(1) supervising and administering the implementation of the provisions of this chapter on behalf of the commissioners;

(2) assisting the commissioners in carrying out their duties;

(3) ensuring that the Commission has the resources and staff assistance necessary to collect historical materials, take statements from individuals, hold public hearings and events, and prepare and publish reports and other documents;

(4) facilitating communications between the Commission and members of the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter, interested parties, and members of the public;

(5) hiring staff, including researchers and administrative and legal professionals, as necessary to carry out the duties of the Commission; and

(6) preparing an annual budget for submission to the commissioners.

§ 908. REPORTS

(a) On or before January 15, 2024, the Commission shall submit to the Governor and General Assembly an interim report on the Commission's progress to date, the committees established pursuant to subdivision 906(a)(1) of this chapter and the scope and objectives of their work, emerging themes and issues that the Commission has identified, and, if available, any preliminary findings and recommendations for legislative or other action that the Commission believes should be prioritized to address instances of institutional, structural, and systemic discrimination identified by the Commission.

(b)(1) On or before June 15, 2026, the Commission shall submit a final report incorporating the findings and recommendations of each committee.

Each report shall detail the findings and recommendations of the relevant committee and shall include recommendations for actions that can be taken to eliminate ongoing instances of institutional, structural, and systemic discrimination and to address the harm caused by historic instances institutional, structural, and systemic discrimination.

(2) The Commission shall, on or before January 15, 2026, make a draft of the final report publicly available and provide copies of the draft to interested parties from the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter and other interested parties. The Commission shall provide the interested parties and members of the public with not less than 60 days to review the draft and provide comments on it. The Commission shall consider fully all comments submitted in relation to the draft and shall include with the final version of the report a summary of all comments received and a concise statement of the reasons why the Commission decided to incorporate or reject any proposed changes. Comments submitted in relation to the final report shall be made available to the public in a manner that complies with the requirements of section 910 of this chapter.

(c) The Commission may, in its discretion, issue additional reports to the Governor, General Assembly, and public.

§ 909. TRUTH AND RECONCILIATION COMMISSION SPECIAL FUND

(a) There is established the Truth and Reconciliation Commission Special Fund, which shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. The Fund shall consist of amounts appropriated by the State and any gifts, donations, or grants received by the Vermont Truth and Reconciliation Commission. The Fund shall be available to the commissioners to carry out the work of the Commission pursuant to this chapter and to the Selection Panel to carry out its duties pursuant to this chapter.

(b) The commissioners may seek and accept gifts, donations, and grants from any source, public or private, to be dedicated for deposit into the Fund.

§ 910. ACCESS TO INFORMATION; CONFIDENTIALITY

(a) Access to State records and information.

(1) The Commission shall have access to and the right to copy any record or other information held by all executive, administrative, and judicial agencies and departments and all instrumentalities of the State. All executive, administrative, and judicial agencies and departments and all instrumentalities of the State shall cooperate with the Commission with respect to any request for access to any record or other information and shall provide all records or other information requested by the Commission to the extent permitted by law.

(2) The Commission shall keep confidential any information received from an executive, administrative, or judicial agency or department or an instrumentality of the State that is confidential or is exempt from the Public Records Act.

(b) Confidentiality requirements.

(1) Except as otherwise provided pursuant to subsection (c) of this section, information and records acquired by or provided to the Commission that would in any manner reveal an individual's identity shall be kept confidential and shall be exempt from public inspection and copying under the Public Records Act.

(2) The Commission shall not include the personally identifying information of any individual in any report that it produces without the express, written consent of the individual.

(c) Exceptions.

(1) Except as provided in subdivision (2) of this subsection, information and records acquired by or provided to the Commission shall only be available to the public in an anonymized form that does not reveal the identity of any individual.

(2) Information or records acquired by or provided to the Commission may be disclosed in a manner that would reveal the identity of an individual if that individual has provided their express, written consent to the disclosure of the information or record in a manner that would reveal their identity.

(d) Private proceedings.

(1) The Commission shall permit any individual who is interviewed by the Commission to elect to have their interview conducted in a manner that protects the individual's privacy and to have any recording of the interview kept confidential by the Commission. Any other record or document produced in relation to an interview conducted pursuant to this subdivision (d)(1) shall only be available to the public in an anonymized form that does not reveal the identity of any individual.

(2) The Commission shall adopt procedures and safeguards to ensure to the greatest extent possible that it does not conduct any interview in a manner that is open to the public if the interview will reveal the identities of individuals other than the interviewee without the express, written consent of those individuals.

Sec. 3. APPROPRIATION

The sum of \$550,000.00 is appropriated to the Truth and Reconciliation Commission Special Fund in fiscal year 2023.

Sec. 4. REPEAL

1 V.S.A. chapter 25 (Truth and Reconciliation Commission) is repealed on July 1, 2026.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to creating the Vermont Truth and Reconciliation Commission”

Rep. Toleno of Brattleboro, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on General, Housing, and Military Affairs and when further amended as follows:

First: In Sec. 2, 1 V.S.A. chapter 25, in section 902, by striking out subdivision (b)(2)(D in its entirety and inserting in lieu thereof a new subdivision (b)(2)(D to read as follows:

(D(i Except as otherwise provided pursuant to subdivision (ii of this subdivision (2)(D, committee members shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than eight meetings per calendar year. These payments shall be made from monies appropriated to the Commission.

(ii) The commissioners may authorize committee members to receive per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for additional meetings in each calendar year. Payments for additional meetings shall be made from grants or additional funding received by the Commissioners pursuant to subdivision 906(b)(11) of this chapter. In no event shall the per diem compensation and reimbursement of expenses for any additional meetings exceed the amounts permitted pursuant to 32 V.S.A. § 1010.

Second: In Sec. 2, 1 V.S.A. chapter 25, in section 906, in subsection (a), by striking out subdivisions (7)–(9) in their entireties and inserting in lieu thereof new subdivisions (7) and (8) to read as follows:

(7) work in consultation with the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter, experts in restorative justice, and, in the commissioners’ discretion, other interested

parties to ensure that the work of the Commission is open, transparent, inclusive, and meaningful; and

(8) supervise the work of the Executive Director of the Commission.

Third: In Sec. 2, 1 V.S.A. chapter 25, in section 906, in subsection (b), by striking out subdivision (11) in its entirety and inserting in lieu thereof subdivisions (11) and (12) to read as follows:

(11) Seek grants or funding other than annual State appropriations to further the work of the Commission.

(12) Take any other actions necessary to carry out the provisions of this chapter.

Fourth: In Sec. 2, 1 V.S.A. chapter 25, by striking out sections 909 and 910 in their entirety and inserting in lieu thereof a new section 909 to read as follows:

§ 909. ACCESS TO INFORMATION; CONFIDENTIALITY

(a) Access to State records and information.

(1) The Commission shall have access to and the right to copy any record or other information held by all executive, administrative, and judicial agencies and departments and all instrumentalities of the State. All executive, administrative, and judicial agencies and departments and all instrumentalities of the State shall cooperate with the Commission with respect to any request for access to any record or other information and shall provide all records or other information requested by the Commission to the extent permitted by law.

(2) The Commission shall keep confidential any information received from an executive, administrative, or judicial agency or department or an instrumentality of the State that is confidential or is exempt from the Public Records Act.

(b) Confidentiality requirements.

(1) Except as otherwise provided pursuant to subsection (c) of this section, information and records acquired by or provided to the Commission that would in any manner reveal an individual's identity shall be kept confidential and shall be exempt from public inspection and copying under the Public Records Act.

(2) The Commission shall not include the personally identifying information of any individual in any report that it produces without the express, written consent of the individual.

(c) Exceptions.

(1) Except as provided in subdivision (2) of this subsection, information and records acquired by or provided to the Commission shall only be available to the public in an anonymized form that does not reveal the identity of any individual.

(2) Information or records acquired by or provided to the Commission may be disclosed in a manner that would reveal the identity of an individual if that individual has provided their express, written consent to the disclosure of the information or record in a manner that would reveal their identity.

(d) Private proceedings.

(1) The Commission shall permit any individual who is interviewed by the Commission to elect to have their interview conducted in a manner that protects the individual's privacy and to have any recording of the interview kept confidential by the Commission. Any other record or document produced in relation to an interview conducted pursuant to this subdivision (d)(1) shall only be available to the public in an anonymized form that does not reveal the identity of any individual.

(2) The Commission shall adopt procedures and safeguards to ensure to the greatest extent possible that it does not conduct any interview in a manner that is open to the public if the interview will reveal the identities of individuals other than the interviewee without the express, written consent of those individuals.

Fifth: By striking out Sec. 3, appropriation, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. APPROPRIATION

The sum of \$748,000.00 is appropriated from the General Fund to the Truth and Reconciliation Commission in fiscal year 2023.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on General, Housing, and Military Affairs was amended as recommended by the Committee on Appropriations.

Thereafter, **Rep. Donahue of Northfield** moved to amend the report of the Committee on General, Housing, and Military Affairs as amended, as follows:

First: In Sec. 2, 1 V.S.A. chapter 25, by striking out section 903 in its entirety and inserting in lieu thereof a new section 903 to read as follows:

§ 903. COMMISSIONERS

(a) Commissioners shall be half-time State employees and shall be exempt from the State classified system.

(b) The commissioners shall receive compensation equal to one-quarter that of a Superior Court Judge.

(c) The term of each commissioner shall begin on the date of appointment and end on July 1, 2026.

Second: By striking out Sec. 3, appropriation, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. APPROPRIATION

The sum of \$374,000.00 is appropriated from the General Fund to the Truth and Reconciliation Commission in fiscal year 2023.

Third: By adding a new Sec. 5 and a Sec. 6 to read as follows:

Sec. 5. 18 V.S.A. § 254 is added to read:

§ 254. CULTURAL LIAISON GRANTS

(a)(1) The Health Equity Advisory Commission shall establish the Cultural Liaison Grant Program to award grants to create or support cultural liaisons within community-based organizations to provide culturally responsive community health care, education, and outreach, in both clinical and nonclinical settings, aimed at reducing health disparities for Vermont's Black, Indigenous, and Persons of Color; immigrant; refugee; and new American communities.

(2) The Program shall be designed to provide timely and streamlined funding allocations to eligible community-based organizations.

(b) The Advisory Commission may award grants pursuant to the provisions of this section to a Native American Indian tribe recognized by the State pursuant to 1 V.S.A. chapter 23 or to private community organizations and nonprofit organizations that provide health care, health-related education and outreach services, or both, to Vermont's Black, Indigenous, and Persons of Color; immigrant; refugee; and new American communities.

(c) Grants awarded pursuant to the provisions of this section may be used by a recipient to increase access for members of Vermont's Black, Indigenous, and Persons of Color; immigrant; refugee; and new American communities to:

(1) primary care services;

(2) vaccinations;

- (3) health-related testing;
- (4) treatment clinics;
- (5) mental health crisis response; and
- (6) health-related education and outreach.

(d) The Advisory Commission may adopt rules pursuant to 3 V.S.A. chapter 25 as necessary to implement the provisions of this section.

Sec. 6. CULTURAL LIASON GRANT PROGRAM; APPROPRIATION

The sum of \$374,000.00 is appropriated from the General Fund to the Agency of Administration in fiscal year 2023 to support the Cultural Liaison Grant Program established pursuant to 18 V.S.A. § 254.

and by renumbering the remaining section to be numerically correct.

Thereupon, **Rep. Donahue of Northfield** asked and was granted leave of the House to withdraw her amendment. Thereafter, the report of the Committee on General, Housing, and Military Affairs, as amended, was agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Peterson of Clarendon** 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, 109. Nays, 30.

Those who voted in the affirmative are:

Ancel of Calais	Feltus of Lyndon	Norris of Shoreham
Anthony of Barre City	Gannon of Wilmington	Notte of Rutland City
Arrison of Weathersfield	Garofano of Essex	Noyes of Wolcott
Austin of Colchester	Goldman of Rockingham	O'Brien of Tunbridge
Bartholomew of Hartland	Goslant of Northfield	Ode of Burlington
Beck of St. Johnsbury	Grad of Moretown	Pajala of Londonderry
Birong of Vergennes	Hooper of Montpelier	Partridge of Windham
Black of Essex	Hooper of Randolph	Patt of Worcester
Bluemle of Burlington *	Hooper of Burlington	Pearl of Danville
Bock of Chester	Houghton of Essex	Pugh of South Burlington
Bongartz of Manchester	Howard of Rutland City	Rachelson of Burlington
Bos-Lun of Westminster	James of Manchester	Rogers of Waterville
Brady of Williston	Jerome of Brandon	Satcowitz of Randolph
Briglin of Thetford	Jessup of Middlesex	Scheu of Middlebury
Brown of Richmond	Kascenska of Burke	Scheuermann of Stowe
Brownell of Pownal	Killackey of South Burlington	Sheldon of Middlebury
Brumsted of Shelburne	Kimbell of Woodstock	Sibilia of Dover
Burke of Brattleboro	Kornheiser of Brattleboro	Sims of Craftsbury

Burrows of West Windsor	LaLonde of South	Small of Winooski
Campbell of St. Johnsbury	Burlington	Squirrell of Underhill
Chase of Colchester	Lanpher of Vergennes	Stebbins of Burlington
Christie of Hartford	Lefebvre of Newark	Stevens of Waterbury
Cina of Burlington	Leffler of Enosburgh	Taylor of Colchester
Coffey of Guilford	Lippert of Hinesburg	Till of Jericho
Colburn of Burlington	Long of Newfane	Toleno of Brattleboro
Colston of Winooski	Masland of Thetford	Townsend of South
Conlon of Cornwall	Mattos of Milton	Burlington
Copeland Hanzas of	McCarthy of St. Albans City	Troiano of Stannard
Bradford	McCormack of Burlington	Vyhovsky of Essex
Corcoran of Bennington	McCullough of Williston	Walz of Barre City
Cordes of Lincoln	McFaun of Barre Town	Webb of Shelburne
Dolan of Essex	Morris of Springfield	White of Bethel
Dolan of Waitsfield	Mrowicki of Putney	White of Hartford
Donahue of Northfield	Mulvaney-Stanak of	Whitman of Bennington
Donnally of Hyde Park	Burlington	Wood of Waterbury
Durfee of Shaftsbury	Murphy of Fairfax	Yacovone of Morristown
Elder of Starksboro *	Nicoll of Ludlow	Yantachka of Charlotte
Emmons of Springfield	Nigro of Bennington	

Those who voted in the negative are:

Burditt of West Rutland	LaClair of Barre Town	Peterson of Clarendon
Canfield of Fair Haven	Laroche of Franklin	Rosenquist of Georgia
Cupoli of Rutland City	Lefebvre of Orange	Shaw of Pittsford
Fagan of Rutland City	Marcotte of Coventry	Smith of Derby *
Gregoire of Fairfield	Martel of Waterford	Smith of New Haven
Hango of Berkshire	McCoy of Poultney	Strong of Albany
Harrison of Chittenden	Morgan, L. of Milton	Terenzini of Rutland Town
Helm of Fair Haven	Morgan, M. of Milton	Toof of St. Albans Town
Higley of Lowell	Page of Newport City	Walker of Swanton
Labor of Morgan	Parsons of Newbury	Williams of Granby

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

Achey of Middletown	Town	Norris of Sheldon
Springs	Graham of Williamstown	Palasik of Milton
Brennan of Colchester	Kitzmiller of Montpelier	Sullivan of Dorset
Dickinson of St. Albans	Morrissey of Bennington	Surprenant of Barnard

Rep. Bluemle of Burlington explained her vote as follows:

“Madam Speaker:

The Canadian Reparations Commission noted that 'real change comes from a new connection to others.' This bill offers a watershed opportunity for new, authentic connection - through truth-telling and a willingness to listen with curiosity and compassion.”

Rep. Elder of Starksboro explained his vote as follows:

“Madam Speaker:

To advance the cause of social justice we must first look backward, unflinchingly and with open hearts. We must acknowledge that without truth there can be no justice.”

Rep. Smith of Derby explained his vote as follows:

“Madam Speaker:

If I knew that this vote would be the last apology for something that no one in this room had anything to do with, I could have voted yes! We need to stop apologizing for past things done and move forward to make Vermont better rather than weaker!”

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 353

House bill, entitled

An act relating to pharmacy benefit management

H. 464

House bill, entitled

An act relating to the medical review process in the Reach Up program and Postsecondary Education Program eligibility

H. 492

House bill, entitled

An act relating to the structure of the Natural Resources Board

H. 512

House bill, entitled

An act relating to modernizing land records and notarial acts law

H. 624

House bill, entitled

An act relating to supporting creative sector businesses and cultural organizations

Bill Amended; Read Third Time; Bill Passed**H. 635**

House bill, entitled

An act relating to secondary enforcement of minor traffic offenses

Was taken up and, pending third reading of the bill, **Rep. Shaw of Pittsford** moved to amend the bill as follows:

By striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. REPEAL OF CERTAIN MOTOR VEHICLE OFFENSES; ANNUAL REPORT

(a) The Executive Director of Racial Equity, the Commissioner of Motor Vehicles, and the Commissioner of Public Safety jointly shall examine the motor vehicle violations for the purpose of making annual recommendations whether or not statutes should be repealed, modified, or limited to secondary enforcement. The following statutes shall be addressed in the first report:

- (1) 23 V.S.A. § 307 (failure to carry a registration certificate);
- (2) 23 V.S.A. § 511(c) (failure to display registration sticker or failure to display unobstructed license numbers);
- (3) 23 V.S.A. § 512 (failure to display number plate on trailer or semi-trailer);
- (4) 23 V.S.A. § 615 (operation by an individual with a learner's permit);
- (5) 23 V.S.A. § 1023 (pedestrian-control signals);
- (6) 23 V.S.A. §§ 1052 (crossing except at crosswalks), 1054 (pedestrians to use right half of crosswalks), 1055 (pedestrians on roadways), 1056 (highway solicitations), and 1058 (duties of pedestrians);
- (7) 23 V.S.A. § 1125 (obstructing windshield or windows);
- (8) 23 V.S.A. §§ 1134 (possession or consumption of alcohol or cannabis by operator), 1134a (possession or consumption of alcohol or cannabis by passenger) and 1134b(a) (using tobacco in a motor vehicle with child present);
- (9) 23 V.S.A. § 1221 (condition of vehicle);
- (10) 23 V.S.A. §§ 1243 (headlights), 1244 (illumination required), 1245 (illumination required on motorcycles), 1248 (taillights), and 1249 (directional signal lights); and

(11) 23 V.S.A. § 1259 (safety belts; persons 18 years of age or older).

(b) The Executive Director and Commissioners jointly shall report the recommendations to the House and Senate Committees on Government Operations, on Judiciary, and on Transportation not later than October 1, 2022, and annually thereafter.

Sec. 2. SUNSET OF REPEAL OF CERTAIN MOTOR VEHICLE
OFFENSES; ANNUAL REPORT

Sec. 1 of this act shall be repealed on July 1, 2027.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Which was agreed to. Thereupon, the bill was read the third time and passed.

Committee Bill; Second Reading; Third Reading Ordered

H. 737

Rep. Beck of St. Johnsbury spoke for the Committee on Ways and Means.

House bill, entitled

An act relating to setting the homestead property tax yields and the nonhomestead property tax rate

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up, read the second time, and third reading ordered.

**Committee Bill; Second Reading;
Amendment Offered; Point of Order Raised;
Ruling Sustained on Appeal; Third Reading Ordered**

H. 738

Rep. Ode of Burlington spoke for the Committee on Ways and Means.

House bill, entitled

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

Having appeared on the Notice Calendar, was taken up, and read the second time.

Pending the question, Shall the bill be read a third time? **Rep. Mulvaney-Stanak of Burlington** moved to amend the bill as follows:

First: By inserting a new section to be Sec. 7a and its reader assistance heading to read as follows:

* * * Unemployment Compensation Exclusion from Gross Income * * *

Sec. 7a. EXCLUSION OF UNEMPLOYMENT COMPENSATION FROM
GROSS INCOME; TAXABLE YEAR 2021

(a) Notwithstanding 32 V.S.A. § 5824, for taxable year 2021 only, the first \$10,200.00 of unemployment compensation received by a taxpayer whose taxable year 2021 adjusted gross income is less than \$150,000.00 shall be excluded from the taxpayer's taxable income under 32 V.S.A. § 5811(21) as though 26 U.S.C. § 85(c) applied to taxable year 2021.

(b) Notwithstanding subsection (a) of this section, for taxable year 2021, the definition of household income pursuant to 32 V.S.A. § 6061(4)(A) and (5) shall include all unemployment compensation received by a taxpayer in taxable year 2021.

Second: In Sec. 17, effective dates, by inserting a new subsection (d) to read as follows:

(d) Notwithstanding 1 V.S.A. § 214, Sec. 7a (exclusion of unemployment compensation from gross income; taxable year 2021) shall take effect retroactively on January 1, 2021 and shall apply to taxable year 2021 only.

and by relettering the remaining subsections of Sec. 17, effective dates, to be alphabetically correct.

Rep. Bartholomew of Hartland raised a Point of Order that the amendment was not germane to the bill because the bill contained technical corrections and administrative changes but the amendment included tax policy changes that were beyond the scope of the bill.

The Speaker ruled the point of order well taken in that the amendment was not germane to the bill in violation on Mason's Sec. 402 because it would change the purpose, scope, and object of the bill.

Thereupon, **Rep. Colburn of Burlington** appealed the Speaker's decision. The question, Shall the ruling of the Speaker stand as judgment of the House?, was decided in the affirmative in a vote by division: Yeas, 130; Nays, 6.

Thereupon, third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered**H. 293**

Rep. Mrowicki of Putney, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to creating the State Youth Council

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

Sec. 1. FINDINGS, PURPOSE, AND INTENT

(a) Findings. The General Assembly finds the following:

(1) Young Vermonters are one of our State's most important resources. Youths under 21 years of age represent approximately 24 percent of the Vermont population and reflect Vermont's diversity. They are a group of dynamic, vibrant, and innovative individuals who are finding new ways to have their voices heard and effect the change they wish to see in the world.

(2) Multiple perspectives strengthen decision making and policy development by encouraging innovation, creativity, and change. Including the unique perspectives of young persons improves State policies and programs, including youth-specific services.

(3) Vermont's economy depends on the participation of young persons, and empowering them to provide policy advice will help keep young Vermonters in the State. It will also diversify our economy, making it more competitive and sustainable.

(4) Young persons have the right to be heard and respected. Almost all government policies and decisions have an impact on young persons' lives and youths have the right to influence those decisions, both individually and collectively. Furthermore, involving young persons in political processes helps build trust in democratic institutions, which in turn protects Vermont's democracy.

(b) Purpose. The purpose of this act is to create the State Youth Council, composed of young Vermonters who will have an official means of providing advice on policies that impact young persons in Vermont.

(c) Intent.

(1) The intent of creating the State Youth Council set forth in this act is to enhance the State's progress in reaching the population-level outcomes set forth in 3 V.S.A. § 2311(b)(6) (Vermont's children and young people achieve

their potential) and (9) (Vermont has open, effective, and inclusive government).

(2) The General Assembly further intends to consider the recommendations of the initial State Youth Council created in this act and to subsequently amend the Council's appointing authority, powers, and duties accordingly.

Sec. 2. 3 V.S.A. chapter 53, subchapter 4 is amended to read:

Subchapter 4. Departments, Divisions, Councils and Boards

* * *

§ 3097. STATE YOUTH COUNCIL

(a) Creation. There is created within the Department of Health the State Youth Council (Council) to advise the Governor and the General Assembly on issues affecting young persons in Vermont.

(b) Membership. The Council shall be composed of not more than 28 Vermont resident youths between 11 and 18 years of age at the time of appointment. The interagency workgroup Youth Services Advisory Council shall appoint members from an applicant pool with a focus on prioritizing diversity and inclusion, including characteristics such as county of residence, gender identity, racial identity, disabilities, age, and other characteristics identified by the applicants. The Youth Services Advisory Council shall appoint a minimum of one resident youth from each State county.

(1) The Department of Health shall assist the Youth Services Advisory Council in notifying the public regarding the opportunity for youths to serve on the Council, and the Youth Services Advisory Council shall accept applications for service on the Council. The application process should emphasize the need for diverse, qualified candidates. A successful candidate must demonstrate:

(A) a commitment to inclusion and the youths of the State; and

(B) the ability to work with others and listen to others.

(2) The Youth Services Advisory Council shall appoint members to the Council for three-year staggered terms and shall strive to appoint Council members who represent a variety of youths in the State. The Youth Services Advisory Council shall consult with members of youth advocacy groups concerning initial appointments to establish the Council and then shall consult with the Council regarding appointments for all subsequent terms.

(3) The Council shall elect a chair from among its members.

(4) The Council shall establish an Executive Committee, ad hoc committees as needed, and the following standing committees:

- (A) the Youth Voice Committee;
- (B) the Education Committee;
- (C) the Equity and Anti-Racism Committee;
- (D) the Climate Change Committee; and
- (E) the Youth Mental Health Committee.

(c) Powers and duties.

(1) The Council may:

- (A) meet at least one time per month;
- (B) hold up to four public hearings annually in order to take testimony on issues affecting Vermont youths;
- (C) gather input from Vermont youths through surveys or polls; and
- (D) evaluate the State's progress in reaching the population-level outcomes set forth in section 2311 of this title and recommend to the Joint Committee on Government Accountability any revisions to the population-level indicators for those outcomes the Council finds necessary to better reflect data that impacts Vermont youths.

(2) The Council shall provide advice to the Governor and the General Assembly on policy changes necessary to improve the lives of Vermont youths.

(A) The Governor shall meet annually with the Council to hear and receive the Council's advice and recommendations on policies that impact the youths of Vermont.

(B) The Council shall annually report its advice and recommendations to the House and Senate Committees on Government Operations and to any other standing committees it deems appropriate. The report may be in verbal form.

(C) The Council shall annually report its advice and recommendations to the House and Senate Committees on Government Operations and to any other standing committees it deems appropriate on the preservation of Vermont's traditions and the future of Vermont's rural character, activities, and professions.

(d) Assistance. The Council shall have the administrative, technical, and legal assistance of the Department of Health to assist with Council-directed activities, including:

(1) assisting with meeting scheduling and logistical support;

(2) providing information technology support; and

(3) providing any technology or technological devices necessary for the Council to perform its duties.

(e) Support. The Council shall also have support from the Youth Services Advisory Council.

(f) Attending meetings.

(1) Members of the Council may attend Council meetings by electronic or other means without being physically present at a designated meeting location as permitted under 1 V.S.A. § 312(a)(2).

(2) The General Assembly finds that such virtual meeting attendance is particularly expedient for Council members from remote areas of the State to participate in meetings, but also encourages Council members to be physically present at meeting locations when possible due to the importance of in-person interaction.

(g) Compensation and reimbursement. Members of the Council shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than 16 meetings per calendar year. For purposes of this subsection, “meetings” includes public hearings. These payments shall be made from monies appropriated to the Department of Health.

Sec. 3. STATE YOUTH COUNCIL; INITIAL PROVISIONS

(a) Appointments. The Youth Services Advisory Council shall appoint the initial State Youth Council created by Sec. 2 of this act on or before November 1, 2021. The initial appointments shall be for two- and three-year terms in order to provide staggered Council member terms.

(b) Training. From funds appropriated to the Department of Health, to assist with State Youth Council-directed activities and in consultation with the Youth Services Advisory Council, the Department shall provide to the State Youth Council training on general State policies, how to formulate policy proposals, government operations, public speaking, meeting etiquette, and leadership.

(c) Duties. In addition to the State Youth Council’s duties set forth in Sec. 2 of this act, on or before January 15, 2023 the Council shall recommend

to the House and Senate Committees on Government Operations the manner in which its members should be appointed or elected and any other amendments to its enabling law.

Sec. 4. SUNSET OF STATE YOUTH COUNCIL

3 V.S.A. § 3097 (State Youth Council) is repealed on February 1, 2025.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Government Operations and when further amended as follows:

First: In Sec. 3, State Youth Council; initial provisions, in subsection (a), following “November 1,” by striking out “2021” and inserting in lieu thereof “2022”

Second: In Sec. 3, State Youth Council; initial provisions, in subsection (c), following “January 15,” by striking out “2023” and inserting in lieu thereof “2024”

Third: In Sec. 4, sunset of State Youth Council, following “February 1,” by striking out “2025” and inserting in lieu thereof “2026”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Government Operations was amended as recommended by the Committee on Appropriations.

Thereafter, **Rep. Harrison of Chittenden** moved to amend the report of the Committee on Government Operations, as amended, as follows:

In Sec. 2, 3 V.S.A. chapter 53, subchapter 4, in section 3097, in subsection (b), by striking out subdivision (4) in its entirety and inserting in lieu thereof a new subdivision (4) to read as follows:

(4) The Council shall establish the Executive Committee, ad hoc committees as needed, and the following standing committees:

(A) the Youth Voice Committee;

(B) the Education Committee;

(C) the Equity and Antiracism Committee;

(D) the Climate Change Committee;

(E) the Youth Mental Health Committee; and

(F) the Economic Opportunity Committee.

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

Thereafter, **Reps. Mrowicki of Putney, Anthony of Barre City, Colston of Winooski, Copeland Hanzas of Bradford, Gannon of Wilmington, Higley of Lowell, Hooper of Burlington, LaClair of Barre Town, Lefebvre of Orange, McCarthy of St. Albans City, and Vyhovsky of Essex** moved that the report of the Committee on Government Operations, as amended, be further amended as follows:

In Sec. 2, 3 V.S.A. chapter 53, subchapter 4, in § 3097(c)(2), by adding a new subdivision (D) to read as follows:

(D) The Council shall annually report its advice and recommendations to the House and Senate Committees on Government Operations and to any other standing committees it deems appropriate on the participation of young persons on Vermont's economy and keeping young Vermonters in the State.

Which was agreed to. Thereupon, the report of the Committee on Government Operations, as amended, was agreed to and third reading ordered.

Recess

At five o'clock and thirty-five minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At six o'clock and twenty-five minutes in the evening, the Speaker called the House to order.

Second Reading; Bill Amended; Third Reading Ordered

H. 410

Rep. Rogers of Waterville, for the Committee on Energy and Technology, to which had been referred House bill, entitled

An act relating to the creation of the Artificial Intelligence Commission

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

Sec. 1. FINDINGS; INTENT

(a) The General Assembly finds that:

(1) The Vermont Artificial Intelligence Task Force (Task Force), established by 2018 Acts and Resolves No. 137, Sec. 1, as amended by 2019 Acts and Resolves No. 61, Sec. 20, met from September 2018 through January 2020 to investigate the field of artificial intelligence (AI) and make recommendations for State action and policies with respect to this new technology.

(2) The Task Force found that this technology presents tremendous opportunities for economic growth and improved quality of life but also presents substantial risks of loss of some jobs and invasions of privacy and other impacts to civil liberties.

(3) Large-scale technological change makes states rivals for the economic rewards, where inaction leaves states behind. States can become leaders in crafting appropriate responses to technological change that eventually produces policy and action around the country.

(4) The Task Force determined that there are steps that the State can take to maximize the opportunities and reduce the risk, but action must be taken now. The Task Force concluded that there is a role for local and State action, especially where national and international action is not occurring.

(5) The final report of the Task Force presents a series of recommendations for policies and actions consistent with the limited role of Vermont to direct the path of AI development and use in the State. The final report also concludes that Vermont can make a difference, maximize the benefits of AI, and minimize, or adapt to, the adverse consequences.

(b) It is the intent of the General Assembly to carry out the work of the Task Force by creating the Artificial Intelligence Commission to implement some of the specific recommendations of the Task Force and conduct an inventory of all automated decision systems that are being developed, used, or procured by the State.

Sec. 2. 3 V.S.A. § 3303 is amended to read:

§ 3303. REPORTING, RECORDS, AND REVIEW REQUIREMENTS

(a) Annual report and budget. The Secretary shall submit to the General Assembly, concurrent with the Governor's annual budget request required under 32 V.S.A. § 306, an annual report for information technology and cybersecurity. The report shall reflect the priorities of the Agency and shall include:

(1) performance metrics and trends, including baseline and annual measurements, for each division of the Agency;

(2) a financial report of revenues and expenditures to date for the current fiscal year;

(3) costs avoided or saved as a result of technology optimization for the previous fiscal year;

(4) an outline summary of information, including scope, schedule, budget, and status for information technology projects with total costs of \$500,000.00 or greater;

(5) an annual update to the strategic plan prepared pursuant to subsection (c) of this section;

(6) a summary of independent reviews as required by subsection (d) of this section; ~~and~~

(7) the Agency budget submission; and

(8) an annual update to the inventory required by section 3305 of this title.

* * *

Sec. 3. 3 V.S.A. § 3305 is added to read:

§ 3305. AUTOMATED DECISION SYSTEM; STATE PROCUREMENT;

INVENTORY

(a) Definitions. As used in this section:

(1) “Algorithm” means a computerized procedure consisting of a set of steps used to accomplish a determined task.

(2) “Automated decision system” means any algorithm, including one incorporating machine learning or other artificial intelligence techniques, that uses data-based analytics to make or support government decisions, judgments, or conclusions.

(3) “Automated final decision system” means an automated decision system that makes final decisions, judgments, or conclusions without human intervention.

(4) “Automated support decision system” means an automated decision system that provides information to inform the final decision, judgment, or conclusion of a human decision maker.

(5) “State government” has the same meaning as in section 3301 of this chapter.

(b) Inventory. The Agency of Digital Services shall conduct a review and make an inventory of all automated decision systems that are being developed,

employed, or procured by State government. The inventory shall include the following for each automated decision system:

(1) the automated decision system's name and vendor;

(2) a description of the automated decision system's general capabilities, including:

(A) reasonably foreseeable capabilities outside the scope of the agency's proposed use; and

(B) whether the automated decision system is used or may be used for independent decision-making powers and the impact of those decisions on Vermont residents;

(3) the type or types of data inputs that the technology uses; how that data is generated, collected, and processed; and the type or types of data the automated decision system is reasonably likely to generate;

(4) whether the automated decision system has been tested by an independent third party, has a known bias, or is untested for bias;

(5) a description of the purpose and proposed use of the automated decision system, including:

(A) what decision or decisions it will be used to make or support;

(B) whether it is an automated final decision system or automated support decision system; and

(C) its intended benefits, including any data or research relevant to the outcome of those results;

(6) how automated decision system data is securely stored and processed and whether an agency intends to share access to the automated decision system or the data from that automated decision system with any other entity, and why; and

(7) a description of the IT fiscal impacts of the automated decision system, including:

(A) initial acquisition costs and ongoing operating costs, such as maintenance, licensing, personnel, legal compliance, use auditing, data retention, and security costs;

(B) any cost savings that would be achieved through the use of the technology; and

(C) any current or potential sources of funding, including any subsidies or free products being offered by vendors or governmental entities.

Sec. 4. AUTOMATED DECISION SYSTEM; STATE PROCUREMENT;
INVENTORY; REPORT

On or before December 1, 2022, the Agency of Digital Services shall submit to the House Committee on Energy and Technology and the Senate Committee on Finance a report on the inventory described in 3 V.S.A. § 3305. The report shall include recommendations for any changes to the inventory, including how it should be maintained and the frequency of updates.

Sec. 5. 3 V.S.A. chapter 69 is added to read:

CHAPTER 69. ARTIFICIAL INTELLIGENCE COMMISSION

§ 5011. ARTIFICIAL INTELLIGENCE COMMISSION

(a) Definition. As used in this section, “artificial intelligence systems” means systems capable of perceiving an environment through data acquisition and then processing and interpreting the derived information to take an action or actions or to imitate intelligent behavior given a specific goal. An artificial intelligence system can also learn and adapt its behavior by analyzing how the environment is affected by prior actions.

(b) Creation. There is established the Artificial Intelligence Commission within the Agency of Digital Services to study and monitor all aspects of artificial intelligence systems developed, employed, or procured in State government.

(c) Membership. The Commission shall be composed of the following seven members:

(1) the Secretary of Digital Services or designee, who shall serve as chair;

(2) the Secretary of Commerce and Community Development or designee;

(3) the Commissioner of Public Safety or designee;

(4) the Executive Director of the American Civil Liberties Union of Vermont or designee;

(5) one member who is an expert in constitutional and legal rights, appointed by the Chief Justice of the Supreme Court;

(6) one member who is a social worker with experience in the field of ethics and human rights, appointed by the Governor; and

(7) one member who is an academic at a postsecondary institute, appointed by the Vermont Academy of Science and Engineering.

(d) Powers and duties. The Commission shall study and monitor artificial intelligence systems developed, employed, or procured in State government, including the following:

(1) propose for adoption by the Agency of Digital Services a State code of ethics for artificial intelligence in State government, which shall be updated annually;

(2) make recommendations to the General Assembly on policies, laws, and regulations for artificial intelligence systems in State government;

(3) review the automated decision systems inventory created by the Agency of Digital Services, including:

(A) whether any systems affect the constitutional or legal rights, duties, or privileges of any Vermont resident; and

(B) whether there are any potential liabilities or risks that the State of Vermont could incur from its implementation; and

(4) annually, on or before January 15 each year, report to the House Committee on Energy and Technology and the Senate Committees on Finance and on Government Operations on the following:

(A) the extent of the use of artificial intelligence systems by State government and any short-or long-term actions needed to optimize that usage or mitigate their risks;

(B) the impact of using artificial intelligence systems in State government on the liberty, finances, livelihood, and privacy interests of Vermont residents;

(C) any necessary policies to:

(i) protect the privacy and interests of Vermonters from any diminution caused by employment of artificial intelligence systems by State government; and

(ii) ensure that Vermonters are free from unfair discrimination caused or compounded by the employment of artificial intelligence in State government;

(D) a summary of the recommendations of any relevant national bodies on artificial intelligence, including the National Artificial Intelligence Advisory Committee established by the Department of Commerce, and its applicability to Vermont; and

(E) any other information the Commission deems appropriate based on its work.

(e) Meetings. The Commission shall meet at least 12 times each year or at the call of the Chair.

(f) Quorum. A majority of members shall constitute a quorum of the Commission. Once a quorum has been established, the vote of a majority of the members present at the time of the vote shall be an act of the Commission.

(g) Assistance. The Commission shall have the administrative, legal, and technical support of the Agency of Digital Services.

(h) Reimbursement. Members of the Commission who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to compensation and expenses as provided in 32 V.S.A. § 1010. Payment to the members shall be from an appropriation to the Agency of Digital Services from the Information Technology Internal Service Fund, established in section 3304 of this chapter.

Sec. 6. ARTIFICIAL INTELLIGENCE COMMISSION; REPORTS AND RECOMMENDATIONS

(a) On or before January 15, 2023, the Commission shall include the State code of ethics as described in 3 V.S.A. § 5011(d)(1) in its report required under 3 V.S.A. § 5011(d)(4).

(b) On or before January 15, 2024, the Commission shall develop recommendations for a clear use and data management policy for State government in its report required under 3 V.S.A. § 5011(d)(4), including protocols for the following:

(1) how and when an automated decision system will be deployed or used and by whom, including:

(A) the factors that will be used to determine where, when, and how the technology is deployed;

(B) whether the technology will be operated continuously or used only under specific circumstances; and

(C) when the automated decision system may be accessed, operated, or used by another entity on the agency's behalf and any applicable protocols;

(2) whether the automated decision system gives notice to an individual impacted by the automated decision system of the fact that the automated decision system is in use and what information should be provided with consideration to the following:

(A) the automated decision system's name and vendor;

(B) what decision or decisions it will be used to make or support;

(C) whether it is an automated final decision system or automated support decision system;

(D) what policies and guidelines apply to its deployment;

(E) whether a human verifies or confirms decisions made by the automated decision system; and

(F) how an individual can contest any decision made involving the automated decision system;

(3) whether the automated decision system ensures that the agency can explain the basis for its decision to any impacted individual in terms understandable to a layperson, including:

(A) by requiring the vendor to create such an explanation;

(B) whether the automated decision system is subject to appeal or immediate suspension if a legal right, duty, or privilege is impacted by the decision; and

(C) potential reversal by a human decision maker through a timely process clearly described and accessible to an individual impacted by the decision; and

(4) what policies the State should have for a third-party entity to disclose potential conflicts of interest prior to purchasing or using their technology and how the State should evaluate those conflicts with respect to how the State intends to implement the technology.

(c) On or before January 15, 2025, the Commission shall recommend for inclusion in its report required under 3 V.S.A. § 5011(d)(4):

(1) whether the scope of the Commission should be expanded to include artificial intelligence outside of State government;

(2) whether there should be any changes to the structural oversight, membership, or powers and duties of the Commission;

(3) whether the Commission should cease to exist on a certain date; and

(4) whether there are any other additional tasks the Commission should complete.

(d) As used in this section:

(1) “Automated decision system” means any algorithm, including one incorporating machine learning or other artificial intelligence techniques, that uses data-based analytics to make or support government decisions, judgments, or conclusions.

(2) “Automated final decision system” means an automated decision system that makes final decisions, judgments, or conclusions without human intervention.

(3) “Automated support decision system” means an automated decision system that provides information to inform the final decision, judgment, or conclusion of a human decision maker.

Sec. 7. ARTIFICIAL INTELLIGENCE COMMISSION; POSITION;

APPROPRIATION

(a) The establishment of the permanent classified position is authorized in fiscal year 2023 in the Agency of Digital Services to manage and implement the work of the Artificial Intelligence Commission, established in 3 V.S.A. § 5011, and to serve as the State expert on artificial intelligence use and oversight within State government. This position shall be transferred and converted from existing vacant positions in the Executive Branch and shall not increase the total number of authorized State positions.

(b) The sum of \$150,000.00 is appropriated to the Agency of Digital Services from the Information Technology Internal Service Fund, established in 3 V.S.A. § 3304, in fiscal year 2021 for the position described in subsection (a) of this section.

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

and that after passage the title of the bill be amended to read: “An act relating to the use and oversight of artificial intelligence in State government”

Rep. Feltus of Lyndon, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Energy and Technology and when further amended as follows:

In Sec. 5, 3 V.S.A. chapter 69, in section 5011, in subsection (e), by striking out “at least 12 times” and inserting in lieu thereof “not more than 12 times”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Energy and Technology was amended as recommended by the Committee on Appropriations. Report of the Committee on Energy and Technology, as amended, agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered**H. 553**

Rep. Rachelson of Burlington, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to eligibility of domestic partners for reimbursement from the Victims Compensation Program

Reported in favor of its passage when amended as follows:

In Sec. 1, 13 V.S.A. § 5351, in subdivision (2), after the period, by adding “To qualify as a domestic partner, a couple shall share a residence for at least six months prior to applying; be 18 years of age or older; not be married to anyone; and not be related by blood and, therefore, prohibited from legally marrying one another by 15 V.S.A. § 1a.”

Rep. Townsend of South Burlington, for the Committee on Appropriations, recommended the bill ought to pass when amended by the Committee on Judiciary.

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

Thereafter, **Rep. Rachelson of Burlington** moved to amend the report of the Committee on Judiciary as follows:

In Sec. 1, 13 V.S.A. § 5351, in subdivision (2), by striking out “not be related by blood and, therefore,”

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

Second Reading; Bill Amended; Third Reading Ordered**H. 661**

Rep. Vyhovsky of Essex, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to licensure of mental health professionals

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

* * * Continuing Education Units; Psychologists * * *

Sec. 1. 26 V.S.A. § 3015 is amended to read:

§ 3015. RENEWALS

(a) Licenses shall be renewed every two years upon payment of the required fee.

* * *

(d) Continuing education units.

(1) As a condition of renewal, the Board ~~may~~ shall require that licensees establish that they have satisfied continuing education requirements established by Board rule and this subsection.

(2) At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice.

(3) Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training.

(4) Upon application, the Board may exempt from continuing education requirements a licensee on active duty in the U.S. Armed Forces, if obtaining continuing education credits would be impossible in practice or a significant hardship for the licensee.

(5) If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * * Continuing Education Units; Social Workers * * *

Sec. 2. 26 V.S.A. § 3208 is amended to read:

§ 3208. RENEWALS

* * *

(d) As a condition of renewal, a licensee shall complete continuing education, approved by the Director by rule, during the preceding two-year period. For purposes of this subsection, the Director may require, by rule, not more than 20 hours of approved continuing social work education as a condition of renewal. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing

education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Continuing Education Units; Alcohol and Drug Abuse

Counselors * * *

Sec. 3. 26 V.S.A. § 3238 is amended to read:

§ 3238. BIENNIAL RENEWALS

(a) Licenses and certifications shall be renewed every two years on a schedule set by the Office upon:

(1) ~~payment~~ Payment of the required fee; ~~and.~~

(2) ~~documentation~~ Documentation that the applicant has completed at least 40 hours of continuing education, approved by the Director. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Continuing Education Units; Clinical Mental Health

Counselors * * *

Sec. 4. 26 V.S.A. § 3269 is amended to read:

§ 3269. RENEWALS

Licenses shall be renewed every two years upon payment of required fees and proof of such continuing education as the Board may require by rule and as required by this section. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * * Continuing Education Units; Marriage and Family
Therapists * * *

Sec. 5. 26 V.S.A. § 4040 is amended to read:

§ 4040. RENEWALS

(a) Licenses shall be renewed every two years upon payment of the required fee, provided the person applying for renewal has completed at least 20 hours of continuing education, approved by the Board, during the preceding two-year period.

(1) The Board shall establish, by rule, guidelines and criteria for continuing education credit. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice.

(2) The continuing education requirement shall not apply for the first renewal period. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Continuing Education Units; Psychoanalysts * * *

Sec. 6. 26 V.S.A. § 4060 is amended to read:

§ 4060. RENEWALS

(a) Certification shall be renewed every two years upon payment of the required fee, provided the person applying for renewal completes at least 20 hours of continuing education, approved by the Director, during the preceding two-year period.

(1) The Director, with the advice of the advisor appointees, shall establish, by rule, guidelines and criteria for continuing education credit. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice.

(2) The education requirement shall not apply for the first renewal period. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education

units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Continuing Education Units; Applied Behavior Analysts * * *

Sec. 7. 26 V.S.A. § 4925 is amended to read:

§ 4925. RENEWALS

* * *

(c) As a condition of renewal, the Director may by rule require that a licensee establish that ~~he or she~~ the licensee has completed continuing education.

(1) The Director may accept proof of current certification from the Behavior Analyst Certification Board as evidence of continuing competency if the Director finds that the maintenance of such certification implies appropriate continuing education consistent with this subsection and Board rule.

(2) Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice.

(3) If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Mental Health Professional Licensure; Study * * *

Sec. 8. MENTAL HEALTH PROFESSIONAL LICENSURE; STUDY

(a) Study. The Office of Professional Regulation shall conduct a study on:

(1) the possibility of streamlining the licensure of mental health professionals practicing in the State, including a review of the feasibility of creating one mental health professional license with endorsements for specific mental health professions;

(2) whether additional regulation of supervisors for mental health professionals in training is necessary, including a review of potential limits on areas of mental health work a supervisor may supervise based on the supervisor's own work experience and education, the rate or fee a supervisor

may charge for providing supervision, and the number of supervisees assigned to one supervisor; and

(3) the barriers for individuals who are Black, Indigenous, or Persons of Color (BIPOC), refugees and new Americans, individuals with low income, those individuals with disabilities, and those individuals with lived mental health and substance use experience entering mental health professions regulated by the Office of Professional Regulation.

(b) Stakeholder input. The Director of the Office of Professional Regulation shall seek the input and recommendations of the following stakeholders in completing the study:

(1) representatives of each mental health care profession associated with the Office of Professional Regulation, selected by their respective licensing board or by the Director;

(2) the Commissioner of Mental Health or designee;

(3) the Commissioner of Health Equity or designee;

(4) representatives of mental health care professional organizations;

(5) representatives of health insurers;

(6) individuals in mental health care professions or seeking to enter mental health care professions, selected by AALV, Inc., the Vermont Commission on Native American Affairs, the Vermont Center for Independent Living, and Outright Vermont; and

(7) other interested stakeholders, including individuals from diverse backgrounds to represent the interests of communities of color and other historically underrepresented populations in mental health care professions.

(c) Findings and recommendations. On or before December 15, 2024, the Director of the Office of Professional Regulation shall provide the Office's findings and recommendations to the House Committees on Health Care and on Government Operations and the Senate Committees on Health and Welfare and on Government Operations.

* * * Mental Health Professional Supervisors Registry * * *

Sec. 9. MENTAL HEALTH PROFESSIONAL SUPERVISORS; REGISTRY

The Office of Professional Regulation shall maintain a registry of mental health professionals who are available to serve as supervisors for mental health professionals in training. The registry shall begin upon passage and shall contain a complete list by 2025.

* * * Effective Date * * *

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

Rep. Townsend of South Burlington, for the Committee on Appropriations, reported in favor of its passage when amended by the Committee on Government Operations.

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

Pending the question, Shall the bill be amended as recommended by the Government Operations?, **Reps. Lippert of Hinesburg, Black of Essex, Cina of Burlington, Cordes of Lincoln, Donahue of Northfield, Goldman of Rockingham, and Houghton of Essex** moved that the report of the Committee on Government Operations be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Continuing Education Units; Psychologists * * *

Sec. 1. 26 V.S.A. § 3015 is amended to read:

§ 3015. RENEWALS

(a) Licenses shall be renewed every two years upon payment of the required fee.

* * *

(d) Continuing education units.

(1) As a condition of renewal, the Board ~~may~~ shall require that licensees establish that they have satisfied continuing education requirements established by Board rule and this subsection.

(2) Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive practice, or in related topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system.

(3) Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training.

(4) Upon application, the Board may exempt from continuing education requirements a licensee on active duty in the U.S. Armed Forces, if obtaining

continuing education credits would be impossible in practice or a significant hardship for the licensee.

(5) If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * * Continuing Education Units; Social Workers * * *

Sec. 2. 26 V.S.A. § 3208 is amended to read:

§ 3208. RENEWALS

* * *

(d) As a condition of renewal, a licensee shall complete continuing education, approved by the Director by rule, during the preceding two-year period. For purposes of this subsection, the Director may require, by rule, not more than 20 hours of approved continuing social work education as a condition of renewal. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive practice, or in related topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Continuing Education Units; Alcohol and Drug Abuse

Counselors * * *

Sec. 3. 26 V.S.A. § 3238 is amended to read:

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(a) Licenses and certifications shall be renewed every two years on a schedule set by the Office upon:

(1) ~~payment~~ Payment of the required fee; ~~and.~~

(2) ~~documentation~~ Documentation that the applicant has completed at least 40 hours of continuing education, approved by the Director. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive practice, or in related topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Continuing Education Units; Clinical Mental Health

Counselors * * *

Sec. 4. 26 V.S.A. § 3269 is amended to read:

§ 3269. RENEWALS

Licenses shall be renewed every two years upon payment of required fees and proof of such continuing education as the Board may require by rule and as required by this section. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive practice, or in related topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * * Continuing Education Units; Marriage and Family

Therapists * * *

Sec. 5. 26 V.S.A. § 4040 is amended to read:

§ 4040. RENEWALS

(a) Licenses shall be renewed every two years upon payment of the required fee, provided the person applying for renewal has completed at least 20 hours of continuing education, approved by the Board, during the preceding two-year period.

(1) The Board shall establish, by rule, guidelines and criteria for continuing education credit. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive practice, or in related topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system.

(2) The continuing education requirement shall not apply for the first renewal period. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Continuing Education Units; Psychoanalysts * * *

Sec. 6. 26 V.S.A. § 4060 is amended to read:

§ 4060. RENEWALS

(a) Certification shall be renewed every two years upon payment of the required fee, provided the person applying for renewal completes at least 20 hours of continuing education, approved by the Director, during the preceding two-year period.

(1) The Director, with the advice of the advisor appointees, shall establish, by rule, guidelines and criteria for continuing education credit. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive practice, or in related topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system.

(2) The education requirement shall not apply for the first renewal period. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Continuing Education Units; Applied Behavior Analysts * * *

Sec. 7. 26 V.S.A. § 4925 is amended to read:

§ 4925. RENEWALS

* * *

(c) As a condition of renewal, the Director may by rule require that a licensee establish that ~~he or she~~ the licensee has completed continuing education.

(1) The Director may accept proof of current certification from the Behavior Analyst Certification Board as evidence of continuing competency if the Director finds that the maintenance of such certification implies appropriate continuing education consistent with this subsection and Board rule.

(2) Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive practice, or in related topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system.

(3) If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Mental Health Professional Licensure; Study * * *

Sec. 8. MENTAL HEALTH PROFESSIONAL LICENSURE; STUDY

(a) Study. The Office of Professional Regulation shall conduct a study on:

(1) the possibility of streamlining the licensure of mental health professionals practicing in the State, including a review of the feasibility of creating one mental health professional license with endorsements for specific mental health professions;

(2) whether additional regulation of supervisors for mental health professionals in training is necessary, including a review of potential limits on areas of mental health work a supervisor may supervise based on the supervisor's own work experience and education, the rate or fee a supervisor may charge for providing supervision, and the number of supervisees assigned to one supervisor; and

(3) the barriers for individuals who are Black, Indigenous, or Persons of Color (BIPOC), refugees and new Americans, LGBTQ individuals, individuals with low income, individuals with disabilities, and those individuals with lived mental health and substance use experience entering mental health professions regulated by the Office of Professional Regulation.

(b) Stakeholder input. The Director of the Office of Professional Regulation shall seek the input and recommendations of the following stakeholders in completing the study:

(1) representatives of each mental health care profession associated with the Office of Professional Regulation, selected by their respective licensing board or by the Director;

(2) the Commissioner of Mental Health or designee;

(3) the Chair of the Health Equity Advisory Commission established pursuant to 18 V.S.A. § 252 or designee;

(4) representatives of mental health care professional organizations;

(5) representatives of health insurers;

(6) individuals in mental health care professions or seeking to enter mental health care professions, selected by AALV, Inc., the Vermont Commission on Native American Affairs, the Vermont Center for Independent Living, and Outright Vermont; and

(7) other interested stakeholders, including individuals from diverse backgrounds to represent the interests of communities of color and other historically underrepresented populations in mental health care professions.

(c) Findings and recommendations. On or before December 15, 2024, the Director of the Office of Professional Regulation shall provide the Office's findings and recommendations to the House Committees on Health Care and

on Government Operations and the Senate Committees on Health and Welfare and on Government Operations.

* * * Mental Health Professional Supervisors Registry * * *

Sec. 9. MENTAL HEALTH PROFESSIONAL SUPERVISORS; REGISTRY

The Office of Professional Regulation shall maintain a registry of mental health professionals who are available to serve as supervisors for mental health professionals in training. The registry shall begin upon passage and shall contain a complete list by 2025.

* * * Effective Date * * *

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

Which was agreed to. Thereupon, the report of the Committee on Government Operations, as amended, was agreed to and third reading ordered.

Action on Bill Postponed

H. 703

House bill, entitled

An act relating to promoting workforce development

Was taken up and, pending the reading of the report of the Committee on Commerce and Economic Development, on motion of **Rep. Kimbell of Woodstock**, action on the bill was postponed until March 24, 2022.

**Committee Bill; Second Reading;
Bill Amended; Third Reading Ordered**

H. 730

Rep. Birong of Vergennes spoke for the Committee on General, Housing, and Military Affairs.

House bill, entitled

An act relating to alcoholic beverages and the Department of Liquor and Lottery

Rep. Elder of Starksboro, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as follows:

First: In Sec. 2, 7 V.S.A. § 2 (definitions, in subdivision (25, immediately following the period after the words “and other ingredients” by striking out the last sentence and subdivisions (A and (B in their entirety.

Second: In Sec. 2, 7 V.S.A. § 2 (definitions), in subdivision (36) (second-class license), immediately following the comma after the words “vinous beverages” by inserting “ready-to-drink spirits beverages,” before the words “and fortified wines”

Third: In Sec. 2, 7 V.S.A. § 2 (definitions), in subdivision (40) (spirits), immediately following the period at the end of the subdivision, by inserting the following: “Spirits” also means a ready-to-drink spirits beverage that contains more than 12 percent alcohol by volume at 60 degrees Fahrenheit or is packaged in containers greater than 24 fluid ounces in volume.”

Fourth: In Sec. 14, 7 V.S.A. § 222 (second-class licenses), in subdivision (a)(1)(B), immediately following the comma after the words “vinous beverages” by inserting “ready-to-drink spirits beverages,” before the words “and fortified wines”

Fifth: By adding a Sec. 44a to read as follows:

Sec. 44a. TRANSFER TO GENERAL FUND

(a) In fiscal year 2023, a minimum of \$20,400,000.00 shall be transferred from the Liquor Control Enterprise Fund to the General Fund. The amount transferred pursuant to this subsection shall include any amounts transferred pursuant to the fiscal year 2023 annual budget bill.

(b) In fiscal year 2024, a minimum of \$21,200,000.00 shall be transferred from the Liquor Control Enterprise Fund to the General Fund.

(c) It is the intent of the General Assembly that for each year after fiscal year 2024 the amounts transferred from the Liquor Control Enterprise Fund to the General Fund shall annually increase according to the growth rate of liquor tax revenues in the most recent January Consensus Revenue Forecast.

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

Favorable Reports; Second Reading; Third Reading Ordered

H. 718

Rep. Lefebvre of Orange, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of the dissolution of Colchester Fire District No. 1

Reported in favor of its passage.

Rep. Brennan of Colchester, for the Committee on Ways and Means, reported in favor of its passage.

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

**Committee Bill; Favorable Reports; Second Reading;
Third Reading Ordered**

H. 729

Rep. Norris of Sheldon spoke for the Committee on Judiciary.

House bill, entitled

An act relating to miscellaneous judiciary procedures

Rep. Canfield of Fair Haven, for the Committee on Ways and Means, recommended the bill ought to pass.

Rep. Scheu of Middlebury, 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.

Action on Bill Postponed

S. 53

Senate bill, entitled

An act relating to exempting feminine hygiene products from the Vermont Sales and Use Tax

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment?, on motion of **Rep. Ancel of Calais**, action on the bill was postponed until March 30, 2022.

Adjournment

At seven o'clock and thirty-five minutes in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, March 24, 2022

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

Devotional Exercises

Devotional exercises were conducted by Rep. Martel of Waterford.

**Second Reading; Amendment Substituted; Amendment Withdrawn;
Bill Amended; Third Reading Ordered****H. 703**

Rep. Kimbell of Woodstock, for the Committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to promoting workforce development

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

Sec. 1. IMMEDIATE STRATEGIES AND FUNDING FOR EXPANDING
THE LABOR FORCE; INCREASING THE NUMBER OF
PARTICIPANTS AND PARTICIPATION RATES;
APPROPRIATIONS

In fiscal year 2023, the following amounts are appropriated from the General Fund to the following recipients for the purposes specified:

(1) \$5,000,000.00 to the University of Vermont Office of Engagement, in consultation with the Vermont Student Assistance Corporation, to administer a statewide forgivable loan program of \$5,000.00 per graduate for recent college graduates across all Vermont higher education institutions who commit to work in Vermont for two years after graduation.

(2) \$1,000,000.00 to the State Refugee Office to administer as grants to refugee- or New American-focused programs working in Vermont to support increased in-migration or retention of recent arrivals.

(3) \$387,000.00 to Vermont Technical College to develop a skilled meat cutter training and apprenticeship facility.

Sec. 2. CTE FUNDING AND GOVERNANCE; FINDINGS

(a) Vermont's career and technical education (CTE) system is critical to ensuring that all Vermonters have access to the high-quality resources they need to explore a wide variety of career pathways, earn a postsecondary credential of value, and establish a productive career.

(b) CTE is a vital component of our educational system, supporting and delivering on the goals established by the General Assembly in 2013 Acts and Resolves No. 77 (flexible pathways), 2018 Acts and Resolves No. 189

(workforce development), and in achieving our attainment goal, which is that 70 percent of working-age Vermonters have a credential of value by 2025 (10 V.S.A. § 546).

(c) CTE is also an equity lever, providing every student access to critical workforce training, postsecondary coursework, and the real-world skills and networks that prepare our youth to continue to earn and learn during and after high school.

(d) As of the fall semester of the 2021–2022 school year, students were enrolling in CTE programs at a higher rate than at the beginning of the pandemic, increasing from 4,160 to 4,565. In the 2020–2021 school year, Vermont’s CTE system awarded Tier II credentials of value to 459 students.

(e) Since 2015, through legislative initiatives such as 2015 Acts and Resolves No. 51, 2017 Acts and Resolves No. 69, 2018 Acts and Resolves No. 189, 2019 Acts and Resolves No. 80, and most recently 2021 Acts and Resolves No. 74, the General Assembly and other stakeholders in education and in State government have been working to identify, understand, and resolve long-standing concerns related to the functioning of the CTE system.

(f) In 2018, the Agency of Education embarked on a collaborative process that included students, legislators, and communities across the State to develop a strategic vision and aspirational goals to help guide the transformation of the CTE system.

(g) The State Board of Education adopted the Agency of Education’s vision and goals for CTE that “all Vermont learners attain their postsecondary goals by having access to career and technical education systems that are equitable, efficient, integrated and collaborative.”

(h) 2018 Acts and Resolves No. 189 committed Vermont to a redesign of its workforce development and training system, including the approval of up to four pilot sites or projects to examine the way our CTE system is funded and governed.

(i) In a report dated June 14, 2021, the Agency of Education reported on its progress, which was interrupted by the COVID-19 pandemic. The report presented possible alternatives to our current funding structure, which is widely seen as a barrier to enrollment. However, these alternatives were based on an examination of only the CTE school district funding model and did not include the study of governance models. The report recommended completing this study of CTE funding and governance models to propose actionable implementation steps for the State.

(j) The Agency of Education’s State plan for federal Perkins funds is aligned to the vision and goals created through collaborative processes that

included a public comment period. Processes required in the federal legislation like the biennial Comprehensive Local Needs Assessment will strengthen the role of CTE in each region and help to focus the use of limited federal funds to improve the system.

Sec. 3. FUNDING AND GOVERNANCE STRUCTURES OF

CAREER TECHNICAL EDUCATION IN VERMONT

(a) There is appropriated to the Agency of Education for fiscal year 2023 the amount of \$180,000.00 from the General Fund to contract for services to:

(1) complete a systematic examination of the existing funding structures of career technical education (CTE) in Vermont and how these structures impede or promote the State's educational and workforce development goals;

(2) examine CTE governance structures in relationship to those funding structures;

(3) examine the implications of the existing funding and governance structures for kindergarten through grade 12 schools and adult education;

(4) consider the CTE funding and governance structures in other states;
and

(5) identify and prioritize potential new models of CTE funding and governance structures to reduce barriers to enrollment and to improve the quality, duration, impact, and access to CTE statewide.

(b) In performing its work, the contractor shall consult with the consultant and any other stakeholders involved in completing the report on the design, implementation, and costs of an integrated and coherent adult basic education, adult secondary education, and postsecondary career and technical education system pursuant to 2021 Acts and Resolves No. 74, Sec. H.3.

(c)(1) On or before March 1, 2023, the Agency of Education shall issue a written report to the House and Senate Committees on Education, the House Committee on Commerce and Economic Development, and the Senate Committee on Economic Development, Housing and General Affairs on the status of its work under subsection (a) of this section.

(2) On or before July 1, 2023, the Agency of Education shall develop an implementation plan, including recommended steps to design and implement new funding and governance models, and issue a written report to the House and Senate Committees on Education, the House Committee on Commerce and Economic Development, and the Senate Committee on Economic Development, Housing and General Affairs describing the results of its work

under subsection (a) of this section and making recommendations for legislative action.

Sec. 4. INVESTMENT IN THE UP-SKILLING OF PRIVATE SECTOR
EMPLOYERS TO SUPPORT THE EVOLUTION OF BUSINESS
AND ORGANIZATIONAL MODELS; APPROPRIATIONS

In fiscal year 2023, the amount of \$500,000.00 is appropriated from the General Fund to the Agency of Commerce and Community Development to regrant a performance-based contract to the Vermont Professionals of Color Network for statewide delivery of business coaching and other forms of training to BIPOC business owners, networking and special convenings, and career fairs, workshops and paid internships, career guidance, and other support for BIPOC workers across the State.

Sec. 5. REGIONAL WORKFORCE EXPANSION SYSTEM

(a) Regional Workforce Expansion System. The amount of \$3,000,000.00 is appropriated from the General Fund to the Department of Labor to launch and lead a coordinated regional system to support the State's workforce expansion efforts that is designed to:

(1) support employers in tailoring their work requirements, conditions, and expectations to better access local workers;

(2) collaborate with local education and training providers and regional workforce partners, to create and regularly distribute data related to local labor force supply and demand; and

(3) create and share work-based learning and training opportunities with secondary and postsecondary students, local workforce expansion partners, and others interested in starting or advancing in their career.

(b) System infrastructure.

(1) The Vermont Department of Labor shall make investments that improve and expand regional capacity to connect supply (workers) and demand (employment) in real-time.

(2) The Department shall place in the Barre, Bennington, Brattleboro, Rutland, St. Albans and St. Johnsbury areas, six state-funded Workforce Expansion Specialists who are limited-service, full-time-employees and who shall report to the Workforce Development Division.

(c) Coordination.

(1) The Department shall co-convene regular, regional meetings of education, training, business, and service provider partners; coordinate local

workforce information collection and distribution, assist with pilot projects, provide targeted sector support, and develop localized career resources such as information for career counseling, local job fairs, career expos, available to a wide range of stakeholders.

(2) The Department shall develop labor market information reports by CTE district to support discussion and decision making that will address local labor market challenges and opportunities and support a regional approach to solving local or unique labor supply challenges.

(d) Report. On or before December 15, 2024, the Department shall provide a narrative update on the progress made in hiring staff, establishing interagency agreements, developing regional information exchange systems, and serving jobseekers and employers to the House and Senate Committees of Jurisdiction. The report shall also recommend ongoing metrics that can be easily recorded and reported at the local and State levels on a regular basis to meet multiple information needs.

(e) Implementation. The Department of Labor shall begin implementing the Regional Workforce Expansion System on or before August 1, 2022.

Sec. 6. JUSTICE-INVOLVED INDIVIDUALS; WORKFORCE DEVELOPMENT; PILOT PROGRAM

(a) Findings.

(1) Justice-involved individuals are persons who hold a conviction record and may or may not have served time in a corrections facility.

(2) 95 percent of incarcerated individuals will be released to their communities and between 78–83 percent of those released are between 25 and 54 years of age, which is prime working age.

(3) 63 percent of incarcerated individuals in the Vermont Southern State Correctional Facility reported job training as the most helpful program to meet their needs.

(b) Policy; appropriations.

(1)(A) In fiscal year 2023, the amount of \$417,000.00 is appropriated from the General Fund to the Department of Corrections to address vocational enhancement needs.

(B) The Department shall use funds to transition vocational training space within existing correctional facilities to support continued education and vocational training and placement in the community.

(C) The Department may allocate funds over three years, consistent with the following:

(i) \$267,000 for transition development, to include equipment, renovation of vocational space, and/or mobile lab in one or more sites.

(ii) \$100,000 for training partner support.

(iii) \$50,000 for development of curriculum.

(2) In fiscal year 2023, the amount of \$300,000.00 is appropriated from the General Fund to the Department of Corrections to subgrant to the Vermont Works for Women, which may be allocated over not more than three years, to establish a community-based pilot reentry program at the Chittenden Correctional Facility that will provide continuity of services for justice-involved women and:

(A) expand VWW's current employment readiness program within the Chittenden facility by building pathways for coordinated transition to employment;

(B) focus on the first six months after individuals are released from the facility;

(C) coordinate with local community resources, parole and probation offices, and supports to ensure successful transition into the community;

(D) assist individuals in successfully transitioning into new jobs; and

(E) work with employers to support successful hiring and best practices to support justice involved employees.

(c) Report. On or before January 15, 2023, the Department of Corrections shall create and submit a report on Workforce and Education Training Programs in Correctional Facilities to the Joint Legislative Justice Oversight Committee; the House Committees on Corrections and Institutions and on Commerce and Economic Development; and the Senate Committees on Economic Development, Housing and General Affairs and on Judiciary. The report shall:

(1) identify program design, logistical needs, and policy changes to current Department of Corrections facility-based training and educational programs necessary to successfully support justice involved individuals' reentry into their communities, including changes to programs that better support individuals' skill development, knowledge, and support needed to qualify and secure a position in a critical occupation in Vermont;

(2) identify disparities of outcomes for justice-involved BIPOC individuals in facility-based training and educational programming and

successful reentry into the community and solutions for addressing the disparities;

(3) provide an update on the Department of Corrections Vocational Enhancement work funding in FY23; and

(4) provide an update on what aspects of the Reentry Pilot Program could and should be replicated in other correctional facilities in Vermont.

Sec. 7. REPEALS

10 V.S.A. §§ 544 and 545 are repealed.

Sec. 8. WORK-BASED LEARNING AND TRAINING PROGRAM

(a) Vermont Work-Based Learning and Training Program. The Department of Labor shall develop the statewide Work-Based Learning and Training Program that serves transitioning secondary and postsecondary students and Vermonters seeking work-based experience as part of a career change and is designed to:

(1) support Vermonters who are graduating from postsecondary education or a secondary CTE program or who are pursuing a career change with a paid on-the-job work experience lasting 12 weeks or less;

(2) establish a statewide platform available to all employers to list their internships, returnships, pre-apprenticeships, and registered apprenticeship opportunities and for jobseekers to view and access information about specific opportunities; and

(3) support employers by providing them with assistance in developing and implementing meaningful work-based learning and training opportunities.

(b) Definitions. As used in this section:

(1) “Internship” means a work-based learning experience with an employer where the participant may, but does not necessarily, receive academic credit.

(2) “Pre-apprenticeship” is a program of combined learning and work-based experiences that lead to an informal apprenticeship or formal registered apprenticeship program.

(3) “Registered Apprenticeship” is a program approved by the Vermont Department of Labor as a federally recognized apprenticeship program.

(4) “Returnship” means an on-the-job learning experience for an individual who is returning to the workforce after an extended absence or is seeking a limited-duration on-the-job work experience in a different occupation or occupational setting as part of a career change.

(c) Activities. The Department may use funds appropriated to it for the Program to:

- (1) build and administer the Program;
- (2) develop an online platform that will connect students and jobseekers with work-based learning and training opportunities within Vermont;
- (3) support work-based learning and training opportunities with public and private employers available to prospective workers located in or relocating to Vermont;
- (4) promote work-based learning and training as a valuable component of a talent pipeline; and
- (5) assist employers in developing meaningful work-based learning and training opportunities.

(d) Data; goals. The Department shall collect data and establish goals and performance measures that demonstrate Program results for activities funded through the Program.

(e) State participation. The Department shall engage appropriate State agencies and departments to expand Program opportunities with State government and with entities awarded State contracts.

(f) Reporting. On or before February 15, 2023, the Department shall report on recommended metrics for measuring Program performance to the relevant committees of jurisdiction.

Sec. 8a. INTERNSHIP COST OFFSET INITIATIVE

(a) In fiscal year 2023 the amount of \$3,000,000 is appropriated from the General Fund to the Department of Labor for an Internship Cost Offset Initiative.

(b) The Department shall design and implement the Initiative to expand the number of postsecondary students participating in an internship with a Vermont employer, consistent with the following:

(1) Students enrolled in an approved postsecondary institution are eligible for not more than \$3,000.00 for tuition and fees directly related to participating in an internship with a Vermont employer for which they are also receiving postsecondary credit toward a degree.

(2) The Department shall enter into an agreement with the Vermont Student Assistance Corporation to develop and administer the Initiative, which shall include an amount not to exceed 7 percent for costs associated with the administration of the program.

(c) Reporting. On or before February 15, 2023, the Department shall report on recommended metrics for measuring Initiative performance to the relevant committees of jurisdiction.

Sec. 9. THE VERMONT TRADES SCHOLARSHIP PROGRAM

(a) The Vermont Trades Scholarship Program is created and shall be administered by the Vermont Student Assistance Corporation. The Vermont Student Assistance Corporation shall disburse initial licensing fees, exam fees, and tuition payments under the Program on behalf of eligible individuals, subject to the appropriation of funds by the General Assembly for this purpose.

(b) To be eligible for a scholarship under the Program, an individual, whether a resident or nonresident, shall:

(1) be enrolled in an industry recognized training and certification program that leads to initial employment or career advancement in a building, mechanical, industrial, or medical trade, or in clean energy, energy efficiency, weatherization, or clean transportation;

(2) demonstrate financial need;

(3) register with the Vermont Department of Labor for the purpose of receiving relevant job referrals, if unemployed; and

(4) agree to work in their profession in Vermont for a minimum of one year following licensure or certification completion for each year of scholarship awarded.

(c)(1) The Corporation shall give preference to students attending a Vermont-based training program or, if one isn't available for their certification, an offer of employment or promotion from a Vermont employer upon completion.

(2) The Corporation shall give priority to applicants who have not received other assistance.

(d) There shall be no deadline to apply for a scholarship under this section. Scholarships shall be awarded on a rolling basis if funds are available, and any funds remaining at the end of a fiscal year shall roll over and shall be available to the Vermont Student Assistance Corporation in the following fiscal year to award additional scholarships as set forth in this section.

(e) The sum of \$3,000,000.00 in base General Funds is appropriated to the Vermont Student Assistance Corporation for scholarships for trades students under the Vermont Trades Scholarship Program.

Sec. 10. THE VERMONT TRADES LOAN REIMBURSEMENT
PROGRAM

(a) The Vermont Trades Loan Repayment Reimbursement Program is created and shall be administered by the Vermont Student Assistance Corporation. The Vermont Student Assistance Corporation shall disburse funds under the Program to eligible individuals, subject to the appropriation of funds by the General Assembly for this purpose.

(b) To be eligible for loan repayment under the Program, an individual, shall:

(1) be a Vermont resident; and

(2) be employed in an occupation in the building, mechanical, industrial, or medical trades, or in the clean energy, energy efficiency, weatherization, or clean transportation sectors, for an average of at least 30 hours per week for least one full calendar year before applying.

(c) For every year of work in a qualifying occupation, an individual shall be eligible for up to \$5,000.00 in loan repayment reimbursement. Reimbursements shall not exceed the total amount of educational debt owed.

(d) There shall be no deadline to apply for loan repayment reimbursement under this section. Loan repayment shall be awarded on a rolling basis if funds are available, and any funds remaining at the end of a fiscal year shall roll over and shall be available to the Vermont Student Assistance Corporation in the following fiscal year to award additional loan repayment as set forth in this section.

(e) The sum of \$500,000.00 is appropriated from the General Fund to the Vermont Student Assistance Corporation for loan repayment for trades professionals under the Program.

Sec. 11. CTE CONSTRUCTION AND REHABILITATION

EXPERIENTIAL LEARNING PROGRAM; REVOLVING LOAN
FUND

(a) Purpose. This section authorizes and provides funding for the CTE Construction and Rehabilitation Experiential Learning Program and Revolving Loan Fund, the purposes of which are to:

(1) expand the experiential and educational opportunities for high school and adult CTE students to work directly on construction projects;

(2) build community partnerships among CTE centers, housing organizations, government, and private businesses;

(3) beautify communities and rehabilitate buildings that are underperforming assets;

(4) expand housing access to Vermonters in communities throughout the State; and

(5) improve property values while teaching high school and adult students trade skills.

(b) Appropriation; creation of fund; administration.

(1) In fiscal year 2023, the amount of \$15,000,000.00 is appropriated from the Education Fund to the Vermont Housing and Conservation Board to create and administer the CTE Construction and Rehabilitation Experiential Learning Program and Revolving Loan Fund pursuant to this section.

(2) The Board may use not more than five percent of the Fund for its costs of administration.

(c) Proposals; applications; funding.

(1) A regional CTE center, working in collaboration with one or more housing and community partners, private businesses, nonprofit organizations, or municipalities, shall identify construction projects that would be relevant and appropriate for CTE students enrolled in construction, electrical, plumbing, design, business management, or other CTE programs, including:

(A) rehabilitation of residential properties that are blighted or not code-compliant;

(B) new residential construction projects or improvements to land in cases of critical community need; and

(C) commercial construction projects that have substantial community benefit.

(2) Prior to or during the application process, a CTE center and its partners may consult with the Board to identify and consider potential funding partners to leverage amounts available through the Fund.

(3) A CTE center and its partners shall apply to the Board for funding by submitting a project application that includes the information required by the Board and addresses the following:

(A) the educational benefits for students and fit with the CTE curriculum;

(B) the community benefits for the neighborhood, municipality, or region in which the project is located; and

(C) the partners with whom the CTE center is collaborating and the respective responsibility for the aspects of a project, including:

- (i) educational instruction and academic credit;
- (ii) project management;
- (iii) insurance coverage for students and the property;
- (iv) compensation and benefits, including compliance with labor laws, standards, and practices; and
- (v) property acquisition, ownership, and transfer.

(4) A CTE center may use funding for, and shall specify in its application the allocation of costs associated with:

(A) acquisition, design, permitting, construction, marketing, and other building-related expenses; and

(B) costs for labor, including for student wages and for instructor compensation during the academic year as well as for summer or other work that is not otherwise budgeted during the academic year.

(d) Eligibility; review; approval. The Board may approve an application that includes the information required by subsection (c) of this section and provide funding for a project that meets the following eligibility criteria:

(1) The project involves the rehabilitation of blighted or otherwise noncode compliant property, or new residential construction projects or improvements to land in cases of critical need, and results in a building with not more than four residential dwelling units.

(2) The project includes a weatherization component.

(3) Students working on the project receive academic credit, a competitive wage, or both.

(e) Affordability; flexibility. If appropriate in the circumstances, the Board may condition funding for a project on the inclusion of one or mechanisms addressing the affordability of the property upon rent or sale.

(f) Funding; proceeds; revolving loans.

(1) The Board shall provide funding for projects from the amounts available in the Fund in the form of zero-interest loans, in an amount, for a period, and upon terms specified by the Board.

(2) The Board shall return to the Fund any proceeds realized to provide funding for future projects.

(g) Report. The Board shall address the implementation of this section in its annual report to the General Assembly.

Sec. 12. EARLY CHILDHOOD EDUCATOR RECRUITMENT

In fiscal year 2023, the amount of \$125,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division to subgrant to the Vermont Association for the Education of Young Children to develop and implement a comprehensive early childhood educator recruitment campaign.

Sec. 13. HEALTH CARE WORKFORCE; LEGISLATIVE INTENT

(a) The General Assembly values all health care workers, at every level and in each component of the health care system. The General Assembly also acknowledges the many struggles faced by health care workers and that the pandemic has placed further strain on an already taxed system. Many health care workers have not had their pay adjusted over time to address increases in the cost of living, essentially amounting to pay cuts from year to year. Health care workers have experienced burnout, trauma, and moral injuries due to a history of underfunding and the present stress of the pandemic.

(b) In order to retain and recruit health care workers in Vermont, it is the intent of the General Assembly to invest in multiple solutions aimed at reinforcing our health care workforce in the present and sustaining our health care workers into the future.

Sec. 14. EMERGENCY GRANTS TO SUPPORT NURSE EDUCATORS

(a) The sum of \$3,000,000.00 is appropriated to the Department of Health from General Fund in fiscal year 2023 and shall carry forward for the purpose of providing emergency interim grants to Vermont's nursing schools over three years to increase the compensation for their nurse faculty and staff, with \$1,000,000.00 to be distributed in each of fiscal years 2023, 2024, and 2025 to increase the compensation for each full-time-equivalent (FTE) member of the clinical and didactic nurse faculty and staff. The Department shall distribute the funds among the nursing schools in Vermont equitably based on each school's proportion of nursing faculty and staff to the total number of FTE nursing faculty and staff across all nursing schools statewide.

(b) If the nurse faculty or staff, or both, of a nursing school receiving a grant under this section are subject to a collective bargaining agreement, the use of the grant funds provided to the nursing school for those faculty or staff, or both, shall be subject to impact bargaining between the nursing school and the collective bargaining representative of the nurse faculty or staff, or both, to the extent required by the applicable collective bargaining agreement.

Sec. 15. NURSE PRECEPTOR INCENTIVE GRANTS; HOSPITALS;
WORKING GROUP; REPORT

(a)(1) The sum of \$2,400,000.00 is appropriated to the Agency of Human Services from the General Fund in fiscal year 2023 to provide incentive grants to hospital-employed nurses in Vermont to serve as preceptors for nursing students enrolled in Vermont nursing school programs. The Agency shall distribute the funds to hospitals employing nurses who provide student preceptor supervision based on the number of preceptor hours to be provided, at a rate of \$5.00 per preceptor hour, or a lesser hourly rate if the need exceeds the available funds.

(2) If nurse preceptors receiving compensation pursuant to a grant awarded to a hospital under this section are subject to a collective bargaining agreement, the use of the grant funds provided to the hospital for the nurse preceptors shall be subject to impact bargaining between the hospital and the collective bargaining representative of the nurses to the extent required by the collective bargaining agreement.

(b)(1) The Director of Health Care Reform or designee in the Agency of Human Services shall convene a working group of stakeholders representing nursing schools, long-term care facilities, designated and specialized service agencies, federally qualified health centers, home health agencies, primary care practices, and other health care facilities to:

(A) identify ways to increase clinical placement opportunities across a variety of health care settings for nursing students enrolled in Vermont nursing school programs;

(B) establish sustainable funding models for compensating nurses serving as preceptors or for supporting the hiring of additional nurses to alleviate the pressures on nurse preceptors, or both; and

(C) develop an action plan for implementing the clinical placement expansion and sustainable funding models identified and established pursuant to subdivisions (A) and (B) of this subdivision (1), including addressing the need for student housing opportunities.

(2) On or before January 15, 2023, the Director of Health Care Reform shall provide the working group's action plan and any recommendations for legislative action to the House Committees on Health Care, on Commerce and Economic Development, and on Appropriations and the Senate Committees on Health and Welfare, on Economic Development, Housing and General Affairs, and on Appropriations.

Sec. 16. HEALTH CARE EMPLOYER NURSING PIPELINE AND
APPRENTICESHIP PROGRAM

(a) The sum of \$3,000,000.00 is appropriated to the Vermont Student Assistance Corporation (VSAC) from the General Fund in fiscal year 2023 and shall carry forward for the purpose of providing grants to health care employers, including hospitals, long-term care facilities, designated and specialized service agencies, federally qualified health centers, and other health care providers, to establish or expand partnerships with Vermont nursing schools to create nursing pipeline or apprenticeship programs, or both, that will train members of the health care employers' existing staff, including personal care attendants, licensed nursing assistants, and licensed practical nurses, to become higher-level nursing professionals. Through a combination of scholarship awards, grants awarded to health care employers pursuant to this section, and the health care employer's contributions, the trainees' tuition and fees shall be covered in full, and trainees shall be provided with assistance in meeting their living costs, such as housing and child care, while attending the program.

(b) In awarding grants pursuant to this section, VSAC shall give priority to health care employer proposals based on the following criteria:

(1) the extent to which the health care employer proposes to participate financially in the program;

(2) the extent of the health care employer's commitment to sustaining the program financially, including providing financial support for nurse preceptors, to create ongoing opportunities for educational advancement in nursing;

(3) the ability of the health care employer's staff to leverage nursing scholarship opportunities to maximize the reach of the grant funds;

(4) the employer's demonstrated ability to retain nursing students in the Vermont nursing workforce;

(5) the employer's geographic location, in order to ensure access to pipeline and apprenticeship programs for nursing staff across Vermont; and

(6) the employer's commitment to advancing the professional development of individuals from marginalized communities, especially those that have been historically disadvantaged in accessing educational opportunities and career advancement in the health care professions.

(c)(1) VSAC shall begin awarding grants under this section expeditiously in order to enable health care employer staff to begin enrolling in nursing school programs that commence in the fall of 2022.

(2) On or before September 15, 2022, VSAC shall provide an update to the Health Reform Oversight Committee on the status of program implementation.

Sec. 17. 18 V.S.A. § 34 is added to read:

§ 34. VERMONT NURSING FORGIVABLE LOAN INCENTIVE
PROGRAM

(a) The Vermont Nursing Forgivable Loan Incentive Program is created and shall be administered by the Department of Health in collaboration with the Vermont Student Assistance Corporation. The Vermont Student Assistance Corporation shall disburse scholarship funds under the Program on behalf of eligible individuals, subject to the appropriation of funds by the General Assembly for this purpose.

(b) To be eligible for a scholarship under the Program, an individual, whether a resident or nonresident, shall:

(1) be enrolled at an approved postsecondary education institution as defined in 16 V.S.A. § 2822;

(2) demonstrate financial need;

(3) demonstrate academic capacity by carrying the minimum grade point average in the individual's course of study prior to receiving the fund award; and

(4) agree to work as a nurse in Vermont for a minimum of one year following licensure for each year of scholarship awarded.

(c)(1) First priority for scholarship funds shall be given to students pursuing a practical nursing certificate who will be eligible to sit for the NCLEX-PN examination upon completion of the certificate.

(2) Second priority for scholarship funds shall be given to students pursuing an associate's degree in nursing who will be eligible to sit for the NCLEX-RN examination upon graduation.

(3) Third priority for scholarship funds shall be given to students pursuing a bachelor of science degree in nursing.

(4) Fourth priority shall be given to students pursuing graduate nursing education.

(d) Students attending an approved postsecondary educational institution in Vermont shall receive first preference for scholarships.

(e) There shall be no deadline to apply for a scholarship under this section. Scholarships shall be awarded on a rolling basis as long as funds are available,

and any funds remaining at the end of a fiscal year shall roll over and shall be available to the Department of Health and the Vermont Student Assistance Corporation in the following fiscal year to award additional scholarships as set forth in this section.

Sec. 18. REPEAL

18 V.S.A. § 31 (educational assistance; incentives; nurses) is repealed.

Sec. 19. VERMONT NURSING FORGIVABLE LOAN INCENTIVE
PROGRAM; APPROPRIATION

The sum of \$3,000,000.00 in Global Commitment investment funds is appropriated to the Department of Health in fiscal year 2023 for scholarships for nursing students under the Vermont Nursing Forgivable Loan Program established in Sec. 17 of this act.

Sec. 20. 18 V.S.A. § 35 is added to read:

§ 35. VERMONT NURSING LOAN REPAYMENT PROGRAM

(a) As used in this section:

(1) “Corporation” means the Vermont Student Assistance Corporation established in 16 V.S.A. § 2821.

(2) “Eligible individual” means an individual who satisfies the eligibility requirements for loan repayment under this section.

(3) “Eligible school” means an approved postsecondary education institution, as defined under 16 V.S.A. § 2822.

(4) “Loan repayment” means the cancellation and repayment of loans under this section.

(5) “Loans” means education loans guaranteed, made, financed, serviced, or otherwise administered by the Corporation under this subchapter for attendance at an eligible school.

(6) “Program” means the Vermont Nursing Loan Repayment Program created under this section.

(b) The Vermont Nursing Loan Repayment Program is created and shall be administered by the Department of Health in collaboration with the Corporation. The Program provides loan repayment on behalf of individuals who live and work as a nurse in this State and who meet the eligibility requirements in subsection (e) of this section.

(c) The loan repayment benefits provided under the Program shall be paid on behalf of the eligible individual by the Corporation, subject to the appropriation of funds by the General Assembly specifically for this purpose.

(d) To be eligible for loan repayment under the Program, an individual shall satisfy all of the following requirements:

(1) have graduated from an eligible school where the individual has, within the past five years, been awarded a nursing degree;

(2) had the minimum grade point average or better or the equivalent as determined by the Corporation if the eligible school does not use grade point averages from the eligible school;

(3) work as a nurse in this State; and

(4) be a resident of Vermont.

(f)(1) An eligible individual shall be entitled to an amount of loan cancellation and repayment under this section equal to one year of loans for every for one year of service as a nurse in this State.

(2) The Corporation shall award loan repayments in amounts that are sufficient to attract high-quality candidates while also making a meaningful increase in Vermont's health care professional workforce.

(i) The Corporation shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section.

Sec. 21. VERMONT NURSING LOAN REPAYMENT PROGRAM;

APPROPRIATION

The sum of \$2,000,000.00 is appropriated from the General Fund to the Department of Health in fiscal year 2023 for loan repayment for nurses under the Vermont Nursing Loan Repayment Program established in Sec. 20 of this act.

Sec. 22. 18 V.S.A. § 36 is added to read:

§ 36. NURSE EDUCATOR SCHOLARSHIP AND LOAN REPAYMENT PROGRAM

(a) Definitions. As used in this section:

(1) "Eligible individual" means an individual who satisfies the eligibility requirements under this section for a scholarship or loan repayment.

(2) "Eligible school" means an approved postsecondary education institution, as defined under 16 V.S.A. § 2822.

(3) “Gift aid” means grant or scholarship financial aid received from the federal government or from the State.

(4) “Loan repayment” means the cancellation and repayment of loans under this section.

(5) “Loans” means education loans guaranteed, made, financed, serviced, or otherwise administered by the Corporation under this subchapter for attendance at an eligible school.

(6) “Program” means the Nurse Educator Scholarship and Loan Repayment Program created under this section.

(7) “Scholarship” means a scholarship awarded under this section covering tuition, room, board, and the cost of required books and supplies for up to full-time attendance at an eligible school.

(b) Program creation. The Nurse Educator Scholarship and Loan Repayment Program is created and shall be administered by the Department of Health in collaboration with the Corporation. The Program provides scholarships to students enrolled in an eligible school who commit to working as a nurse educator at a nursing school in this State and who meet the eligibility requirements in subsection (d) of this section. The Program also provides loan repayment on behalf of individuals who work as nurse educators at a nursing school in this State and who meet the eligibility requirements in subsection (e) of this section.

(c) The scholarship and loan repayment benefits provided under the Program shall be paid on behalf of the eligible individual by the Corporation, subject to the appropriation of funds by the General Assembly specifically for this purpose.

(d) Eligibility for scholarships. To be eligible for a scholarship under the Program, an individual, whether a resident or nonresident, shall satisfy all of the following requirements:

(1) be enrolled at an eligible school in a program that leads to a graduate degree in nursing;

(2) continually demonstrate satisfactory academic progress by maintaining the minimum grade point average or better or the equivalent as determined by the Corporation if the eligible school does not use grade point averages;

(3) have used any available gift aid;

(4) have executed a contract with the Corporation committing the individual to work as a nurse educator at a nursing school in this State;

(5) have executed a promissory note obligating the individual to repay the individual's scholarship benefit, in whole or in part, if the individual fails to complete the period of service required in subsection (f) of this section; and

(6) have completed the Program's application form, the free application for federal student aid (FAFSA), and the Vermont grant application each academic year of enrollment in accordance with a schedule determined by the Corporation.

(e) Eligibility for loan repayment. To be eligible for loan repayment under the Program, an individual shall satisfy all of the following requirements:

(1) graduated from an eligible school where the individual has, within the past five years, been awarded a graduate degree in nursing;

(2) had the minimum grade point average or better or the equivalent as determined by the Corporation if the eligible school does not use grade point averages from the eligible school;

(3) work as a nurse educator at a nursing school in this State; and

(4) be a resident of Vermont.

(f) Service commitment.

(1) Scholarships. For each year of service as a nurse educator at a nursing school in this State, an eligible individual shall be entitled to a full academic year of full scholarship benefit under the Program. If an eligible individual fails to serve as a nurse educator at a nursing school in this State for a period that would entitle the individual to the full scholarship benefit received by the individual, other than for good cause as determined by the Corporation, then the individual shall reimburse the Corporation a pro rata portion of the scholarship paid under the Program pursuant to the terms of the interest-free reimbursement promissory note signed by the individual at the time of entering the Program.

(2) Loan repayment. An eligible individual shall be entitled to an amount of loan cancellation and repayment under this section equal to one year of loans for every for one year of service as a nurse educator at a nursing school in this State.

(g) Adoption of policies, procedures, and guidelines. The Corporation shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section.

Sec. 23. NURSE EDUCATOR SCHOLARSHIP AND LOAN REPAYMENT PROGRAM; APPROPRIATION

The sum of \$500,000.00 is appropriated from the General Fund to the Department of Health in fiscal year 2023 for scholarships and loan repayment for nurse educators under the Nurse Educator Scholarship and Loan Repayment Program established in Sec. 22 of this act.

Sec. 24. NURSING SCHOOLS; SIMULATION LAB UPDATE AND EXPANSION; APPROPRIATION

The sum of \$4,000,000.00 is appropriated from the General Fund to the Agency of Human Services in fiscal year 2023 for purposes of providing capital grants to nursing school programs to enable them to renovate or expand their simulation laboratories, or both, in order to enable them to increase student enrollment. The amount of the grant funds shall be divided among the nursing schools in Vermont based on each school's projected nursing student enrollment following completion of the renovation or expansion.

Sec. 25. 18 V.S.A. § 9456 is amended to read:

§ 9456. BUDGET REVIEW

(a) The Board shall conduct reviews of each hospital's proposed budget based on the information provided pursuant to this subchapter and in accordance with a schedule established by the Board.

(b) In conjunction with budget reviews, the Board shall:

* * *

(10) require each hospital to provide information on administrative costs, as defined by the Board, including specific information on the amounts spent on marketing and advertising costs; and

(11) require each hospital to create or maintain connectivity to the State's Health Information Exchange Network in accordance with the criteria established by the Vermont Information Technology Leaders, Inc., pursuant to subsection 9352(i) of this title, provided that the Board shall not require a hospital to create a level of connectivity that the State's Exchange is unable to support;

(12) review the hospital's investments in workforce development initiatives, including nursing workforce pipeline collaborations with nursing schools and compensation and other support for nurse preceptors; and

(13) consider the salaries for the hospital's executive and clinical leadership and the hospital's salary spread, including a comparison of median salaries to the medians of northern New England states.

* * *

Sec. 26. GREEN MOUNTAIN CARE BOARD; FISCAL YEAR 2023
HOSPITAL BUDGET REVIEW; NURSING WORKFORCE
DEVELOPMENT INITIATIVES

For hospital fiscal year 2023, the Green Mountain Care Board may exclude all or a portion of a hospital's investments in nursing workforce development initiatives from any otherwise applicable financial limitations on the hospital's budget or budget growth. Notwithstanding any provision of GMCB Rule 3.202, the Board may modify its hospital budget guidance for hospital fiscal year 2023 as needed to comply with this section.

Sec. 27. DESIGNATED AND SPECIALIZED SERVICE AGENCIES;
MEDICAID RATE INCREASE; REPORT

(a) Since the 1960s, the State and federal governments have directed the community mental health system to provide care in the community using the least restrictive means for those who would previously have been institutionalized, but never redistributed the money to the community mental health system or fully funded that mandate. The General Assembly is taking the steps set forth in subsections (b) and (c) of this section to address the shortfall.

(b) In order to increase by 10 percent the Medicaid rates for the mental health and developmental disability services provided by designated and specialized service agencies, the sum of \$41,854,493.00 in Global Commitment dollars is appropriated to the Agency of Human Services in fiscal year 2023.

(c) The Departments of Mental Health and of Disabilities, Aging, and Independent Living, in consultation with representatives of the designated and specialized services agencies, shall report to the House Committees on Health Care, on Human Services, and on Appropriations and the Senate Committees on Health and Welfare and on Appropriations on or before January 15, 2023 with the total amount of funds that would be necessary on an annual basis to increase the salaries for all staff in the community mental health system to the level of equivalent positions in the State workforce, Vermont hospitals, and school settings.

Sec. 28. AGENCY OF HUMAN SERVICES; DESIGNATED AND
SPECIALIZED SERVICE AGENCIES; WORKFORCE
DEVELOPMENT

(a) The sum of \$6,000,000.00 is appropriated to the Agency of Human Services from the General Fund in fiscal year 2023 to expand the supply of high-quality mental health, substance use disorder treatment, and developmental disability services professionals by distributing funds to the designated and specialized service agencies equitably based on each agency's proportion of full-time- equivalent (FTE) mental health, substance use disorder treatment, and developmental disability services staff to the total number of FTE mental health, substance use disorder treatment, and developmental disability services staff across all designated and specialized service agencies statewide. The designated and specialized service agencies shall use these funds for loan repayment and tuition assistance to promote the recruitment and retention of high-quality mental health, substance use disorder treatment, and developmental disability services professionals available to Vermont residents in need of their services, as set forth in subsection (b) of this section.

(b)(1) Each designated and specialized service agency shall make the funds received pursuant to subsection (a) of this section available to its current and prospective employees as set forth in subdivisions (A) and (B) of this subdivision (1) on a rolling basis in exchange for a one-year service obligation to provide mental health, substance use disorder treatment, or developmental disability services, or a combination of these, at a designated or specialized service agency in this State. The funds may be used for the following purposes:

(A) loan repayment for master's-level clinicians, bachelor's-level direct service staff, and nurses; and

(B) tuition assistance for individuals pursuing degrees to become master's-level clinicians, bachelor's-level direct service staff, and nurses.

(2) Loan repayment and tuition assistance funds shall be available to the current and prospective employees of designated and specialized service agencies in the form of forgivable loans, with the debt forgiven upon the employee's completion of the required service obligation.

(c) Until the funds have been fully expended, the Agency of Human Services shall report on or before January 15 annually to the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare with information on the following:

(1) the specific designated and specialized service agencies that have received funds to date and the programs within each of those agencies in which the financial assistance recipients will deliver services;

(2) the amount of financial assistance funding provided to each recipient;

(3) the specific degrees or certificates toward which the tuition assistance recipients are working and those earned by loan repayment recipients; and

(4) the number of new employees attracted to the designated and specialized service agencies as a result of the financial assistance, their fields of study, and the programs in which they deliver services.

Sec. 29. OFFICE OF PROFESSIONAL REGULATION; BARRIERS TO

MENTAL HEALTH LICENSURE; REPORT

The Office of Professional Regulation shall undertake a systematic review of the licensing processes for mental health and substance use disorder treatment professionals to identify barriers to licensure. On or before January 15, 2023, the Office shall provide its findings and recommendations to address any identified barriers to licensure to the House Committees on Health Care, on Human Services, on Commerce and Economic Development, and on Government Operations and the Senate Committees on Health and Welfare, on Economic Development, Housing and General Affairs, and on Government Operations.

Sec. 30. AGENCY OF HUMAN SERVICES; POSITION; APPROPRIATION

(a) One classified, three-year limited-service Health Care Workforce Coordinator position is created in the Agency of Human Services, Office of Health Care Reform in fiscal year 2023 to support the health care workforce initiatives set forth in this act and in the Health Care Workforce Development Strategic Plan. The Coordinator shall focus on building educational, clinical, and housing partnerships and support structures to increase and improve health care workforce training, recruitment, and retention.

(b) The sum of \$170,000.00 is appropriated from the General Fund to the Agency of Human Services, Office of Health Care Reform in fiscal year 2023 for the Health Care Workforce Coordinator position, of which \$120,000.00 is for personal services and \$50,000.00 is for operating expenses.

Sec. 31. DEPARTMENT OF LABOR; HEALTH CARE WORKFORCE
DATA HUB; HEALTH RESOURCE ALLOCATION PLAN

The sum of \$2,500,000.00 is appropriated to the Department of Labor from the General Fund in fiscal year 2023 to enable the Department to serve as the State's health care workforce data hub. The Department shall collect health care workforce data and identify and propose solutions to address data gaps, and shall share the data with the Green Mountain Care Board to inform the Board's work in identifying the State's health resources available to meet Vermonters' health care needs and additional resources that may be necessary, as part of the Board's Health Resource Allocation Plan responsibilities pursuant to 18 V.S.A. § 9405. The Department shall use existing statewide information to the extent practicable to avoid imposing administrative burdens on health care providers and to avoid duplication of efforts underway elsewhere in Vermont. The Department shall expand its data collection practices over two years to include all levels of the health care workforce, beginning with the highest-level licensed health care professionals.

Sec. 32. DEPARTMENT OF LABOR; GREEN MOUNTAIN CARE
BOARD; SUPPLY AND DEMAND MODELING

On or before January 15, 2023, the Department of Labor, in collaboration with the Green Mountain Care Board, shall explore and recommend to the House Committees on Health Care, on Human Services, and on Commerce and Economic Development and the Senate Committees on Health and Welfare and on Economic Development, Housing and General Affairs a process, methodology, and necessary funding amounts to establish and maintain the capacity to perform health care supply and demand modeling based on information in the health care workforce data hub, for use by health care employers, health care educators, and policymakers.

Sec. 33. DEPARTMENT OF FINANCIAL REGULATION; GREEN
MOUNTAIN CARE BOARD; PRIOR AUTHORIZATIONS;
ADMINISTRATIVE COST REDUCTION; REPORT

(a) The Department of Financial Regulation shall explore the feasibility of requiring health insurers and their prior authorization vendors to access clinical data from the Vermont Health Information Exchange whenever possible to support prior authorization requests in situations in which a request cannot be automatically approved.

(b) The Department of Financial Regulation shall direct health insurers to provide prior authorization information to the Department in a format required by the Department in order to enable the Department to analyze opportunities

to align and streamline prior authorization request processes. The Department shall share its findings and recommendations with the Green Mountain Care Board, and the Department and the Board shall collaborate to provide recommendations to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance on or before January 15, 2023 regarding the statutory changes necessary to align and streamline prior authorization processes and requirements across health insurers.

Sec. 34. 33 V.S.A. § 3543 is amended to read:

§ 3543. STUDENT LOAN REPAYMENT ASSISTANCE

(a)(1) There is established a need-based student loan repayment assistance program for the purpose of providing student loan repayment assistance to any individual employed by a regulated, privately operated center-based child care program or family child care home.

(2) An eligible individual shall:

(A) work in a privately operated center-based child care program or in a family child care home that is regulated by the Division for at least an average of 30 hours per week for 48 weeks of the year, except that this minimum time requirement does not apply to an employee of Vermont Head Start to the extent it conflicts with any law or contract provision governing the terms of employment.

(B) receive an annual salary of not more than \$50,000.00; and

(C) have earned an associates or bachelor's degree with a major concentration in early childhood, child and human development, elementary education, special education with a birth to age eight focus, or child and family services within the preceding five years.

* * *

Sec. 35. PILOT PROGRAM; POSITIONS EMBEDDED WITHIN
RECOVERY CENTERS

(a)(1) In fiscal year 2023, \$1,290,000.00 is appropriated to the Department for Disabilities, Aging, and Independent Living's Division of Vocation Rehabilitation and the Vermont Association of Business Industry and Rehabilitation from the State and Local Fiscal Recovery Fund for the purpose of developing and implementing a two-year pilot program that embeds 15 FTE new positions within 12 recovery centers across the State.

(2) The 15 FTE limited-service positions shall be allocated as follows:

(A) Of the total appropriation, \$540,000.00 total shall be allocated in equal amounts to fund the following 2.5 FTE at each of two geographically diverse recovery centers:

(i) one FTE to serve as an employment counselor within the Division of Vocation Rehabilitation;

(ii) one FTE to serve as an employment consultant within the Vermont Association of Business Industry and Rehabilitation; and

(iii) 0.5 FTE to serve as Employment Assistance Program staff within the Division of Vocation Rehabilitation.

(B) Of the total appropriation, \$75,000.00 shall be allocated in equal amounts to fund one FTE who shall serve as an employment support counselor at each of the 10 remaining recovery centers in the State.

(b) On or before January 1, 2024, the Division of Vocational Rehabilitation, in collaboration with the Vermont Association of Business Industry and Rehabilitation, shall submit a report to the House Committees on Commerce and Economic Development and on Human Services and to the Senate Committees on Economic Development, Housing and General Affairs and on Health and Welfare summarizing the effectiveness of the pilot program, including:

- (1) educational attainment and achievement of program recipients;
- (2) acquisition of a credential of value pursuant to 10 V.S.A. § 546;
- (3) number of job placements; and
- (4) job retention rates.

Sec. 36. ADVANCE VERMONT PUBLIC-PRIVATE PARTNERSHIP

(a) Duties. Advance Vermont shall perform the following duties, in coordination and alignment with State partners, in support of the State's goal articulated in 10 V.S.A. § 546 that 70 percent of working-age Vermonters hold a credential of value by 2025 (Goal):

(1) increase public awareness of the value of postsecondary education and training to help persons of any age make informed decisions about the value of education and training that would further their advancement in educational pathways and pursuit of career goals, through targeted outreach as outlined in subsection (b) of this section;

(2) promote a broad understanding of the public good and value in achieving the State's Goal and of actions stakeholders can take to increase attainment;

(3) assist or coordinate with stakeholders, such as educational, business, governmental, nonprofit, and philanthropic organizations, in activities that seek to align the delivery of high-quality education and training opportunities with career advancement and support the policy priorities outlined in 10 V.S.A. § 546;

(4) collect and display publicly available, nonconfidential information about postsecondary credentials available to Vermonters;

(5) facilitate conversations or provide information about the national best practices in aligning, recognizing, measuring, tracking, and promoting postsecondary credentials of value to the Vermont Department of Labor and Agency of Education when requested;

(6) maintain its web-based resources that provide information about opportunities to obtain a postsecondary credential of value, in coordination with State partners;

(7) support the Vermont Department of Labor and Agency of Education transition or integration of Advance Vermont's web-based resources and collected information referenced in subdivisions (4) and (6) of this subsection into a State-supported system in a coordinated way; and

(8) meet on a quarterly basis with the Vermont Department of Labor and Agency of Education about activities described in this subsection.

(b) Outreach. Advance Vermont may use funds awarded by the State to:

(1) create and distribute public-facing communications and resources related to the duties described in this section; and

(2) offer support to career and education counselors, employment and training counselors, jobseekers and their families, and other stakeholders, consistent with best practice and State policy and programs, to help them better understand the postsecondary education and training landscape.

(c) Reports. Advance Vermont shall provide written reports to:

(1) the Vermont Department of Labor and Agency of Education about anticipated work and activities using a simplified reporting template jointly developed by Advance Vermont and the State entities on a quarterly basis; and

(2) on or before December 15, 2022, the House and Senate committees of jurisdiction regarding the use of funds, activities performed, and outcomes achieved by Advance Vermont.

(d) Appropriation. The sum of \$350,000.00 is appropriated from the General Fund in fiscal year 2023 to the Vermont Student Assistance

Corporation for the purposes of funding the work outlined in this section by Advance Vermont.

Sec. 37. VERMONT SERVE, LEARN, AND EARN PROGRAM;

APPROPRIATION

In fiscal year 2023, the amount of \$3,200,000.00 is appropriated from the General Fund to the Department of Forests, Parks and Recreation to be granted to the Vermont Youth Conservation Corps to continue the Vermont Serve, Learn, and Earn Program with other community partners, providing the Corps and its partners with the capital and operating funds necessary to support workforce development goals through creating meaningful paid service and learning opportunities for young adults.

Sec. 38. ADULT EDUCATION AND LITERACY; FINDINGS

The General Assembly finds:

(1) Adult education and literacy services are a key piece of the workforce development system and serve as the entryway into career readiness and workforce development for tens of thousands of our most vulnerable Vermonters, those with low literacy, under-education, or those simply in need of increased skills so that they can succeed.

(2) 36,000 adults in Vermont do not have a high school credential, and tens of thousands more lack the skills to matriculate into and be successful in college, in career training programs, or both. Adult education and literacy providers are the first stop on the path to the transformative opportunities that Vermont is offering for these individuals.

(3) Adult education and literacy services help people build the assets they need to move out of poverty successfully, as well as the confidence to continue to move toward success throughout their lives. Students are supported to identify concrete goals and then break those goals down into steps. Students set goals in the domains of:

(A) family and life;

(B) academics; and

(C) career and college readiness.

Sec. 39. EFFECTIVE DATES

This act shall take effect on July 1, 2022, except that:

(1) Sec. 8a(b)–(c) (Internship Cost Offset Initiative) shall take effect on passage.

(2) Sec. 25 (18 V.S.A. § 9456) shall take effect on January 1, 2023 and shall apply to hospital fiscal years 2024 and after.

Rep. Till of Jericho, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the Committee on Commerce and Economic Development and when further amended as follows:

First: By striking out Sec. 3, funding and governance structures of career technical education in Vermont, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. FUNDING AND GOVERNANCE STRUCTURES OF

CAREER TECHNICAL EDUCATION IN VERMONT

(a) There is appropriated to the Joint Fiscal Office for fiscal year 2023 the amount of \$180,000.00 from the General Fund to contract for services to:

(1) complete a systematic examination of the existing funding structures of career technical education (CTE) in Vermont and how these structures impede or promote the State's educational and workforce development goals;

(2) examine CTE governance structures in relationship to those funding structures;

(3) examine the implications of the existing funding and governance structures for kindergarten through grade 12 schools and adult education;

(4) examine the funding and alignment of early college and dual enrollment;

(5) consider the CTE funding and governance structures in other states in relation to Vermont's unique system of funding education; and

(6) identify and prioritize potential new models of CTE funding and governance structures to reduce barriers to enrollment and to improve the quality, duration, impact, and access to CTE statewide.

(b) In performing its work, the contractor shall consult with the consultant and any other stakeholders involved in completing the report on the design, implementation, and costs of an integrated and coherent adult basic education, adult secondary education, and postsecondary career and technical education system pursuant to 2021 Acts and Resolves No. 74, Sec. H.3.

(c)(1) On or before March 1, 2023, the Joint Fiscal Office shall issue a written report to the House and Senate Committees on Education, the House Committee on Commerce and Economic Development, the Senate Committee on Economic Development, Housing and General Affairs, the House

Committee on Ways and Means, and the Senate Committee on Finance the work performed pursuant to subsection (a) of this section.

(2) On or before July 1, 2023, the Agency of Education shall develop an implementation plan, including recommended steps to design and implement new funding and governance models, and issue a written report to the House and Senate Committees on Education, the House Committee on Commerce and Economic Development, the Senate Committee on Economic Development, Housing and General Affairs, the House Committee on Ways and Means, and the Senate Committee on Finance describing the results of its work under subsection (a) of this section and making recommendations for legislative action.

Second: By striking out Sec. 20, 18 V.S.A. § 35, in its entirety and inserting in lieu thereof a new Sec. 20 to read as follows:

Sec. 20. 18 V.S.A. § 35 is added to read:

§ 35. VERMONT NURSING LOAN REPAYMENT PROGRAM

(a) As used in this section:

(1) “Corporation” means the Vermont Student Assistance Corporation established in 16 V.S.A. § 2821.

(2) “Eligible individual” means an individual who satisfies the eligibility requirements for loan repayment under this section.

(3) “Eligible school” means an approved postsecondary education institution, as defined under 16 V.S.A. § 2822.

(4) “Loan repayment” means the cancellation and repayment of loans under this section.

(5) “Loans” means education loans guaranteed, made, financed, serviced, or otherwise administered by the Corporation under this subchapter for attendance at an eligible school.

(6) “Program” means the Vermont Nursing and Physician Assistant Loan Repayment Program created under this section.

(b) The Vermont Nursing and Physician Assistant Loan Repayment Program is created and shall be administered by the Department of Health in collaboration with the Corporation. The Program provides loan repayment on behalf of individuals who live and work as a nurse or physician assistant in this State and who meet the eligibility requirements in subsection (e) of this section.

(c) The loan repayment benefits provided under the Program shall be paid on behalf of the eligible individual by the Corporation, subject to the appropriation of funds by the General Assembly specifically for this purpose.

(d) To be eligible for loan repayment under the Program, an individual shall satisfy all of the following requirements:

(1) have graduated from an eligible school where the individual has, within the past five years, been awarded a nursing degree or a degree in physician assistant studies;

(2) had the minimum grade point average or better or the equivalent as determined by the Corporation if the eligible school does not use grade point averages from the eligible school;

(3) work as a nurse or physician assistant in this State; and

(4) be a resident of Vermont.

(f)(1) An eligible individual shall be entitled to an amount of loan cancellation and repayment under this section equal to one year of loans for every for one year of service as a nurse or physician assistant in this State.

(2) The Corporation shall award loan repayments in amounts that are sufficient to attract high-quality candidates while also making a meaningful increase in Vermont's health care professional workforce.

(i) The Corporation shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section.

Third: By striking out Sec. 21, Vermont Nursing Loan Repayment Program; appropriation, in its entirety and inserting in lieu thereof a new Sec. 21 to read as follows:

Sec. 21. VERMONT NURSING LOAN REPAYMENT PROGRAM;

APPROPRIATION

The sum of \$2,000,000.00 is appropriated from the General Fund to the Department of Health in fiscal year 2023 for loan repayment for nurses and physician assistants under the Vermont Nursing and Physician Assistant Loan Repayment Program established in Sec. 20 of this act.

Rep. Toleno of Brattleboro, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committees on Commerce and Economic Development and on Ways and Means and when further amended as follows:

First: By striking out Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read:

Sec. 1. IMMEDIATE STRATEGIES AND FUNDING FOR EXPANDING
THE LABOR FORCE; INCREASING THE NUMBER OF
PARTICIPANTS AND PARTICIPATION RATES;
APPROPRIATIONS

(a) In fiscal year 2023, the following amounts are appropriated from the General Fund to the following recipients for the purposes specified:

(1) \$2,500,000.00 to the University of Vermont Office of Engagement, in consultation with the Vermont Student Assistance Corporation, to administer a statewide forgivable loan program of \$5,000.00 per graduate for recent college graduates across all Vermont higher education institutions who commit to work in Vermont for two years after graduation.

(2) \$387,000.00 to Vermont Technical College to develop a skilled meat cutter training and apprenticeship facility.

(b) In fiscal year 2023, the amount of \$500,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Agency of Human Services to provide grants, which may be administered through a performance-based contract, to refugee- or New American-focused programs working in Vermont to support increased immigration or retention of recent arrivals.

Second: In Sec. 4 (Investment in the Up-skilling of Private Sector Employers) by striking out “\$500,000.00” and inserting in lieu thereof “\$250,000.00”

Third: By striking out Sec. 5 (Regional Workforce Expansion System) in its entirety and inserting in lieu thereof “[Reserved.]”

Fourth: By inserting a new Sec. 7a to read:

Sec. 7a. WORK-BASED LEARNING AND TRAINING PROGRAM;
APPROPRIATION

In fiscal year 2023 the amount of \$1,500,000.00 is appropriated from the General Fund to the Department of Labor to implement the Vermont Work-Based Learning and Training Program created in Sec. 8 of this act.

Fifth: In Sec. 8a (Internship Cost Offset Initiative) by striking out “\$3,000,000” and inserting in lieu thereof “\$1,500,000.00”

Sixth: By striking out Sec. 12 (Early Childhood Educator Recruitment) in its entirety and inserting in lieu thereof “[Reserved.]”

Seventh: In Sec. 19 (Vermont Nursing Forgivable Loan Incentive Program) by striking out “\$3,000,000” and inserting in lieu thereof “\$100,000.00”

Eighth: By striking out Sec. 24 (Nursing Schools; Simulation Lab Update) in its entirety and inserting in lieu thereof “[Reserved.]”

Ninth: By striking out Secs. 27 (Designated and Specialized Service Agencies) and 28 (AHS Designated and Specialized Service Agencies) in their entireties and inserting in lieu thereof “[Reserved.]”

Tenth: By striking out Sec. 31 in its entirety and inserting in lieu thereof a new Sec. 31 to read:

Sec. 31. AGENCY OF HUMAN SERVICES; HEALTH CARE

WORKFORCE DATA CENTER

(a) In fiscal year 2023, the amount of \$1,000,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Office of Health Care Reform in the Agency of Human Services to enable the Agency to establish and operate the statewide Health Care Workforce Data Center. In order to enhance the State’s public health data systems, respond to the COVID-19 public health emergency, and improve the State’s COVID-19 mitigation and prevention efforts, the Center shall collect health care workforce data, shall collaborate with the Director of Health Care Reform to identify and propose solutions to address data gaps, and shall share the data with the Green Mountain Care Board as appropriate to inform the Board’s Health Resource Allocation Plan responsibilities pursuant to 18 V.S.A. § 9405.

(b) The Center shall use existing statewide information to the extent practicable to avoid imposing administrative burdens on health care providers and to avoid duplication of efforts underway elsewhere in Vermont. The Center shall expand its data collection practices over two years to include all levels of the health care workforce, beginning with the highest-level licensed health care professionals.

(c) In order to ensure the Center has access to accurate and timely health care workforce data, the Center:

(1) shall have the cooperation of other State agencies and departments in responding to the Center’s requests for information;

(2) may enter into data use agreements with institutions of higher education and other public and private entities, to the extent permitted under State and federal law; and

(3) may collect vacancy and turnover information from health care employers.

(d) One classified, full-time Health Care Workforce Data Center Manager position is created in the Agency of Human Services, Office of Health Care Reform in fiscal year 2023 to manage the Health Care Workforce Data Center created pursuant to this section.

(e) The Agency of Human Services may include proposals for additional funding or data access, or both, for the Center as part of the Agency's fiscal year 2024 budget request.

Eleventh: In Sec. 36 (Advance Vermont Public-Private Partnership), in subsection (d), by striking out “\$350,000.00” and inserting in lieu thereof “150,000.00”

Twelfth: In Sec. 37 (Vermont Serve, Learn, and Earn Program) by striking out “\$3,200,000.00” and inserting in lieu thereof “2,000,000.00”

Thirteenth: By redesignating Sec. 39 (Effective Dates) as Sec. 41 and inserting new Secs. 39 and 40 to read:

Sec. 39. VERMONT FOREST FUTURE STRATEGIC ROADMAP;

APPROPRIATIONS

In addition to any other funds appropriated to the Department of Forests, Parks and Recreation, in fiscal year 2023 the amount of \$250,000.00 is appropriated from the General Fund to the Department to enter a two-year contract in fiscal year 2023 for the purpose of contracting for the development of the Vermont Forest Future Strategic Roadmap required by 10 V.S.A. § 2531.

Sec. 40. ECONOMIC RECOVERY GRANT PROGRAM; REVERSION

Any amounts remaining in the Economic Recovery Grant Program within the Agency of Commerce and Community Development shall revert to the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds.

Fourteenth: In Secs. 4, 8a, 9, 14, 15, 16, 21, 23, and 35 by striking out “General Fund” and inserting in lieu thereof “American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds”

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

Thereafter, **Reps. Kimbell of Woodstock, Marcotte of Coventry, Dickinson of St. Albans Town, Jerome of Brandon, Kascenska of Burke,**

Kitzmiller of Montpelier, Laroche of Franklin, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Nigro of Bennington, and White of Bethel moved to substitute an amendment for the report of the Committee on Appropriations by recommending that the report of the Committee on Commerce and Economic Development be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. IMMEDIATE STRATEGIES AND FUNDING FOR EXPANDING
THE LABOR FORCE; INCREASING THE NUMBER OF
PARTICIPANTS AND PARTICIPATION RATES;
APPROPRIATIONS

(a) In fiscal year 2023, the following amounts are appropriated from the General Fund to the following recipients for the purposes specified:

(1) \$2,500,000.00 to the University of Vermont Office of Engagement, in consultation with the Vermont Student Assistance Corporation, to administer a statewide forgivable loan program of \$5,000.00 per graduate for recent college graduates across all Vermont higher education institutions who commit to work in Vermont for two years after graduation.

(2) \$387,000.00 to Vermont Technical College to develop a skilled meat cutter training and apprenticeship facility.

(b) In fiscal year 2023, the amount of \$500,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Agency of Human Services to provide grants, which may be administered through a performance-based contract, to refugee- or New American-focused programs working in Vermont to support increased immigration or retention of recent arrivals.

Sec. 2. CTE FUNDING AND GOVERNANCE; FINDINGS

(a) Vermont's career and technical education (CTE) system is critical to ensuring that all Vermonters have access to the high-quality resources they need to explore a wide variety of career pathways, earn a postsecondary credential of value, and establish a productive career.

(b) CTE is a vital component of our educational system, supporting and delivering on the goals established by the General Assembly in 2013 Acts and Resolves No. 77 (flexible pathways), 2018 Acts and Resolves No. 189 (workforce development), and in achieving our attainment goal, which is that 70 percent of working-age Vermonters have a credential of value by 2025 (10 V.S.A. § 546).

(c) CTE is also an equity lever, providing every student access to critical workforce training, postsecondary coursework, and the real-world skills and networks that prepare our youth to continue to earn and learn during and after high school.

(d) As of the fall semester of the 2021–2022 school year, students were enrolling in CTE programs at a higher rate than at the beginning of the pandemic, increasing from 4,160 to 4,565. In the 2020–2021 school year, Vermont’s CTE system awarded Tier II credentials of value to 459 students.

(e) Since 2015, through legislative initiatives such as 2015 Acts and Resolves No. 51, 2017 Acts and Resolves No. 69, 2018 Acts and Resolves No. 189, 2019 Acts and Resolves No. 80, and most recently 2021 Acts and Resolves No. 74, the General Assembly and other stakeholders in education and in State government have been working to identify, understand, and resolve long-standing concerns related to the functioning of the CTE system.

(f) In 2018, the Agency of Education embarked on a collaborative process that included students, legislators, and communities across the State to develop a strategic vision and aspirational goals to help guide the transformation of the CTE system.

(g) The State Board of Education adopted the Agency of Education’s vision and goals for CTE that “all Vermont learners attain their postsecondary goals by having access to career and technical education systems that are equitable, efficient, integrated and collaborative.”

(h) 2018 Acts and Resolves No. 189 committed Vermont to a redesign of its workforce development and training system, including the approval of up to four pilot sites or projects to examine the way our CTE system is funded and governed.

(i) In a report dated June 14, 2021, the Agency of Education reported on its progress, which was interrupted by the COVID-19 pandemic. The report presented possible alternatives to our current funding structure, which is widely seen as a barrier to enrollment. However, these alternatives were based on an examination of only the CTE school district funding model and did not include the study of governance models. The report recommended completing this study of CTE funding and governance models to propose actionable implementation steps for the State.

(j) The Agency of Education’s State plan for federal Perkins funds is aligned to the vision and goals created through collaborative processes that included a public comment period. Processes required in the federal legislation like the biennial Comprehensive Local Needs Assessment will

strengthen the role of CTE in each region and help to focus the use of limited federal funds to improve the system.

Sec. 3. FUNDING AND GOVERNANCE STRUCTURES OF

CAREER TECHNICAL EDUCATION IN VERMONT

(a) There is appropriated to the Joint Fiscal Office for fiscal year 2023 the amount of \$180,000.00 from the General Fund to contract for services to:

(1) complete a systematic examination of the existing funding structures of career technical education (CTE) in Vermont and how these structures impede or promote the State's educational and workforce development goals;

(2) examine CTE governance structures in relationship to those funding structures;

(3) examine the implications of the existing funding and governance structures for kindergarten through grade 12 schools and adult education;

(4) examine the funding and alignment of early college and dual enrollment;

(5) consider the CTE funding and governance structures in other states in relation to Vermont's unique system of funding education; and

(6) identify and prioritize potential new models of CTE funding and governance structures to reduce barriers to enrollment and to improve the quality, duration, impact, and access to CTE statewide.

(b) In performing its work, the contractor shall consult with the consultant and any other stakeholders involved in completing the report on the design, implementation, and costs of an integrated and coherent adult basic education, adult secondary education, and postsecondary career and technical education system pursuant to 2021 Acts and Resolves No. 74, Sec. H.3.

(c) On or before March 1, 2023, the Joint Fiscal Office shall issue a written report to the House and Senate Committees on Education, the House Committee on Commerce and Economic Development, the Senate Committee on Economic Development, Housing and General Affairs, the House Committee on Ways and Means, and the Senate Committee on Finance on the work performed pursuant to subsection (a) of this section.

(d)(1) The Agency of Education shall consider the work performed and report issued pursuant to subsection (c) of this section and shall develop an implementation plan, including recommended steps to design and implement new funding and governance models.

(2) On or before July 1, 2023, the Agency shall issue a written report to the House and Senate Committees on Education, the House Committee on Commerce and Economic Development, the Senate Committee on Economic Development, Housing and General Affairs, the House Committee on Ways and Means, and the Senate Committee on Finance that describes the results of its work under this subsection and the implementation plan and makes recommendations for legislative action.

Sec. 4. INVESTMENT IN THE UP-SKILLING OF PRIVATE SECTOR
EMPLOYERS TO SUPPORT THE EVOLUTION OF BUSINESS
AND ORGANIZATIONAL MODELS; APPROPRIATIONS

In fiscal year 2023, the amount of \$250,000.00 is appropriated from the General Fund to the Agency of Commerce and Community Development for a performance-based contract to provide statewide delivery of business coaching and other forms of training to BIPOC business owners, networking and special convenings, and career fairs, workshops and paid internships, career guidance, and other support for BIPOC workers across the State.

Sec. 5. REGIONAL WORKFORCE EXPANSION SYSTEM

(a) Findings. The General Assembly finds:

(1) Vermont is experiencing an acute labor shortage in 2022.

(2) According to the Employment and Labor Marketing Information Division of the Vermont Department of Labor:

(A) There are approximately 28,000 job openings in Vermont as of December 2021.

(B) 9,945 individuals meet the federal statistical definition of unemployed as of January 2022.

(C) 4,500 individuals are receiving unemployment insurance assistance as of March 2022.

(D) The workforce has shrunk by 26,000 individuals from 2019 to 2022, yet the unemployment rate is just three percent as of January 2022.

(E) The workforce participation rate has fallen from 66 percent to 60.6 percent.

(3) The Department receives approximately 80 percent of its funding from federal sources, which constrains the Department and its employees from adjusting its work to meet immediate needs.

(4) The federal funding for field staff in the Workforce Development Division has declined significantly over the past 20 years, supporting 75 persons in 2022 as compared to 135 in 2003.

(5) Though Vermont has a small population, the unique characteristics of its region's employers, educational institutions, demographics, and socioeconomic conditions make it best to address efforts to connect individuals with training and job placement on a regional basis.

(b) Regional Workforce Expansion System. The amount of \$1,500,000.00 is appropriated from the General Fund to the Department of Labor for a two-year pilot program to launch and lead a coordinated regional system, beginning in three regions of the State, to work toward accomplishing the following goals:

- (1) increase local labor participation rate;
- (2) decrease the number of open positions reported by local employers;
- (3) increase the wages of workers as they transition to new jobs; and
- (4) collect, organize, develop, and share information related to local career pathways with workforce development partners.

(c) Duties. In order to meet the goals specified in subsection (b) of this section, the Department shall:

- (1) create new capacity to address and support State activities related to workforce development, expansion, and alignment;
- (2) focus on the overarching goal of helping workers find jobs and employers find workers;
- (3) support employers in communicating and tailoring their work requirements, conditions, and expectations to better access local workers; and
- (4) collaborate with local education and training providers and regional workforce partners to create and regularly distribute data related to local labor force supply and demand.

(d) System infrastructure. The Department shall make investments that improve and expand regional capacity to connect supply (workers) and demand (employment) in real time and shall hire eight full-time limited-service employees with funding allocated to perform the work described in this section who shall report to the Workforce Development Division.

(2) Of the eight positions authorized in this subsection, five shall be Workforce Expansion Specialists who shall report to the Workforce

Development Division and who shall be assigned, one each, to the Division's five regions.

to strengthen networks who assist jobseekers, workers, and employers in connecting.

(1) The Department is authorized to create four classified, two-year limited-service positions, with funding allocated to perform the work described in this section, who shall report to the Workforce Development Division and of whom:

(A) three shall be Workforce Expansion Specialists assigned, one each, to three different regions of the State; and

(B) one shall provide oversight and State-level coordination of activities.

(2)(A) The Department shall use funds allocated to develop systems for coordination, information sharing, and enhanced support to regional partners, host regional meetings, develop regional plans, and provide localized resources including labor market information, training and development opportunities, and support services.

(B) The Department shall develop labor market information reports to support discussion and decision making that will address local labor market challenges and opportunities and support a regional approach to solving local or unique labor supply challenges.

(e) Coordination.

(1) The Department shall convene regional meetings of education, training, business, and service provider partners; coordinate local workforce information collection and distribution; and assist in developing localized career resources, such as information for career counseling, local job fairs, and career expos, that will be available to a wide range of stakeholders.

(2) Service provider partners shall include community partners who directly serve mature workers, youth, individuals with disabilities, individuals who have been involved with the correction system, BIPOC Vermonters, New Americans, and other historically marginalized populations in efforts to align service delivery, share information, and achieve greater employment outcomes for Vermonters.

(3) The Department shall develop labor market information reports by CTE district to support discussion and decision making that will address local labor market challenges and opportunities and support a regional approach to solving local or unique labor supply challenges.

(f) Interim report. On or before January 15, 2023, the Department shall provide a narrative update on the progress made in hiring staff, establishing interagency agreements, developing regional information exchange systems, and supporting State-level work to expand the labor force to the House and Senate committees of jurisdiction.

(g) Implementation. The Department of Labor shall begin implementing the Regional Workforce Expansion System on or before July 1, 2022.

Sec. 6. INCARCERATED INDIVIDUALS; WORKFORCE

DEVELOPMENT; PILOT PROGRAM

(a) Purpose. The purpose of this section is to facilitate the education and vocational training of incarcerated individuals so that they have a greater likelihood of obtaining gainful employment and positively contributing to society upon reintegration into the community.

(b) Policy; appropriations.

(1)(A) In fiscal year 2023, the amount of \$420,000.00 is appropriated from the General Fund to the Department of Corrections, in consultation with the Vermont Department of Labor, to address education and vocational enhancement needs. These funds shall not be allocated from any amounts budgeted for Justice Reinvestment II initiatives.

(B) The Department shall use the funds allocated for the development of education and vocational training for incarcerated individuals residing in a Vermont correctional facility prior to community reintegration. The Department may allocate the funds over three years, consistent with the following:

(i) \$270,000.00 for transition development, including equipment and mobile labs in one or more sites;

(ii) \$100,000.00 for training partner support; and

(iii) \$50,000.00 for curriculum development.

(2) In fiscal year 2023, the amount of \$300,000.00 is appropriated from the General Fund to the Department of Corrections, which may be allocated over not more than three years, to establish a community-based pilot reentry program at the Chittenden Regional Correctional Facility in consultation with the Vermont Department of Labor. The Department of Corrections shall designate a service provider to administer the pilot program's goals to:

(A) provide continuity of services for incarcerated individuals;

(B) expand current employment readiness programs within the facility by building pathways for coordinated transition to employment;

(C) focus on the first six months after individuals are released from the facility;

(D) coordinate with local community resources, parole and probation offices, and other supports to ensure successful transition into the community;

(E) assist individuals in successfully transitioning into new jobs; and

(F) work with employers to support successful hiring and best practices to support incarcerated individuals.

(c) Report. On or before January 15, 2023, the Department of Corrections shall create and submit a report on workforce and education training programs in correctional facilities to the Joint Legislative Justice Oversight Committee; the House Committees on Corrections and Institutions and on Commerce and Economic Development; and the Senate Committees on Economic Development, Housing and General Affairs and on Judiciary. The report shall:

(1) identify program design, logistical needs, and policy changes to current Department of Corrections facility-based training and educational programs necessary to successfully enable incarcerated individuals' reintegration into their communities, including changes to programs that enhance individuals' skill development, knowledge, and other support needed to qualify for and secure a position in a critical occupation in Vermont;

(2) identify disparities of outcomes and recommend solutions for incarcerated Black, Indigenous, and Persons of Color concerning facility-based training, educational programming, and successful community reintegration;

(3) provide an update on the Department of Corrections' use of education and vocational enhancement funding in fiscal year 2023;

(4) provide recommendations on what aspects of the pilot program should be replicated in other correctional facilities in Vermont; and

(5) provide recommended legislation for the continuation of the pilot program or any changes.

Sec. 7. INTENT

It is the intent of the General Assembly to improve the recruitment and retention of correctional officers to ensure adequate staffing and safe working conditions in facilities operated by the Department of Corrections.

Sec. 8. IMPROVEMENT OF CORRECTIONAL OFFICER

RECRUITMENT AND RETENTION; REPORT

(a) On or before January 15, 2023, the Secretary of Human Services, in consultation with the Commissioners of Corrections and of Human Resources, shall submit a written report to the House Committees on Appropriations, on Commerce and Economic Development, on Corrections and Institutions, and on Government Operations and the Senate Committees on Appropriations, on Government Operations, and on Judiciary identifying conditions that pose an obstacle to the successful recruitment and retention of correctional officers and setting forth a plan to improve the recruitment and retention of correctional officers.

(b)(1) The report shall specifically analyze the impact of the following on the recruitment and retention of correctional officers:

(A) wages and benefits;

(B) terms and conditions of employment;

(C) working conditions in Department of Corrections facilities, including health and safety issues and the physical condition of the facilities; and

(D) staffing levels and overtime.

(2) The report shall, for each of the issues examined pursuant to subdivision (1) of this subsection, analyze how the following states compare to Vermont and shall identify any best practices in those states that could improve recruitment and retention of correctional officers in Vermont:

(A) Maine;

(B) New Hampshire;

(C) New York;

(D) Massachusetts;

(E) Rhode Island; and

(F) Connecticut.

(c) The report shall, as part of the plan to improve the recruitment and retention of correctional officers, identify specific administrative and legislative actions that are necessary to successfully improve the recruitment and retention of correctional officers.

Sec. 9. ASSESSMENT OF RECRUITMENT AND RETENTION
INITIATIVES; REPORT

(a) On or before January 15, 2023, the Secretary of Human Services, in consultation with the Commissioner of Human Resources, shall submit to the House and Senate Committees on Appropriations a report regarding the use of funds appropriated pursuant to 2022 Acts and Resolves, No. 83:

(1) Sec. 14 for employee recruitment and retention at:

(A) the secure residential recovery facility; and

(B) the Vermont Psychiatric Care Hospital;

(2) Sec. 68 for employee retention with respect to:

(A) the Department of Corrections; and

(B) the Vermont Veteran's Home; and

(3) Sec. 72 for workforce recruitment and retention incentives with respect to designated and specialized service agencies, including shared living providers.

(b) The report shall assess how effective the appropriations identified pursuant to subsection (a) of this section were in addressing issues related to employee recruitment and retention; identify any ongoing or remaining employee recruitment and retention challenges that the recipients have; and identify any potential legislative, administrative, or programmatic changes that can address those ongoing or remaining employee retention issues.

(c) The report shall also include a recommendation as to whether and how to appropriate additional funds in the 2023 Budget Adjustment Act to address ongoing recruitment and retention challenges at:

(1) the Vermont Veteran's Home;

(2) the Vermont Psychiatric Care Hospital;

(3) the secure residential recovery facility;

(4) designated and specialized service agencies; and

(5) the Department of Corrections' facilities with respect to individuals employed as a Correctional Officer I or a Correctional Officer II.

Sec. 10. REPEALS

10 V.S.A. §§ 544 and 545 are repealed.

Sec. 11. 10 V.S.A. § 547 is added to read:

§ 547. WORK-BASED LEARNING AND TRAINING PROGRAM

(a) Vermont Work-Based Learning and Training Program. The Department of Labor shall develop the statewide Work-Based Learning and Training Program that serves transitioning secondary and postsecondary students and Vermonters seeking work-based experience as part of a career experience or change and is designed to:

(1) support Vermonters who are graduating from postsecondary education or a secondary CTE program or who are pursuing a career change with a paid on-the-job work experience lasting 12 weeks or fewer;

(2) establish a statewide platform available to all employers to list their internships, returnships, pre-apprenticeships, and registered apprenticeship opportunities and for jobseekers to view and access information about specific opportunities; and

(3) support employers by providing them with assistance in developing and implementing meaningful work-based learning and training opportunities.

(b) Definitions. As used in this section:

(1) “Internship” means a work-based learning experience with an employer where the participant may, but does not necessarily, receive academic credit.

(2) “Returnship” means an on-the-job learning experience for an individual who is returning to the workforce after an extended absence or is seeking a limited-duration on-the-job work experience in a different occupation or occupational setting as part of a career change.

(c) Activities. The Department may use funds appropriated to it for the Program to:

(1) build and administer the Program;

(2) develop an online platform that will connect students and jobseekers with work-based learning and training opportunities within Vermont;

(3) support work-based learning and training opportunities with public and private employers available to prospective workers located in or relocating to Vermont;

(4) promote work-based learning and training as a valuable component of a talent pipeline; and

(5) assist employers in developing meaningful work-based learning and training opportunities.

(d) Data. The Department shall collect the following data:

(1) the total number of participants served;

(2) the number of participants who received wage assistance or other financial assistance as part of this Program and their employment status one year after completion;

(3) the average wage of participants in subdivision (2) of this subsection at the start of the Program and the average wage of participants one year after completion;

(4) the number of work-based learning or training opportunities listed on the platform; and

(5) the number of employers who offered a work-based learning or training opportunity.

(e) State participation. The Department shall engage appropriate State agencies and departments to expand Program opportunities with State government and with entities awarded State contracts.

(f) Reporting. On or before February 15, 2023, the Department shall report Program data to the relevant committees of jurisdiction.

Sec. 12. WORK-BASED LEARNING AND TRAINING PROGRAM;

APPROPRIATION

In fiscal year 2023, the amount of \$1,500,000.00 is appropriated from the General Fund to the Department of Labor to implement the Vermont Work-Based Learning and Training Program created in Sec. 11 of this act.

Sec. 13. SECONDARY STUDENT INDUSTRY-RECOGNIZED

CREDENTIAL PILOT PROJECT

(a) Pilot Project creation. The Department of Labor, in consultation with the Agency of Education, shall design and implement the Secondary Student Industry-Recognized Credential Pilot Project to provide funding for an eligible secondary student to take an eligible adult career and technical education course.

(b) Eligible courses. A course is eligible for the Pilot Project if it is:

(1) offered at a regional CTE center, as defined in 16 V.S.A. § 1522(4), and qualifies as adult career technical education or postsecondary career technical education, as defined in 16 V.S.A. § 1522(11) and (12);

(2) offered during the summer, evening or weekend while secondary school is in session or during the summer; and

(3) included as an element of the student's personalized learning plan and reasonably related to the student's career goals.

(c) Eligible student. A student is eligible for the Pilot Project if:

(1) the student is a Vermont resident attending a Vermont public school or an independent secondary school that is eligible for public funding;

(2) the student has completed grade 11 and has not received a high school diploma; and

(3) the student's secondary school and the regional CTE center determine that the student:

(A) is prepared to succeed in the course;

(B) meets the prerequisites for the course; and

(C) has exhausted other sources of available funding prior to submitting an application.

(d) Administration.

(1) Not later than 30 days after the effective date of this section, the Department of Labor, in consultation with the Agency of Education, shall develop and make available an application for funding that includes:

(A) student's enrollment status;

(B) course information;

(C) a copy of the student's personalized learning plan;

(D) attestation that the secondary and adult career technical education programs find the program of study appropriate for the student;

(E) description of federal and local funding sources that were explored but insufficient or unavailable for use by the student; and

(F) other information the Department requires to determine eligibility.

(2) A student's secondary school shall timely complete and submit an application to the Department of Labor on behalf of the student.

(3) The Department of Labor shall:

(A) review the application and, if appropriate, meet with the student to determine eligibility for existing federal and State programs, including WIOA Title I Youth (in-school) and the Vermont Youth Employment Program; and

(B) provide a copy of the application to the Agency of Education, which shall determine whether Agency funding is available and notify the Department of its determination within 10 business days.

(4) The Department shall provide funding for the tuition cost for one course to eligible students on a first-come, first-served basis:

(A) from State or federal sources that are available through the Department or Agency; or

(B) if funding is unavailable from those sources, from the amounts available in the Department's fiscal year 2023 budget, not to exceed \$100,000.00.

(5) For students who meet annual low-income qualifications under the Workforce Innovation and Opportunity Act, the Department may provide funds to purchase books, supplies, exam fees, and equipment.

(6) A regional CTE center shall not receive more than \$20,000.00 through the program in each fiscal year.

(e) Regional CTE center report. The Department of Labor shall require a report from each regional CTE center providing information to support the Department's reporting requirements in subsections (f) and (g) of this section.

(f) Interim Report. The Department of Labor and Agency of Education shall report to the House and Senate Committees on Education, the House Committee on Commerce and Economic Development, and the Senate Committee on Economic Development, Housing and General Affairs on or before the January 15, 2023 regarding the use of funds, including data relating to student circumstances, levels of participation, and how local school districts are able or unable to meet the career preparation and training needs of secondary students using the program.

(g) Final Report. The Department of Labor and Agency of Education shall report to the House and Senate Committees on Education, the House Committee on Commerce and Economic Development, the Senate Committee on Economic Development, Housing and General Affairs, the House Committee on Ways and Means, and the Senate Committee on Finance within 45 days following the end of the fiscal year or exhaustion of funds, whichever comes first, regarding the use of funds, including data relating to the number of participants, student circumstances, levels of participation, what certifications were issued, how local school districts are able or unable to meet the career preparation and training needs of secondary students using the program, and recommendations on how to address gaps in access and funding for secondary students seeking professional certifications not offered through the secondary education system.

Sec. 12. INTERNSHIP COST OFFSET INITIATIVE

(a) In fiscal year 2023, the amount of \$3,000,000.00 \$1,500,000.00 is appropriated from the General Fund to the Department of Labor for an Internship Cost Offset Initiative.

(b) The Department shall design and implement the Initiative to expand the number of postsecondary students participating in an internship with a Vermont employer, consistent with the following:

(1) Students with a household income that is at or below 120 percent of area median income and enrolled in an approved postsecondary institution are eligible for not more than \$3,000.00 for tuition and fees directly related to participating in an internship with a Vermont employer for which they are also receiving postsecondary credit toward a degree.

(2) The Department shall enter into an agreement with the Vermont Student Assistance Corporation to develop and administer the Initiative, which shall include an amount not to exceed seven percent for costs associated with the administration of the program.

(c) Reporting. On or before February 15, 2023, the Department shall report on the number of individuals served through the Initiative and the types of internship opportunities they completed.

Sec. 14. THE VERMONT TRADES SCHOLARSHIP PROGRAM

(a) The Vermont Trades Scholarship Program is created and shall be administered by the Vermont Student Assistance Corporation. The Vermont Student Assistance Corporation shall disburse initial licensing fees, exam fees, and tuition payments under the Program on behalf of eligible individuals, subject to the appropriation of funds by the General Assembly for this purpose.

(b) To be eligible for a scholarship under the Program, an individual, whether a resident or nonresident, shall:

(1) be enrolled in an industry recognized training and certification program that leads to initial employment or career advancement in a building, mechanical, industrial, or medical trade, or in clean energy, energy efficiency, weatherization, or clean transportation;

(2) demonstrate financial need and have a household income that is at or below 120 percent of area median income and;

(3) register with the Vermont Department of Labor for the purpose of receiving relevant job referrals, if unemployed; and

(4) agree to work in their profession in Vermont for a minimum of one year following licensure or certification completion for each year of scholarship awarded.

(c)(1) The Corporation shall give preference to students attending a Vermont-based training program or, if one isn't available for their certification, an offer of employment or promotion from a Vermont employer upon completion.

(2) The Corporation shall give priority to applicants who have not received other assistance.

(d) There shall be no deadline to apply for a scholarship under this section. Scholarships shall be awarded on a rolling basis if funds are available, and any funds remaining at the end of a fiscal year shall roll over and shall be available to the Vermont Student Assistance Corporation in the following fiscal year to award additional scholarships as set forth in this section.

(e) In fiscal year 2023 the amount of \$3,000,000.00 is appropriated from the General Fund to the Vermont Student Assistance Corporation for scholarships for trades students under the Vermont Trades Scholarship Program.

Sec. 15. THE VERMONT TRADES LOAN REIMBURSEMENT PROGRAM

(a) The Vermont Trades Loan Repayment Reimbursement Program is created and shall be administered by the Vermont Student Assistance Corporation. The Vermont Student Assistance Corporation shall disburse funds under the Program to eligible individuals, subject to the appropriation of funds by the General Assembly for this purpose.

(b) To be eligible for loan repayment under the Program, an individual, shall:

(1) be a Vermont resident; and

(2) be employed in an occupation in the building, mechanical, industrial, or medical trades, or in the clean energy, energy efficiency, weatherization, or clean transportation sectors, for an average of at least 30 hours per week for least one full calendar year before applying.

(c) For every year of work in a qualifying occupation, an individual shall be eligible for up to \$5,000.00 in loan repayment reimbursement. Reimbursements shall not exceed the total amount of educational debt owed.

(d) There shall be no deadline to apply for loan repayment reimbursement under this section. Loan repayment shall be awarded on a rolling basis if

funds are available, and any funds remaining at the end of a fiscal year shall roll over and shall be available to the Vermont Student Assistance Corporation in the following fiscal year to award additional loan repayment as set forth in this section.

(e) In fiscal year 2023 the amount of \$500,000.00 is appropriated from the General Fund to the Vermont Student Assistance Corporation for loan repayment for trades professionals under the Program.

Sec. 16. CTE CONSTRUCTION AND REHABILITATION

EXPERIENTIAL LEARNING PROGRAM; REVOLVING LOAN FUND

(a) Purpose. This section authorizes and provides funding for the CTE Construction and Rehabilitation Experiential Learning Program and Revolving Loan Fund, the purposes of which are to:

(1) expand the experiential and educational opportunities for high school and adult CTE students to work directly on construction projects;

(2) build community partnerships among CTE centers, housing organizations, government, and private businesses;

(3) beautify communities and rehabilitate buildings that are underperforming assets;

(4) expand housing access to Vermonters in communities throughout the State; and

(5) improve property values while teaching high school and adult students trade skills.

(b) Appropriation; creation of fund; administration.

(1) In fiscal year 2023, the amount of \$15,000,000.00 is appropriated from the Education Fund to the Vermont Housing and Conservation Board to create and administer the CTE Construction and Rehabilitation Experiential Learning Program and Revolving Loan Fund pursuant to this section.

(2) The Board may use not more than five percent of the Fund for its costs of administration.

(c) Proposals; applications; funding.

(1) A regional CTE center, working in collaboration with one or more housing and community partners, private businesses, nonprofit organizations, or municipalities, shall identify construction projects that would be relevant and appropriate for CTE students enrolled in construction, electrical, plumbing, design, business management, or other CTE programs, including:

(A) rehabilitation of residential properties that are blighted or not code-compliant;

(B) new residential construction projects or improvements to land in cases of critical community need; and

(C) commercial construction projects that have substantial community benefit.

(2) Prior to or during the application process, a CTE center and its partners may consult with the Board to identify and consider potential funding partners to leverage amounts available through the Fund.

(3) A CTE center and its partners shall apply to the Board for funding by submitting a project application that includes the information required by the Board and addresses the following:

(A) the educational benefits for students and fit with the CTE curriculum;

(B) the community benefits for the neighborhood, municipality, or region in which the project is located; and

(C) the partners with whom the CTE center is collaborating and the respective responsibility for the aspects of a project, including:

(i) educational instruction and academic credit;

(ii) project management;

(iii) insurance coverage for students and the property;

(iv) compensation and benefits, including compliance with labor laws, standards, and practices; and

(v) property acquisition, ownership, and transfer.

(4) A CTE center may use funding for, and shall specify in its application the allocation of costs associated with:

(A) acquisition, design, permitting, construction, marketing, and other building-related expenses; and

(B) costs for labor, including for student wages and for instructor compensation during the academic year as well as for amountmer or other work that is not otherwise budgeted during the academic year.

(d) Eligibility; review; approval. The Board may approve an application that includes the information required by subsection (c) of this section and provide funding for a project that meets the following eligibility criteria:

(1) The project involves the rehabilitation of blighted or otherwise noncode compliant property, or new residential construction projects or improvements to land in cases of critical need, and results in a building with not more than four residential dwelling units.

(2) The project includes a weatherization component.

(3) Students working on the project receive academic credit, a competitive wage, or both.

(e) Affordability; flexibility. If appropriate in the circumstances, the Board may condition funding for a project on the inclusion of one or mechanisms addressing the affordability of the property upon rent or sale.

(f) Funding; proceeds; revolving loans.

(1) The Board shall provide funding for projects from the amounts available in the Fund in the form of zero-interest loans, in an amount, for a period, and upon terms specified by the Board.

(2) The Board shall return to the Fund any proceeds realized to provide funding for future projects.

(g) Report. The Board shall address the implementation of this section in its annual report to the General Assembly.

Sec. 17. EARLY CHILDHOOD EDUCATION; FINDINGS

The General Assembly finds that:

(1) while child care is an essential component of Vermont's economy, research has shown that three out of five of Vermont's youngest children do not have access to the child care needed by their families;

(2) according to the Federal Reserve Bank of New York, early childhood educators are the lowest-paid college graduates of any degree program in the country;

(3) the Council for a Strong America found in a national economic impact study that the U.S. economy loses \$57 billion annually due to child care challenges;

(4) the U.S. Chamber of Commerce Foundation found that high-quality child care is a powerful two-generation workforce development strategy that strengthens today's workforce and puts children on the path to develop well and enter kindergarten ready to thrive in school, work, and life;

(5) the Vermont Early Care and Learning Dividend Study found that increased investment in early care and education, as described in the recommendations of Vermont's Blue Ribbon Commission on Financing High-

Quality Affordable Child Care, would yield \$3.08 for every additional dollar invested into the system;

(6) 2021 Acts and Resolves No. 45 established goals that no Vermont family spend more than 10 percent of its income on child care and that early childhood educators receive compensation commensurate with their peers in similar fields as informed by a systems analysis and financing study;

(7) while the State works toward achieving these goals, the COVID-19 pandemic has exacerbated already pressing challenges, making it even harder for families to find affordable high-quality child care and more difficult for early childhood education programs to find and retain qualified educators; and

(8) according to a recent study by the National Association for the Education of Young Children, 71 percent of center-based child care programs in Vermont reported experiencing a staffing shortage.

Sec. 18. EARLY CHILDHOOD EDUCATION; LEGISLATIVE INTENT

It is the intent of the General Assembly that immediate action is necessary to support Vermont's economy; ensure that all families with young children have access to affordable, high-quality early childhood education; and ensure that Vermont's early childhood educators, the backbone of our economy, are well supported.

Sec. 18. EARLY CHILDHOOD EDUCATOR RECRUITMENT

In fiscal year 2023 the amount of \$125,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for a performance-based contract to develop and implement a comprehensive early childhood educator recruitment campaign.

Sec. 19. HEALTH CARE WORKFORCE; LEGISLATIVE INTENT

(a) The General Assembly values all health care workers, at every level and in each component of the health care system. The General Assembly also acknowledges the many struggles faced by health care workers and that the pandemic has placed further strain on an already taxed system. Many health care workers have not had their pay adjusted over time to address increases in the cost of living, essentially amounting to pay cuts from year to year. Health care workers have experienced burnout, trauma, and moral injuries due to a history of underfunding and the present stress of the pandemic.

(b) In order to retain and recruit health care workers in Vermont, it is the intent of the General Assembly to invest in multiple solutions aimed at reinforcing our health care workforce in the present and sustaining our health care workers into the future.

Sec. 20. EMERGENCY GRANTS TO SUPPORT NURSE EDUCATORS

(a) In fiscal year 2023 the amount of \$3,000,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Department of Health and shall carry forward for the purpose of providing emergency interim grants to Vermont’s nursing schools over three years to increase the compensation for their nurse faculty and staff, with \$1,000,000.00 to be distributed in each of fiscal years 2023, 2024, and 2025 to increase the compensation for each full-time-equivalent (FTE) member of the clinical and didactic nurse faculty and staff. The Department shall distribute the funds among the nursing schools in Vermont equitably based on each school’s proportion of nursing faculty and staff to the total number of FTE nursing faculty and staff across all nursing schools statewide.

(b) If the nurse faculty or staff, or both, of a nursing school receiving a grant under this section are subject to a collective bargaining agreement, the use of the grant funds provided to the nursing school for those faculty or staff, or both, shall be subject to impact bargaining between the nursing school and the collective bargaining representative of the nurse faculty or staff, or both, to the extent required by the applicable collective bargaining agreement.

Sec. 21. NURSE PRECEPTOR INCENTIVE GRANTS; HOSPITALS;

WORKING GROUP; REPORT

(a)(1) In fiscal year 2023 the amount of \$2,400,000.00 is appropriated from the General Fund to the Agency of Human Services to provide incentive grants to hospital-employed nurses in Vermont to serve as preceptors for nursing students enrolled in Vermont nursing school programs. The Agency shall distribute the funds to hospitals employing nurses who provide student preceptor supervision based on the number of preceptor hours to be provided, at a rate of \$5.00 per preceptor hour, or a lesser hourly rate if the need exceeds the available funds.

(2) If nurse preceptors receiving compensation pursuant to a grant awarded to a hospital under this section are subject to a collective bargaining agreement, the use of the grant funds provided to the hospital for the nurse preceptors shall be subject to impact bargaining between the hospital and the collective bargaining representative of the nurses to the extent required by the collective bargaining agreement.

(b)(1) The Director of Health Care Reform or designee in the Agency of Human Services shall convene a working group of stakeholders representing nursing schools, long-term care facilities, designated and specialized service agencies, federally qualified health centers, home health agencies, primary care practices, and other health care facilities to:

(A) identify ways to increase clinical placement opportunities across a variety of health care settings for nursing students enrolled in Vermont nursing school programs;

(B) establish sustainable funding models for compensating nurses serving as preceptors or for supporting the hiring of additional nurses to alleviate the pressures on nurse preceptors, or both; and

(C) develop an action plan for implementing the clinical placement expansion and sustainable funding models identified and established pursuant to subdivisions (A) and (B) of this subdivision (1), including addressing the need for student housing opportunities.

(2) On or before January 15, 2023, the Director of Health Care Reform shall provide the working group's action plan and any recommendations for legislative action to the House Committees on Health Care, on Commerce and Economic Development, and on Appropriations and the Senate Committees on Health and Welfare, on Economic Development, Housing and General Affairs, and on Appropriations.

Sec. 22. HEALTH CARE EMPLOYER NURSING PIPELINE AND APPRENTICESHIP PROGRAM

(a) In fiscal year 2023 the amount of \$3,000,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Vermont Student Assistance Corporation and shall carry forward for the purpose of providing grants to health care employers, including hospitals, long-term care facilities, designated and specialized service agencies, federally qualified health centers, and other health care providers, to establish or expand partnerships with Vermont nursing schools to create nursing pipeline or apprenticeship programs, or both, that will train members of the health care employers' existing staff, including personal care attendants, licensed nursing assistants, and licensed practical nurses, to become higher-level nursing professionals. Through a combination of scholarship awards, grants awarded to health care employers pursuant to this section, and the health care employer's contributions, the trainees' tuition and fees shall be covered in full, and trainees shall be provided with assistance in meeting their living costs, such as housing and child care, while attending the program.

(b) In awarding grants pursuant to this section, VSAC shall give priority to health care employer proposals based on the following criteria:

(1) the extent to which the health care employer proposes to participate financially in the program;

(2) the extent of the health care employer's commitment to sustaining the program financially, including providing financial support for nurse preceptors, to create ongoing opportunities for educational advancement in nursing;

(3) the ability of the health care employer's staff to leverage nursing scholarship opportunities to maximize the reach of the grant funds;

(4) the employer's demonstrated ability to retain nursing students in the Vermont nursing workforce;

(5) the employer's geographic location, in order to ensure access to pipeline and apprenticeship programs for nursing staff across Vermont; and

(6) the employer's commitment to advancing the professional development of individuals from marginalized communities, especially those that have been historically disadvantaged in accessing educational opportunities and career advancement in the health care professions.

(c)(1) VSAC shall begin awarding grants under this section expeditiously in order to enable health care employer staff to begin enrolling in nursing school programs that commence in the fall of 2022.

(2) On or before September 15, 2022, VSAC shall provide an update to the Health Reform Oversight Committee on the status of program implementation.

Sec. 23. 18 V.S.A. § 34 is added to read:

§ 34. VERMONT NURSING FORGIVABLE LOAN INCENTIVE
PROGRAM

(a) The Vermont Nursing Forgivable Loan Incentive Program is created and shall be administered by the Department of Health in collaboration with the Vermont Student Assistance Corporation. The Vermont Student Assistance Corporation shall disburse forgivable loan funds under the Program on behalf of eligible individuals, subject to the appropriation of funds by the General Assembly for this purpose.

(b) To be eligible for a forgivable loan under the Program, an individual, whether a resident or nonresident, shall:

(1) be enrolled at an approved postsecondary education institution as defined in 16 V.S.A. § 2822;

(2) demonstrate financial need;

(3) demonstrate academic capacity by carrying the minimum grade point average in the individual's course of study prior to receiving the fund award; and

(4) agree to work as a nurse in Vermont for a minimum of one year following licensure for each year of forgivable loan awarded.

(c)(1) First priority for forgivable loan funds shall be given to students pursuing a practical nursing certificate who will be eligible to sit for the NCLEX-PN examination upon completion of the certificate.

(2) Second priority for forgivable loan funds shall be given to students pursuing an associate's degree in nursing who will be eligible to sit for the NCLEX-RN examination upon graduation.

(3) Third priority for forgivable loan funds shall be given to students pursuing a bachelor of science degree in nursing.

(4) Fourth priority shall be given to students pursuing graduate nursing education.

(d) Students attending an approved postsecondary educational institution in Vermont shall receive first preference for forgivable loans.

(e) There shall be no deadline to apply for a forgivable loan under this section. Forgivable loans shall be awarded on a rolling basis as long as funds are available, and any funds remaining at the end of a fiscal year shall roll over and shall be available to the Department of Health and the Vermont Student Assistance Corporation in the following fiscal year to award additional forgivable loans as set forth in this section.

Sec. 24. REPEAL

18 V.S.A. § 31 (educational assistance; incentives; nurses) is repealed.

Sec. 25. VERMONT NURSING FORGIVABLE LOAN INCENTIVE PROGRAM; APPROPRIATION

In fiscal year 2023, the amount of \$100,000.00 in General Fund investment funds is appropriated to the Department of Health for forgivable loans for nursing students under the Vermont Nursing Forgivable Loan Incentive Program established in Sec. 23 of this act.

Sec. 26. 18 V.S.A. § 35 is added to read:

§ 35. VERMONT NURSING AND PHYSICIAN ASSISTANT LOAN REPAYMENT PROGRAM

(a) As used in this section:

(1) “Corporation” means the Vermont Student Assistance Corporation established in 16 V.S.A. § 2821.

(2) “Eligible individual” means an individual who satisfies the eligibility requirements for loan repayment under this section.

(3) “Eligible school” means an approved postsecondary education institution, as defined under 16 V.S.A. § 2822.

(4) “Loan repayment” means the cancellation and repayment of loans under this section.

(5) “Loans” means education loans guaranteed, made, financed, serviced, or otherwise administered by the Corporation under this subchapter for attendance at an eligible school.

(6) “Program” means the Vermont Nursing and Physician Assistant Loan Repayment Program created under this section.

(b) The Vermont Nursing and Physician Assistant Loan Repayment Program is created and shall be administered by the Department of Health in collaboration with the Corporation. The Program provides loan repayment on behalf of individuals who live and work as a nurse or physician assistant in this State and who meet the eligibility requirements in subsection (e) of this section.

(c) The loan repayment benefits provided under the Program shall be paid on behalf of the eligible individual by the Corporation, subject to the appropriation of funds by the General Assembly specifically for this purpose.

(d) To be eligible for loan repayment under the Program, an individual shall satisfy all of the following requirements:

(1) have graduated from an eligible school where the individual has, within the past five years, been awarded a nursing degree or a degree in physician assistant studies;

(2) had the minimum grade point average or better or the equivalent as determined by the Corporation if the eligible school does not use grade point averages from the eligible school;

(3) work as a nurse or physician assistant in this State; and

(4) be a resident of Vermont.

(f)(1) An eligible individual shall be entitled to an amount of loan cancellation and repayment under this section equal to one year of loans for each year of service as a nurse or physician assistant in this State.

(2) The Corporation shall award loan repayments in amounts that are sufficient to attract high-quality candidates while also making a meaningful increase in Vermont's health care professional workforce.

(i) The Corporation shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section.

Sec. 27. VERMONT NURSING AND PHYSICIAN ASSISTANT LOAN
REPAYMENT PROGRAM; APPROPRIATION

In fiscal year 2023 the amount of \$2,000,000.00 is appropriated from the General Fund to the Department of Health for loan repayment for nurses and physician assistants under the Vermont Nursing and Physician Assistant Loan Repayment Program established in Sec. 26 of this act.

Sec. 28. 18 V.S.A. § 36 is added to read:

§ 36. NURSE EDUCATOR FORGIVABLE LOAN AND LOAN
REPAYMENT PROGRAM

(a) Definitions. As used in this section:

(1) "Eligible individual" means an individual who satisfies the eligibility requirements under this section for a forgivable loan or loan repayment.

(2) "Eligible school" means an approved postsecondary education institution, as defined under 16 V.S.A. § 2822.

(3) "Forgivable loan" means a loan awarded under this section covering tuition, room, board, and the cost of required books and supplies for up to full-time attendance at an eligible school.

(4) "Gift aid" means grant or scholarship financial aid received from the federal government or from the State.

(5) "Loan repayment" means the cancellation and repayment of loans under this section.

(6) "Loans" means education loans guaranteed, made, financed, serviced, or otherwise administered by the Corporation under this subchapter for attendance at an eligible school.

(7) "Nurse educator" means a nurse with a master's or doctoral degree that qualifies the individual to teach at a nursing school in this State.

(8) "Program" means the Nurse Educator Forgivable Loan and Loan Repayment Program created under this section.

(b) Program creation. The Nurse Educator Forgivable Loan and Loan Repayment Program is created and shall be administered by the Department of Health in collaboration with the Corporation. The Program provides forgivable loans to students enrolled in an eligible school who commit to working as a nurse educator at a nursing school in this State and who meet the eligibility requirements in subsection (d) of this section. The Program also provides loan repayment on behalf of individuals who work as nurse educators at a nursing school in this State and who meet the eligibility requirements in subsection (e) of this section.

(c) The forgivable loan and loan repayment benefits provided under the Program shall be paid on behalf of the eligible individual by the Corporation, subject to the appropriation of funds by the General Assembly specifically for this purpose.

(d) Eligibility for forgivable loans. To be eligible for a forgivable loan under the Program, an individual, whether a resident or nonresident, shall satisfy all of the following requirements:

(1) be enrolled at an eligible school in a program that leads to a graduate degree in nursing;

(2) continually demonstrate satisfactory academic progress by maintaining the minimum grade point average or better or the equivalent as determined by the Corporation if the eligible school does not use grade point averages;

(3) have used any available gift aid;

(4) have executed a contract with the Corporation committing the individual to work as a nurse educator at a nursing school in this State;

(5) have executed a promissory note that will reduce the individual's forgivable loan benefit, in whole or in part, if the individual fails to complete the period of service required in subsection (f) of this section; and

(6) have completed the Program's application form, the free application for federal student aid (FAFSA), and the Vermont grant application each academic year of enrollment in accordance with a schedule determined by the Corporation.

(e) Eligibility for loan repayment. To be eligible for loan repayment under the Program, an individual shall satisfy all of the following requirements:

(1) graduated from an eligible school where the individual has, within the past five years, been awarded a graduate degree in nursing;

(2) had the minimum grade point average or better or the equivalent as determined by the Corporation if the eligible school does not use grade point averages from the eligible school;

(3) work as a nurse educator at a nursing school in this State; and

(4) be a resident of Vermont.

(f) Service commitment.

(1) Forgivable loans. For each year of service as a nurse educator at a nursing school in this State, an eligible individual shall be entitled to a full academic year of forgivable loan benefit under the Program. If an eligible individual fails to serve as a nurse educator at a nursing school in this State for a period that would entitle the individual to the full forgivable loan benefit received by the individual, other than for good cause as determined by the Corporation in consultation with the Vermont Department of Health, then the individual shall receive only partial loan forgiveness for a pro rata portion of the loan pursuant to the terms of the interest-free reimbursement promissory note signed by the individual at the time of entering the Program.

(2) Loan repayment. An eligible individual shall be entitled to an amount of loan cancellation and repayment under this section equal to one year of loans for each year of service as a nurse educator at a nursing school in this State.

(g) Adoption of policies, procedures, and guidelines. The Corporation shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section.

Sec. 29. NURSE EDUCATOR FORGIVABLE LOAN AND LOAN REPAYMENT PROGRAM; APPROPRIATION

In fiscal year 2023, the amount of \$500,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Department of Health for forgivable loans and loan repayment for nurse educators under the Nurse Educator Forgivable Loan and Loan Repayment Program established in Sec. 28 of this act.

Sec. 30. 18 V.S.A. § 9456 is amended to read:

§ 9456. BUDGET REVIEW

(a) The Board shall conduct reviews of each hospital's proposed budget based on the information provided pursuant to this subchapter and in accordance with a schedule established by the Board.

(b) In conjunction with budget reviews, the Board shall:

* * *

(10) require each hospital to provide information on administrative costs, as defined by the Board, including specific information on the amounts spent on marketing and advertising costs; and

(11) require each hospital to create or maintain connectivity to the State's Health Information Exchange Network in accordance with the criteria established by the Vermont Information Technology Leaders, Inc., pursuant to subsection 9352(i) of this title, provided that the Board shall not require a hospital to create a level of connectivity that the State's Exchange is unable to support;

(12) review the hospital's investments in workforce development initiatives, including nursing workforce pipeline collaborations with nursing schools and compensation and other support for nurse preceptors; and

(13) consider the salaries for the hospital's executive and clinical leadership and the hospital's salary spread, including a comparison of median salaries to the medians of northern New England states.

* * *

Sec. 31. GREEN MOUNTAIN CARE BOARD; FISCAL YEAR 2023
HOSPITAL BUDGET REVIEW; NURSING WORKFORCE
DEVELOPMENT INITIATIVES

For hospital fiscal year 2023, the Green Mountain Care Board may exclude all or a portion of a hospital's investments in nursing workforce development initiatives from any otherwise applicable financial limitations on the hospital's budget or budget growth. Notwithstanding any provision of GMCB Rule 3.202, the Board may modify its hospital budget guidance for hospital fiscal year 2023 as needed to comply with this section.

Sec. 32. AGENCY OF HUMAN SERVICES; HEALTH CARE
WORKFORCE DATA CENTER

(a) In fiscal year 2023, the amount of \$1,000,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Office of Health Care Reform in the Agency of Human Services to enable the Agency to establish and operate the statewide Health Care Workforce Data Center. In order to enhance the State's public health data systems, respond to the COVID-19 public health emergency, and improve the State's COVID-19 mitigation and prevention efforts, the Center shall collect health care workforce data, shall collaborate with the Director of Health Care Reform to identify and propose solutions to address data gaps, and shall share

the data with the Green Mountain Care Board as appropriate to inform the Board's Health Resource Allocation Plan responsibilities pursuant to 18 V.S.A. § 9405.

(b) The Center shall use existing statewide information to the extent practicable to avoid imposing administrative burdens on health care providers and to avoid duplication of efforts underway elsewhere in Vermont. The Center shall expand its data collection practices over two years to include all levels of the health care workforce, beginning with the highest-level licensed health care professionals.

(c) In order to ensure the Center has access to accurate and timely health care workforce data, the Center:

(1) shall have the cooperation of other State agencies and departments in responding to the Center's requests for information;

(2) may enter into data use agreements with institutions of higher education and other public and private entities, to the extent permitted under State and federal law; and

(3) may collect vacancy and turnover information from health care employers.

(d) One permanent classified Health Care Workforce Data Center Manager position is created in the Agency of Human Services, Office of Health Care Reform in fiscal year 2023 to manage the Health Care Workforce Data Center created pursuant to this section.

(e) The Agency of Human Services may include proposals for additional funding or data access, or both, for the Center as part of the Agency's fiscal year 2024 budget request.

Sec. 33. OFFICE OF PROFESSIONAL REGULATION; BARRIERS TO MENTAL HEALTH LICENSURE; REPORT

The Office of Professional Regulation shall undertake a systematic review of the licensing processes for mental health and substance use disorder treatment professionals to identify barriers to licensure. On or before January 15, 2023, the Office shall provide its findings and recommendations to address any identified barriers to licensure to the House Committees on Health Care, on Human Services, on Commerce and Economic Development, and on Government Operations and the Senate Committees on Health and Welfare, on Economic Development, Housing and General Affairs, and on Government Operations.

Sec. 34. AGENCY OF HUMAN SERVICES; POSITION;
APPROPRIATION

(a) One classified, three-year limited-service Health Care Workforce Coordinator position is created in the Agency of Human Services, Office of Health Care Reform in fiscal year 2023 to support the health care workforce initiatives set forth in this act and in the Health Care Workforce Development Strategic Plan. The Coordinator shall focus on building educational, clinical, and housing partnerships and support structures to increase and improve health care workforce training, recruitment, and retention.

(b) In fiscal year 2023 the amount of \$170,000.00 is appropriated from the General Fund to the Agency of Human Services, Office of Health Care Reform for the Health Care Workforce Coordinator position, of which \$120,000.00 is for personal services and \$50,000.00 is for operating expenses.

Sec. 35. DEPARTMENT OF LABOR; GREEN MOUNTAIN CARE

BOARD; SUPPLY AND DEMAND MODELING

On or before January 15, 2023, the Department of Labor, in collaboration with the Green Mountain Care Board, shall explore and recommend to the House Committees on Health Care, on Human Services, and on Commerce and Economic Development and the Senate Committees on Health and Welfare and on Economic Development, Housing and General Affairs a process, methodology, and necessary funding amounts to establish and maintain the capacity to perform health care supply and demand modeling based on information in the Health Care Workforce Data Center, for use by health care employers, health care educators, and policymakers.

Sec. 36. DEPARTMENT OF FINANCIAL REGULATION; GREEN
MOUNTAIN CARE BOARD; PRIOR AUTHORIZATIONS;
ADMINISTRATIVE COST REDUCTION; REPORT

(a) The Department of Financial Regulation shall explore the feasibility of requiring health insurers and their prior authorization vendors to access clinical data from the Vermont Health Information Exchange whenever possible to support prior authorization requests in situations in which a request cannot be automatically approved.

(b) The Department of Financial Regulation shall direct health insurers to provide prior authorization information to the Department in a format required by the Department in order to enable the Department to analyze opportunities to align and streamline prior authorization request processes. The Department shall share its findings and recommendations with the Green Mountain Care Board, and the Department and the Board shall collaborate to provide recommendations to the House Committee on Health Care and the Senate

Committees on Health and Welfare and on Finance on or before January 15, 2023 regarding the statutory changes necessary to align and streamline prior authorization processes and requirements across health insurers.

Sec. 37. 33 V.S.A. § 3543 is amended to read:

§ 3543. STUDENT LOAN REPAYMENT ASSISTANCE

(a)(1) There is established a need-based student loan repayment assistance program for the purpose of providing student loan repayment assistance to any individual employed by a regulated, privately operated center-based child care program or family child care home.

(2) An eligible individual shall:

(A) work in a privately operated center-based child care program or in a family child care home that is regulated by the Division for at least an average of 30 hours per week for 48 weeks of the year, except that this minimum time requirement does not apply to an employee of Vermont Head Start to the extent it conflicts with any law or contract provision governing the terms of employment.

(B) receive an annual salary of not more than \$50,000.00; and

(C) have earned an associates or bachelor's degree with a major concentration in early childhood, child and human development, elementary education, special education with a birth to age eight focus, or child and family services within the preceding five years.

* * *

Sec. 38. PILOT PROGRAM; POSITIONS EMBEDDED WITHIN
RECOVERY CENTERS

(a)(1) In fiscal year 2023 the amount of \$1,290,000.00 is appropriated from the General Fund to the Department for Disabilities, Aging, and Independent Living's Division of Vocation Rehabilitation for the purpose of developing and implementing a two-year pilot program that authorizes 15 FTE new limited-service positions embedded within 12 recovery centers across the State.

(2) The 15 FTE limited-service positions shall be allocated as follows:

(A) Of the total appropriation, \$540,000.00 total shall be allocated in equal amounts to fund the following 2.5 FTE at each of two geographically diverse recovery centers:

(i) one FTE to serve as an employment counselor within the Division of Vocation Rehabilitation;

(ii) one FTE to serve as an employment consultant within the Vermont Association of Business Industry and Rehabilitation; and

(iii) 0.5 FTE to serve as Employment Assistance Program staff within the Division of Vocation Rehabilitation.

(B) Of the total appropriation, \$75,000.00 shall be allocated in equal amounts to fund one FTE who shall serve as an employment support counselor at each of the 10 remaining recovery centers in the State.

(b) On or before January 1, 2024, the Division of Vocational Rehabilitation, in collaboration with the Vermont Association of Business Industry and Rehabilitation, shall submit a report to the House Committees on Commerce and Economic Development and on Human Services and to the Senate Committees on Economic Development, Housing and General Affairs and on Health and Welfare summarizing the effectiveness of the pilot program, including:

- (1) educational attainment and achievement of program recipients;
- (2) acquisition of a credential of value pursuant to 10 V.S.A. § 546;
- (3) number of job placements; and
- (4) job retention rates.

Sec. 39. CREDENTIAL OF VALUE GOAL; PUBLIC-PRIVATE

PARTNERSHIP; APPROPRIATION

(a) Duties. In fiscal year 2023, the amount of \$150,000.00 is appropriated from the General Fund to the Vermont Student Assistance Corporation for a performance-based contract to perform the following duties, in coordination and alignment with State partners, in support of the State's goal articulated in 10 V.S.A. § 546 that 70 percent of working-age Vermonters hold a credential of value by 2025 (Goal):

(1) increase public awareness of the value of postsecondary education and training to help persons of any age make informed decisions about the value of education and training that would further their advancement in educational pathways and pursuit of career goals, through targeted outreach as outlined in subsection (b) of this section;

(2) promote a broad understanding of the public good and value in achieving the State's Goal and of actions stakeholders can take to increase attainment;

(3) assist or coordinate with stakeholders, such as educational, business, governmental, nonprofit, and philanthropic organizations, in activities that

seek to align the delivery of high-quality education and training opportunities with career advancement and support the policy priorities outlined in 10 V.S.A. § 546;

(4) collect and display publicly available, nonconfidential information about postsecondary credentials available to Vermonters;

(5) facilitate conversations or provide information about the national best practices in aligning, recognizing, measuring, tracking, and promoting postsecondary credentials of value to the Vermont Department of Labor and Agency of Education when requested;

(6) maintain web-based resources that provide information about opportunities to obtain a postsecondary credential of value, in coordination with State partners;

(7) support the Vermont Department of Labor and Agency of Education transition or integration of Advance Vermont's web-based resources and collected information referenced in subdivisions (4) and (6) of this subsection into a State-supported system in a coordinated way; and

(8) meet on a quarterly basis with the Vermont Department of Labor and Agency of Education about activities described in this subsection.

(b) Outreach. The contractor may use funds awarded by the State to:

(1) create and distribute public-facing communications and resources related to the duties described in this section; and

(2) offer support to career and education counselors, employment and training counselors, jobseekers and their families, and other stakeholders, consistent with best practice and State policy and programs, to help them better understand the postsecondary education and training landscape.

(c) Reports. The contractor shall provide written reports to:

(1) the Vermont Department of Labor and Agency of Education about anticipated work and activities using a simplified reporting template jointly developed by the contractor and the State entities on a quarterly basis; and

(2) on or before December 15, 2022, the House and Senate committees of jurisdiction regarding the use of funds, activities performed, and outcomes achieved pursuant to this section.

Sec. 40. VERMONT SERVE, LEARN, AND EARN PROGRAM;

APPROPRIATION

In fiscal year 2023, the amount of \$2,000,000.00 is appropriated from the General Fund to the Department of Forests, Parks and Recreation to provide

funding for capital and operating needs of groups participating in the Vermont Serve, Learn, and Earn Program, which supports workforce development goals through creating meaningful paid service and learning opportunities for young adults.

Sec. 41. ADULT EDUCATION AND LITERACY; FINDINGS

The General Assembly finds:

(1) Adult education and literacy services are a key piece of the workforce development system and serve as the entryway into career readiness and workforce development for tens of thousands of our most vulnerable Vermonters, those with low literacy, under-education, or those simply in need of increased skills so that they can succeed.

(2) 36,000 adults in Vermont do not have a high school credential, and tens of thousands more lack the skills to matriculate into and be successful in college, in career training programs, or both. Adult education and literacy providers are the first stop on the path to the transformative opportunities that Vermont is offering for these individuals.

(3) Adult education and literacy services help people build the assets they need to move out of poverty successfully, as well as the confidence to continue to move toward success throughout their lives. Students are supported to identify concrete goals and then break those goals down into steps. Students set goals in the domains of:

(A) family and life;

(B) academics; and

(C) career and college readiness.

Sec. 42. FINDINGS; FOREST FUTURE STRATEGIC ROADMAP

The General Assembly finds for the purposes of this section and Secs. 43 to 45 of this act:

(1) Private and public forestlands:

(A) constitute unique and irreplaceable resources, benefits, and values of statewide importance;

(B) contribute to the protection and conservation of wildlife habitat, air, water, and soil resources of the State;

(C) mitigate the effects of climate change; and

(D) benefit the general health and welfare of the persons of the State.

(2) The forest products sector, including maple sap collection:

(A) is a major contributor to and is valuable to the State's economy by providing nearly 14,000 jobs for Vermonters, generating \$2.1 billion in annual sales, and supporting \$30.8 million in additional economic activity from trail uses and seasonal tourism;

(B) is essential to the manufacture of forest products that are used and enjoyed by the persons of the State; and

(C) benefits the general welfare of the persons of the State.

(3) Private and public forestlands are critical for and contribute significantly to the State's outdoor recreation and tourism economies.

(4) Eighty percent of Vermont's forestland is held in private ownership, of which 56 percent of private lands are enrolled in the forestland category of Vermont's Use Value Appraisal Program (UVA). UVA is Vermont's most important conservation program and contains the largest foundation of supply to support a vibrant forest-based rural economy.

(5) Economic realities and demand pressures for urban, commercial, and residential land uses throughout the State continue to challenge forest landowners trying to maintain intact forests. Forest fragmentation can adversely affect the natural environment and viable forest management. Addressing the economic and social needs of the forest products sector is paramount to keeping forests intact, viable, and healthy.

(6) The encouragement, development, improvement, and preservation of forestry operations will result in extant, intact, and functioning forests that will provide a general benefit to the health and welfare of the persons of the State and the State's economy.

(7) To strengthen, promote, and protect the Vermont forest products sector, the State should establish the Vermont Forest Future Strategic Roadmap.

Sec. 43. 10 V.S.A. chapter 82 is added to read:

CHAPTER 82. VERMONT FOREST FUTURE STRATEGIC ROADMAP

§ 2531. VERMONT FOREST FUTURE STRATEGIC ROADMAP

(a) Creation. The Commissioner of Forests, Parks and Recreation shall create the Vermont Forest Future Strategic Roadmap to strengthen, modernize, promote, and protect the forest products sector in Vermont. The Commissioner of Forests, Parks and Recreation may contract with a qualified contractor for the creation of the Vermont Forest Future Strategic Roadmap. During the contract proposal process, the Commissioner of Forests, Parks and

Recreation shall seek a proposal to complete the Vermont Forest Future Strategic Roadmap from the Vermont Sustainable Jobs Fund.

(b) Intended outcomes. The intended outcomes of the Vermont Forest Future Strategic Roadmap are to:

(1) increase sustainable economic development and jobs in Vermont's forest economy;

(2) promote ways to expand the workforce and strengthen forest product enterprises in order to strengthen, modernize, promote, and protect the Vermont forest economy into the future;

(3) promote the importance of healthy, resilient, and sustainably managed working forests that provide a diverse array of high-quality products now and in the future; and

(4) identify actionable strategies designed to strengthen, modernize, promote, and protect the forest products sector in Vermont, including opportunities for new product development, opening new markets for Vermont forest products, adopting modern manufacturing processes, and utilizing new ways to market Vermont forest products.

(c) Strategic Roadmap content. In developing the Vermont Forest Future Strategic Roadmap, the Commissioner of Forests, Parks and Recreation or the relevant contractor shall:

(1) review all existing data, plans, and industry-level research completed over the past 10 years, including the Working Lands Enterprise Fund's Forest Sector Systems Analysis, and identify any recommendations in those reports in order to build upon previous efforts;

(2) identify infrastructure investment and funding to support and promote Vermont forest products enterprises;

(3) identify regulatory barriers and propose policy recommendations to support and strengthen the Vermont forest economy;

(4) identify opportunities for all State agencies to engage with and enhance the Vermont forest products sector, including the Department of Buildings and General Services, the Agency of Commerce and Community Development, the Department of Tourism and Marketing, the Agency of Education, the Agency of Transportation, the Department of Public Service, the Agency of Natural Resources, the Department of Financial Regulation, and the Department of Labor;

(5) develop recommendations to support education and training of the current and future workforce of the Vermont forest products sector;

(6) propose alternatives for the modernization of transportation and regulation of Vermont forest products enterprises, including modernization of local and State permits;

(7) identify methods or programs that Vermont forest enterprises can utilize to access business assistance services;

(8) recommend how to maintain access by Vermont forest products enterprises to forestland and how to maintain the stewardship and conservation of Vermont forests as a whole;

(9) propose methods to enhance market development and manufacturing by Vermont forest products enterprises, including value chain coordination and regional partnerships;

(10) recommend consumer education and marketing initiatives; and

(11) recommend how to clarify the roles of various public entities and nongovernmental organizations that provide certain services to the forestry sector and to ensure coordination and alignment of those functions in order to advance and maximize the strength of the forest products industry.

(d) Process for development of Vermont Forest Future Strategic Roadmap.

(1) The Commissioner of Forests, Parks and Recreation or relevant contractor shall develop the Vermont Forest Future Strategic Roadmap and all subsequent revisions through the use of a public stakeholder process that includes and invites participation by interested parties representing all users of Vermont's forests, including representatives of forest products enterprises, State agencies, investors, forestland owners, recreational interests, loggers, foresters, truckers, sawmills, firewood processors, wood products manufacturers, education representatives, and others.

(2) The Commissioner of Forests, Parks and Recreation, in collaboration with forest products sector stakeholders, shall review the Strategic Roadmap periodically and shall update the Strategic Roadmap at least every 10 years.

(e) Advisory panel; administration.

(1) The Commissioner of Forests, Parks and Recreation or relevant contractor shall convene a Vermont Forest Future Strategic Roadmap advisory panel to review and counsel in the development and implementation of the Vermont Forest Future Strategic Roadmap. The advisory panel shall include representatives of forest products enterprises, State agencies, investors, forestland owners, foresters, loggers, truckers, wood products manufacturers, recreational specialists, education representatives, trade organizations, and

other partners as deemed appropriate. The Commissioner of Forests, Parks and Recreation shall select representatives to the advisory panel.

(2) The Commissioner of Forests, Parks and Recreation or relevant contractor may seek grants or other means of assistance to support the development and implementation of the Vermont Forest Future Strategic Roadmap.

Sec. 44. IMPLEMENTATION

(a) The Commissioner of Forests, Parks and Recreation or relevant contractor shall submit to the General Assembly:

(1) draft recommendations for the Vermont Forest Future Strategic Roadmap on or before July 1, 2023; and

(2) a final report and recommendations for the Vermont Forest Future Strategic Roadmap on or before January 1, 2024.

(b) Any recommendation submitted under this section shall include recommended appropriations sufficient to implement the recommendation or the Vermont Forest Future Strategic Roadmap as a whole.

Sec. 45. APPROPRIATIONS

In addition to any other funds appropriated to the Department of Forests, Parks and Recreation, in fiscal year 2023 the amount of \$250,000.00 is appropriated from the General Fund to the Department to enter a two-year contract in fiscal year 2023 for the purpose of contracting for the development of the Vermont Forest Future Strategic Roadmap required by 10 V.S.A. § 2531.

Sec. 46. ECONOMIC RECOVERY GRANT PROGRAM; REVERSION

In fiscal year 2022, of the amounts appropriated in 2021 Acts and Resolves No. 74, Sec. G. 300(a)(13), from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Agency of Commerce and Community Development for the Economic Recovery Grant Program:

(1) \$8,000,000.00 shall revert to the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds; and

(2) any additional amounts remaining in the Program at the close of fiscal year 2022 shall revert to the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds and the Agency shall report such amount to the Joint Fiscal Committee at its July 2022 meeting.

Sec. 47. EFFECTIVE DATES

This act shall take effect on July 1, 2022, except that:

(1) Sec. 13 (Secondary Student Industry Recognized Credential Pilot Project) and Sec. 46 (Economic Recovery Grant Program funding) shall take effect on passage.

~~Sec. 12(b) (c) (Internship Cost Offset Initiative) shall take effect on passage.~~

(2) Sec. 30 (18 V.S.A. § 9456) shall take effect on January 1, 2023 and shall apply to hospital fiscal years 2024 and after.

Rep. Long of Newfane presiding.

Rep. Krowinski of Burlington presiding.

Which substitution was agreed to. Thereupon, **Rep. Till of Jericho** asked and was granted leave of the House to withdraw the report of the Committee on Ways and Means.

Thereafter, the report of the Committee on Commerce and Economic Development was amended as recommended by the Committee on Appropriations, as substituted. The bill was amended as recommended by the Committee on Commerce and Economic Development, as amended, and third reading ordered.

**Committee Bill; Second Reading;
Bill Amended; Third Reading Ordered**

H. 728

Rep. Whitman of Bennington spoke for the Committee on Human Services.

House bill, entitled

An act relating to opioid overdose response services

Rep. Fagan of Rutland City, for the Committee on Appropriations, recommended that the bill ought to pass when amended as follows:

First: By deleting Secs. 3–6, and their reader assistance headings in their entireties and inserting in lieu thereof the following:

Sec. 3. [Deleted.]

Sec. 4. [Deleted.]

Sec. 5. [Deleted.]

Sec. 6. [Deleted.]

Second: By striking out Sec. 12, effective dates, and its reader assistance heading in their entirety and inserting in lieu thereof a reader assistance heading and a new Sec. 12 to read as follows:

* * * Effective Date * * *

Sec. 12. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Appropriations agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Whitman of Bennington** moved to amend the bill as follows:

First: By adding a reader assistance heading and two new sections to be Secs. 3 and 4 to read as follows:

* * * Prior Authorization of Medication-Assisted Treatment

Medications for Medicaid Beneficiaries * * *

Sec. 3. 33 V.S.A. § 1901k is added to read:

§ 1901k. MEDICATION-ASSISTED TREATMENT MEDICATIONS

(a) The Agency of Human Services shall provide coverage to Medicaid beneficiaries for medically necessary medication-assisted treatment for opioid use disorder when prescribed by a health care professional practicing within the scope of the professional's license and participating in the Medicaid program.

(b) Upon approval of the Drug Utilization Review Board, the Agency shall cover at least one medication in each therapeutic class for methadone, buprenorphine, and naltrexone as listed on Medicaid's preferred drug list without requiring prior authorization.

Sec. 4. REPORT; PRIOR AUTHORIZATION; MEDICATION-ASSISTED
TREATMENT

(a) On or before December 1, 2022, the Department of Vermont Health Access shall research the following, in consultation with individuals representing diverse professional perspectives, and submit its findings related to prior authorization for medication-assisted treatment to the Drug Utilization Review Board and Clinical Utilization Review Board for review, consideration, and recommendations:

(1) the quantity limits and preferred medications for buprenorphine products;

(2) the feasibility and costs for adding mono-buprenorphine products as preferred medications and the current process for verifying adverse effects;

(3) how other states' Medicaid programs address prior authorization for medication-assisted treatment, including the 60-day deferral of prior authorization implemented by Oregon's Medicaid program;

(4) the appropriateness and feasibility of removing annual renewal of prior authorization;

(5) the appropriateness of creating parity between hub-and-spoke providers with regard to medication-assisted treatment quantity limits; and

(6) creating an automatic emergency 72-hour pharmacy override default.

(b) Prior to providing a recommendation to the Department, the Drug Utilization Review Board and the Clinical Utilization Review Board shall include as an agenda item at their respective meetings the Department's findings related to prior authorization required pursuant to subsection (a) of this section.

(c) On or before January 15, 2023, the Department shall submit a written report containing both the Department's initial research and findings and the Drug Utilization Review Board and the Clinical Utilization Review Board's recommendations pursuant to subsection (a) of this section to the House Committee on Human Services and to the Senate Committee on Health and Welfare.

Second: By striking out Sec. 7, reports; prior authorization for medication-assisted treatment; Medicaid, in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

**Sec. 7. REPORTS; PRIOR AUTHORIZATION FOR MEDICATION-
ASSISTED TREATMENT; MEDICAID**

On or before February 1, 2023, 2024, and 2025, the Department of Vermont Health Access shall report to the House Committees on Health Care and on Human Services and to the Senate Committee on Health and Welfare regarding prior authorization processes for medication-assisted treatment in Vermont's Medicaid program during the previous calendar year, including:

(1) which medications required prior authorization;

(2) the reason for initiating prior authorization;

(3) how many prior authorization requests the Department received and, of these, how many were approved and denied and the reason for approval or denial;

(4) the average and longest length of time the Department took to process a prior authorization request; and

(5) how many prior authorization appeals the Department received and, of these, how many were approved and denied and the reason for approval or denial.

Which was agreed to. Thereupon, third reading was ordered.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 96

House bill, entitled

An act relating to creating the Truth and Reconciliation Commission Development Task Force

H. 293

House bill, entitled

An act relating to creating the State Youth Council

H. 410

House bill, entitled

An act relating to the creation of the Artificial Intelligence Commission

H. 553

House bill, entitled

An act relating to eligibility of domestic partners for reimbursement from the Victims Compensation Program

H. 661

House bill, entitled

An act relating to licensure of mental health professionals

H. 718

House bill, entitled

An act relating to approval of the dissolution of Colchester Fire District No. 1

H. 729

House bill, entitled

An act relating to miscellaneous judiciary procedures

H. 730

House bill, entitled

An act relating to alcoholic beverages and the Department of Liquor and Lottery

H. 737

House bill, entitled

An act relating to setting the homestead property tax yields and the nonhomestead property tax rate

H. 738

House bill, entitled

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

**Committee Bill; Second Reading;
Bill Amended; Third Reading Ordered**

H. 736

Rep. Lanpher of Vergennes spoke for the Committee on Transportation.

House bill, entitled

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation

Rep. Long of Newfane presiding.

Rep. Krowinski of Bulington presiding.

Rep. Brennan of Colchester, for the Committee on Ways and Means, recommended the bill ought to pass.

Rep. Toleno of Brattleboro, for the Committee on Appropriations, recommended that the bill ought to pass when amended as follows:

First: By striking out Sec. 2, investments in electric vehicle supply equipment infrastructure, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. INVESTMENTS IN ELECTRIC VEHICLE SUPPLY EQUIPMENT
INFRASTRUCTURE

(a) State highway network. The Agency of Transportation is authorized to spend up to \$6,250,000.00 as appropriated in the fiscal year 2023 budget to install level 3 EVSE along the State highway network consistent with the goals established in 2021 Acts and Resolves No. 55, Sec. 30, as amended by Sec. 3 of this act. This authorization shall be used by the Agency to purchase and install level 3 EVSE or to provide grants for persons to purchase and install level 3 EVSE, or both.

(b) Purpose. The purpose of the expenditures authorized in subsection (a) of this section is to respond to negative economic impacts to the tourism, travel, and hospitality industries caused by the COVID-19 public health emergency.

(c) Administration expenses. Unless prohibited by federal or State law, the Agency of Transportation may use up to 15 percent of the total amount that is distributed in grant awards, if any, under subsection (a) of this section for costs associated with administering and promoting any State-run electric vehicle supply equipment grant programs, including translation and interpretation service, community outreach, and education.

(d) Carryforward; deployment in fiscal year 2023.

(1) Notwithstanding any other provision of law and subject to the approval of the Secretary of Administration, appropriations to support the authorizations under this section remaining unexpended on June 30, 2023 shall be carried forward and designated for the same expenditures in the subsequent fiscal year.

(2) Every reasonable effort shall be made to obligate and deploy the monies authorized for expenditure under this section in fiscal year 2023 in order to achieve a pace of EVSE deployment necessary to meet the emissions reduction requirements of 10 V.S.A. § 578(a) and the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

(e) Outreach and marketing. The Agency of Transportation shall ensure that there is sufficient outreach and marketing, including the use of translation and interpretation services, of any EVSE grant program implemented pursuant to subsection (a) of this section so that Vermonters who can secure financial

assistance under one of the EVSE grant programs can easily learn about and how to apply for an EVSE grant.

Second: In Sec. 4, vehicle incentive programs, by striking out subsections (f), purpose, and (g), eligibility criteria, in their entirety and by relettering the remaining subsections to be alphabetically correct.

Third: By striking out Sec. 6, Vermont Association of Snow Travelers (VAST) authorizations, and its corresponding reader assistance heading in their entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. [Deleted.]

Fourth: By adding a new section to be Sec. 14a before the reader assistance heading to Sec. 15 to read as follows:

Sec. 14a. ONE-TIME APPROPRIATION; DMV IT PROJECT

Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program, in one-time appropriations, the number "20,250,000" is struck out for "All Exp.," "Total," "Transportation Fund," and "Total" and replaced with the number "0" so as to indicate that there is no appropriation to the Department of Motor Vehicles for the DMV Core System Modernization Phase II project, and a note is added to read as follows: "The fiscal year 2023 budget bill appropriates \$20,250,000 from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Agency of Digital Services for the DMV Core System Modernization Phase II project."

Having appeared on the Notice Calendar, the bill was taken up, read the second time, and the report of the Committee on Appropriations was agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Burke of Brattleboro** moved to amend the bill as follows:

In Sec. 4, vehicle incentive programs, by striking out subsection (d), eBike Incentive Program, in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) eBike Incentive Program. The Agency is authorized to spend up to \$1,000,000.00 as appropriated in the fiscal year 2023 budget on an eBike Incentive Program to provide \$200.00 incentives for the purchase of electric bicycles, as defined in 23 V.S.A. § 4(46), to Vermonters who self-certify as to meeting any incentive tier under the income eligibility criteria for the Incentive Program for New PEVs.

Which was agreed to, and third reading was ordered.

Recess

At five o'clock and thirty minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

Committee Bill; Second Reading; Third Reading Ordered**H. 740**

Rep. Hooper of Montpelier spoke for the Committee on Appropriations.

House bill, entitled

An act relating to making appropriations for the support of government

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up, read the second time, and third reading ordered.

Message from the Senate No. 39

A message was received from the Senate by Mr. Bloomer, its Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 72. An act relating to the Interstate Compact on the Placement of Children.

S. 90. An act relating to establishing an amyotrophic lateral sclerosis registry.

S. 91. An act relating to the Parent Child Center Network.

S. 127. An act relating to the procedures and review of community supervision furlough revocation or interruption appeals.

S. 140. An act relating to prohibiting civil arrests at courthouses.

S. 161. An act relating to extending the baseload renewable power portfolio requirement.

S. 162. An act relating to the collective bargaining rights of teachers.

S. 163. An act relating to State court petitions for vulnerable noncitizen youth.

S. 171. An act relating to adoption of a State code of ethics.

S. 178. An act relating to supermajority verdicts in civil trials.

S. 201. An act relating to best management practices for trapping.

S. 214. An act relating to valuation for purposes of the education property tax.

S. 250. An act relating to law enforcement data collection and interrogation.

S. 258. An act relating to agricultural water quality, enforcement, and dairy farming.

S. 269. An act relating to extending the Energy Savings Account Partnership Pilot Program.

In the passage of which the concurrence of the House is requested.

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

J.R.S. 44. Joint resolution providing for a Joint Assembly to vote on the retention of six Superior Judges.

And has concurred therein.

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

H. 444. An act relating to approval of amendments to the charter of the City of Barre.

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

Adjournment

At seven o'clock and ten minutes in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, March 25, 2022

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Deacon Beth Ann Maier, Good Shepherd Church, Barre and Christ Church, Montpelier.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 72

Senate bill, entitled

An act relating to the Interstate Compact on the Placement of Children
To the Committee on Human Services.

S. 90

Senate bill, entitled

An act relating to establishing an amyotrophic lateral sclerosis registry
To the Committee on Health Care.

S. 91

Senate bill, entitled

An act relating to the Parent Child Center Network
To the Committee on Human Services.

S. 127

Senate bill, entitled

An act relating to the procedures and review of community supervision
furlough revocation or interruption appeals
To the Committee on Corrections and Institutions.

S. 140

Senate bill, entitled

An act relating to prohibiting civil arrests at courthouses
To the Committee on Judiciary.

S. 161

Senate bill, entitled

An act relating to extending the baseload renewable power portfolio requirement

To the Committee on Energy and Technology.

S. 162

Senate bill, entitled

An act relating to the collective bargaining rights of teachers

To the Committee on Education.

S. 163

Senate bill, entitled

An act relating to State court petitions for vulnerable noncitizen youth

To the Committee on Judiciary.

S. 171

Senate bill, entitled

An act relating to adoption of a State code of ethics

To the Committee on Government Operations.

S. 178

Senate bill, entitled

An act relating to supermajority verdicts in civil trials

To the Committee on Judiciary.

S. 201

Senate bill, entitled

An act relating to best management practices for trapping

To the Committee on Natural Resources, Fish, and Wildlife.

S. 214

Senate bill, entitled

An act relating to valuation for purposes of the education property tax

To the Committee on Ways and Means.

S. 250

Senate bill, entitled

An act relating to law enforcement data collection and interrogation

To the Committee on Judiciary.

S. 258

Senate bill, entitled

An act relating to agricultural water quality, enforcement, and dairy farming

To the Committee on Agriculture and Forestry.

S. 269

Senate bill, entitled

An act relating to extending the Energy Savings Account Partnership Pilot Program

To the Committee on Energy and Technology.

Remarks Journalized

On motion of **Rep. Sims of Craftsbury**, the following remarks by **Rep. Norris of Shoreham** were ordered printed in the Journal:

“Madam Speaker:

Earlier this week we finally were able to hold the traditional seating ceremony for a historical class of new members elected during the pandemic and sworn in remotely on the same day as the insurrection in our nation's capital.

This group of legislators has many noteworthy and historical traits, including one that has had significant history to the Vermont Legislature.

May I quote from the journal of May 8, 2020?

The following remarks by Rep. Graham of Williamstown were ordered printed in the Journal: ‘The end of a very long-standing tradition probably dating back to the creation of the House of Representatives as on May 2, 2020 there is no longer an active dairy farmer serving in the State Legislature.’

That was a sobering announcement and day in this chamber, which sits under the golden dome and the watchful eye of Ceres.

Many of us know how difficult it is to serve when you also need to hold a year-round job to feed your family. Even harder still when that job involves working the land.

Since this is the last day of National Agriculture Week:

This body is fortunate to once again have two members in their 30s who are also actively dairy farming, the member from Danville and the member from Barnard, who are both active dairy farmers at Hillview Farm and Kiss the Cow Farm.

Sorry to say Rep. Pearl is absent today because of a tractor being delivered – the life of a farmer.”

Bill Amended; Read Third Time; Bill Passed

H. 703

House bill, entitled

An act relating to promoting workforce development

Was taken up and, pending third reading of the bill, **Rep. Cordes of Lincoln** moved to amend the bill as follows:

First: In the Sec. 20 section heading, by striking out “NURSE EDUCATORS” and inserting in lieu thereof “NURSE FACULTY AND STAFF”

Second: By striking out Secs. 28, 18 V.S.A. § 36, and 29, Nurse Educator Forgivable Loan and Loan Repayment Program; appropriation, in their entireties and inserting in lieu thereof the following:

Sec. 28. 18 V.S.A. § 36 is added to read:

§ 36. NURSE FACULTY FORGIVABLE LOAN AND LOAN REPAYMENT PROGRAM

(a) Definitions. As used in this section:

(1) “Eligible individual” means an individual who satisfies the eligibility requirements under this section for a forgivable loan or loan repayment.

(2) “Eligible school” means an approved postsecondary education institution, as defined under 16 V.S.A. § 2822.

(3) “Forgivable loan” means a loan awarded under this section covering tuition, room, board, and the cost of required books and supplies for up to full-time attendance at an eligible school.

(4) “Gift aid” means grant or scholarship financial aid received from the federal government or from the State.

(5) “Loan repayment” means the cancellation and repayment of loans under this section.

(6) “Loans” means education loans guaranteed, made, financed, serviced, or otherwise administered by the Corporation under this subchapter for attendance at an eligible school.

(7) “Nurse faculty member” or “member of the nurse faculty” means a nurse with a master’s or doctoral degree that qualifies the individual to teach at a nursing school in this State.

(8) “Program” means the Nurse Faculty Forgivable Loan and Loan Repayment Program created under this section.

(b) Program creation. The Nurse Faculty Forgivable Loan and Loan Repayment Program is created and shall be administered by the Department of Health in collaboration with the Corporation. The Program provides forgivable loans to students enrolled in an eligible school who commit to working as a member of the nurse faculty at a nursing school in this State and who meet the eligibility requirements in subsection (d) of this section. The Program also provides loan repayment on behalf of individuals who work as nurse faculty members at a nursing school in this State and who meet the eligibility requirements in subsection (e) of this section.

(c) Payment. The forgivable loan and loan repayment benefits provided under the Program shall be paid on behalf of the eligible individual by the Corporation, subject to the appropriation of funds by the General Assembly specifically for this purpose.

(d) Eligibility for forgivable loans. To be eligible for a forgivable loan under the Program, an individual, whether a resident or nonresident, shall satisfy all of the following requirements:

(1) be enrolled at an eligible school in a program that leads to a graduate degree in nursing;

(2) continually demonstrate satisfactory academic progress by maintaining the minimum grade point average or better or the equivalent as determined by the Corporation if the eligible school does not use grade point averages;

(3) have used any available gift aid;

(4) have executed a contract with the Corporation committing the individual to work as a member of the nurse faculty at a nursing school in this State;

(5) have executed a promissory note that will reduce the individual's forgivable loan benefit, in whole or in part, if the individual fails to complete the period of service required in subsection (f) of this section; and

(6) have completed the Program's application form, the free application for federal student aid (FAFSA), and the Vermont grant application each academic year of enrollment in accordance with a schedule determined by the Corporation.

(e) Eligibility for loan repayment. To be eligible for loan repayment under the Program, an individual shall satisfy all of the following requirements:

(1) graduated from an eligible school where the individual has, within the past five years, been awarded a graduate degree in nursing;

(2) had the minimum grade point average or better or the equivalent as determined by the Corporation if the eligible school does not use grade point averages from the eligible school;

(3) work as a member of the nurse faculty at a nursing school in this State; and

(4) be a resident of Vermont.

(f) Service commitment.

(1) Forgivable loans. For each year of service as a nurse faculty member at a nursing school in this State, an eligible individual shall be entitled to a full academic year of forgivable loan benefit under the Program. If an eligible individual fails to serve as a nurse faculty member at a nursing school in this State for a period that would entitle the individual to the full forgivable loan benefit received by the individual, other than for good cause as determined by the Corporation in consultation with the Vermont Department of Health, then the individual shall receive only partial loan forgiveness for a pro rata portion of the loan pursuant to the terms of the interest-free reimbursement promissory note signed by the individual at the time of entering the Program.

(2) Loan repayment. An eligible individual shall be entitled to an amount of loan cancellation and repayment under this section equal to one year of loans for each year of service as a member of the nurse faculty at a nursing school in this State.

(g) Adoption of policies, procedures, and guidelines. The Corporation shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section.

Sec. 29. NURSE FACULTY FORGIVABLE LOAN AND LOAN
REPAYMENT PROGRAM; APPROPRIATION

In fiscal year 2023, the amount of \$500,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Department of Health for forgivable loans and loan repayment for nurse faculty members under the Nurse Faculty Forgivable Loan and Loan Repayment Program established in Sec. 28 of this act.

Which was agreed to. Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass?, **Rep. Marcotte of Coventry** 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 pass?, was decided in the affirmative. Yeas, 139. Nays, 0.

Those who voted in the affirmative are:

Ancel of Calais	Grad of Moretown	Notte of Rutland City
Anthony of Barre City *	Gregoire of Fairfield	Noyes of Wolcott
Arrison of Weathersfield	Hango of Berkshire	O'Brien of Tunbridge
Austin of Colchester	Harrison of Chittenden	Ode of Burlington
Bartholomew of Hartland	Helm of Fair Haven	Page of Newport City
Beck of St. Johnsbury	Higley of Lowell	Pajala of Londonderry
Birong of Vergennes	Hooper of Montpelier	Partridge of Windham
Black of Essex	Hooper of Randolph	Patt of Worcester
Bluemle of Burlington	Hooper of Burlington	Peterson of Clarendon
Bock of Chester	Houghton of Essex	Pugh of South Burlington
Bongartz of Manchester	Howard of Rutland City	Rachelson of Burlington *
Bos-Lun of Westminster	James of Manchester	Rogers of Waterville
Brady of Williston	Jerome of Brandon	Rosenquist of Georgia
Brennan of Colchester	Jessup of Middlesex	Satcowitz of Randolph
Briglin of Thetford	Killackey of South Burlington	Scheu of Middlebury
Brown of Richmond	Kimbell of Woodstock	Scheuermann of Stowe
Brownell of Pownal	Kitzmiller of Montpelier	Shaw of Pittsford
Brumsted of Shelburne	Kornheiser of Brattleboro	Sheldon of Middlebury
Burditt of West Rutland	Labor of Morgan	Sibilia of Dover
Burke of Brattleboro	LaClair of Barre Town	Sims of Craftsbury
Burrows of West Windsor	LaLonde of South	Small of Winooski
Campbell of St. Johnsbury	Burlington	Smith of Derby
Canfield of Fair Haven	Lanpher of Vergennes	Smith of New Haven
Chase of Colchester	Laroche of Franklin	Squirrell of Underhill
Christie of Hartford	Lefebvre of Newark	Stebbins of Burlington
Cina of Burlington	Lefebvre of Orange	Stevens of Waterbury
Coffey of Guilford	Lippert of Hinesburg	Strong of Albany
Colburn of Burlington	Long of Newfane	Surprenant of Barnard
Colston of Winooski	Marcotte of Coventry	Taylor of Colchester
Conlon of Cornwall	Martel of Waterford	Till of Jericho
Copeland Hanzas of	Masland of Thetford	Toleno of Brattleboro
Bradford	Mattos of Milton	Toof of St. Albans Town

Corcoran of Bennington	McCarthy of St. Albans City	Townsend of South
Cordes of Lincoln	McCormack of Burlington	Burlington
Cupoli of Rutland City	McCoy of Poultney	Troiano of Stannard
Dickinson of St. Albans	McCullough of Williston	Vyhovsky of Essex
Town	McFaun of Barre Town	Walker of Swanton
Dolan of Essex	Morgan, L. of Milton	Walz of Barre City
Dolan of Waitsfield	Morgan, M. of Milton	Webb of Shelburne
Donahue of Northfield	Morris of Springfield	White of Bethel
Donnally of Hyde Park	Morrissey of Bennington	White of Hartford
Durfee of Shaftsbury	Mrowicki of Putney	Whitman of Bennington
Emmons of Springfield	Mulvaney-Stanak of	Williams of Granby
Fagan of Rutland City	Burlington	Wood of Waterbury
Feltus of Lyndon	Murphy of Fairfax	Yacovone of Morristown
Gannon of Wilmington	Nicoll of Ludlow	Yantachka of Charlotte
Garofano of Essex	Nigro of Bennington	
Goldman of Rockingham	Norris of Sheldon	
Goslant of Northfield	Norris of Shoreham	

Those who voted in the negative are: none

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

Achey of Middletown	Kascenska of Burke	Pearl of Danville
Springs	Leffler of Enosburgh	Sullivan of Dorset
Elder of Starksboro	Palasik of Milton	Terenzini of Rutland Town
Graham of Williamstown	Parsons of Newbury	

Rep. Anthony of Barre City explained his vote as follows:

“Madam Speaker:

H.703 represents a welcome process of connecting career, technical education at our career centers to a continuum of workforce development.”

Rep. Rachelson of Burlington explained her vote as follows:

“Madam Speaker:

I’ve talked to constituents eager to get into nursing, other constituents who are employers in dire need of trained staff, and so many of my constituents came here for college, fell in love with Vermont, and want to stay. This bill will make all of this a real possibility for so many of them.”

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 728

House bill, entitled

An act relating to opioid overdose response services

H. 736

House bill, entitled

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation

Bill Amended; Read Third Time; Bill Passed

H. 740

House bill, entitled

An act relating to making appropriations for the support of government

Was taken up and, pending third reading of the bill, **Reps. Hooper of Montpelier, Fagan of Rutland City, Feltus of Lyndon, Harrison of Chittenden, Helm of Fair Haven, Jessup of Middlesex, Scheu of Middlebury, Toleno of Brattleboro, Townsend of South Burlington, Squirrell of Underhill, and Yacovone of Morristown** moved to amend the bill as follows:

First: By Striking out Sec. B.111, Tax – administration/collection in its entirety and inserting in lieu thereof a new Sec. B.111 to read as follows:

Sec. B.111 Tax - administration/collection

Personal services	17,681,398
Operating expenses	<u>5,790,925</u>
Total	23,472,323
Source of funds	
General fund	21,259,826
Special funds	2,178,388
Interdepartmental transfers	<u>34,109</u>
Total	23,472,323

Second: By striking out Sec. B.313, Health - alcohol and drug abuse programs,

in its entirety and inserting in lieu thereof a new Sec. B.313 to read as follows:

Sec. B.313 Health - alcohol and drug abuse programs

Personal services	5,533,379
Operating expenses	511,500

Grants	<u>54,565,624</u>
Total	60,610,503
Source of funds	
General fund	4,938,392
Special funds	1,392,101
Tobacco fund	949,917
Federal funds	21,131,903
Global Commitment fund	<u>32,198,190</u>
Total	60,610,503

Third: By striking out Sec. B.711, Environmental conservation - office of water programs, in its entirety and inserting in lieu thereof a new Sec. B.711 to read as follows:

Sec. B.711 Environmental conservation - office of water programs

Personal services	28,912,366
Operating expenses	7,706,054
Grants	<u>34,868,553</u>
Total	71,486,973
Source of funds	
General fund	8,429,243
Special funds	26,283,274
Federal funds	36,032,470
Interdepartmental transfers	<u>741,986</u>
Total	71,486,973

Fourth: In Sec. B.1100, fiscal year 2023 one-time General Fund appropriations, subdivision (a)(7)(B), after the number “\$200,000” by striking out “to grant to the Northeast Organic Farmers Association-Vermont”

Fifth: In Sec. C.104, fiscal year 2022 and fiscal year 2023; out-of-state-beds savings appropriation, in subsection (a), by striking out subdivision (1) in its entirety and inserting in lieu thereof the following:

(1) \$300,000 to the Department of Corrections to expand community-based domestic violence intervention programming for individuals under Department of Corrections supervision and ensure that programming is free of

charge and to create domestic violence intervention programming and curricula for lesbian, gay, bisexual, transgender, queer, or questioning (LGBTQ) individuals; and

Sixth: By striking Sec. C.107 subdivision (a)(1) in its entirety and inserting in lieu thereof the following:

(1) To the Agency of Human Services, Global Commitment Program: \$2,000,000 for the State match for the 2020 Acts and Resolves No. 155 Nurse Scholarship Program and University of Vermont College of Medicine, Medical Student Incentive Scholarship Program, as amended in Sec. E. 311.3 of this act. Of these general funds, \$1,000,000 is for expenditure in fiscal year 2022, and \$1,000,000 is for expenditure in fiscal year 2023. To extent that funds are unexpended and unobligated at the close of fiscal year 2022 and fiscal year 2023, these funds shall be available for the Vermont Nursing Forgivable Loan Incentive Program established in Sec. 25 of H.703 of 2022.

Seventh: In Sec. D.103, subsection (a), by striking out the number “\$8,500,000” and inserting in lieu thereof the number “\$7,200,000”

Eighth: In Sec. G.600, Climate Action Investments, in subsection (b), by striking out subdivision (8) in its entirety and inserting in lieu thereof the following:

(8) \$5,000,000 to the Department of Public Service to offer up to 50 percent reimbursement to municipal and cooperative electrical distribution utilities for the implementation of one or more systems of Advanced Metering Infrastructure that has been approved by the Public Utility Commission.

Ninth: By striking out Sec. G.400 in its entirety and inserting in lieu thereof a new Sec. G.400 to read as follows:

Sec. G.400 HOUSING AND HOMELESSNESS INVESTMENTS

(a) \$50,000,000 in fiscal year 2023 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Fund to the Vermont Housing and Conservation Board (VHCB) to provide affordable mixed-income rental housing and homeownership units, improvements to manufactured homes and communities, recovery residences and, if determined eligible, housing available to farm workers and refugees. VHCB shall also use the funds for shelter and permanent homes for those experiencing homelessness in consultation with the Secretary of Human Services. These funds shall carryforward into fiscal year 2024.

Tenth: By renumbering the effective dates section to be Sec. H.100.

Which was agreed to. Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass?, **Rep. Fagan of Rutland City** 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 pass?, was decided in the affirmative. Yeas, 135. Nays, 4.

Those who voted in the affirmative are:

Ancel of Calais	Grad of Moretown	Norris of Shoreham
Anthony of Barre City	Gregoire of Fairfield *	Notte of Rutland City
Arrison of Weathersfield	Hango of Berkshire	Noyes of Wolcott
Austin of Colchester	Harrison of Chittenden	O'Brien of Tunbridge
Bartholomew of Hartland	Helm of Fair Haven	Ode of Burlington
Beck of St. Johnsbury	Higley of Lowell	Page of Newport City
Birong of Vergennes	Hooper of Montpelier	Pajala of Londonderry
Black of Essex	Hooper of Randolph	Partridge of Windham
Bluemle of Burlington	Hooper of Burlington	Patt of Worcester
Bock of Chester	Houghton of Essex	Pugh of South Burlington
Bongartz of Manchester	Howard of Rutland City	Rachelson of Burlington
Bos-Lun of Westminster	James of Manchester	Rogers of Waterville
Brady of Williston	Jerome of Brandon	Rosenquist of Georgia
Brennan of Colchester	Jessup of Middlesex	Satcowitz of Randolph
Briglin of Thetford	Killackey of South Burlington	Scheu of Middlebury
Brown of Richmond	Kimbell of Woodstock *	Scheuermann of Stowe *
Brownell of Pownal	Kitzmiller of Montpelier	Shaw of Pittsford
Brumsted of Shelburne	Kornheiser of Brattleboro	Sheldon of Middlebury
Burke of Brattleboro	Labor of Morgan	Sibilia of Dover
Burrows of West Windsor	LaClair of Barre Town	Sims of Craftsbury
Campbell of St. Johnsbury	LaLonde of South	Small of Winooski
Canfield of Fair Haven	Burlington	Smith of Derby
Chase of Colchester	Lanpher of Vergennes	Smith of New Haven
Christie of Hartford *	Laroche of Franklin	Squirrell of Underhill
Cina of Burlington	Lefebvre of Newark	Stebbins of Burlington
Coffey of Guilford	Lefebvre of Orange	Stevens of Waterbury
Colburn of Burlington	Lippert of Hinesburg	Strong of Albany
Colston of Winooski	Long of Newfane *	Surprenant of Barnard
Conlon of Cornwall	Marcotte of Coventry	Taylor of Colchester
Copeland Hanzas of	Martel of Waterford	Till of Jericho
Bradford	Masland of Thetford	Toleno of Brattleboro
Corcoran of Bennington	Mattos of Milton	Toof of St. Albans Town *
Cordes of Lincoln	McCarthy of St. Albans City	Townsend of South
Cupoli of Rutland City	McCormack of Burlington	Burlington
Dickinson of St. Albans	McCoy of Poultney *	Troiano of Stannard
Town	McCullough of Williston	Vyhovsky of Essex
Dolan of Essex	McFaun of Barre Town	Walker of Swanton
Dolan of Waitsfield	Morgan, L. of Milton	Walz of Barre City
Donahue of Northfield	Morgan, M. of Milton *	Webb of Shelburne
Donnally of Hyde Park	Morris of Springfield	White of Bethel
Durfee of Shaftsbury	Morrissey of Bennington	White of Hartford *
Emmons of Springfield	Mrowicki of Putney	Whitman of Bennington
Fagan of Rutland City	Mulvaney-Stanak of	Williams of Granby
Feltus of Lyndon	Burlington	Wood of Waterbury *

Gannon of Wilmington	Murphy of Fairfax	Yacovone of Morristown
Garofano of Essex	Nicoll of Ludlow	Yantachka of Charlotte
Goldman of Rockingham	Nigro of Bennington	

Those who voted in the negative are:

Burditt of West Rutland	Norris of Sheldon
Goslant of Northfield *	Peterson of Clarendon

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

Achey of Middletown Springs	Kascenska of Burke Leffler of Enosburgh	Pearl of Danville Sullivan of Dorset
Elder of Starksboro	Palasik of Milton	Terenzini of Rutland Town
Graham of Williamstown	Parsons of Newbury	

Rep. Christie of Hartford explained his vote as follows:

“Madam Speaker:

I voted yes on our Budget today because a budget is ‘the collection of values expectations and practices that guide and inform the actions of all of its members.’ Our budget said today that we care about Equity and Inclusion for ALL Vermonters, with intentional regard to BIPOC and Disenfranchised Vermonters. Our work here is a Marathon and we may be at different mile markers, yet rest assured, we can cross the finish line. This budget says we care.”

Rep. Goslant of Northfield explained his vote as follows:

“Madam Speaker:

While this budget does make important investments in Vermonters, there are several areas of concern that I am basing my no vote on today.

First and foremost, this budget removes 100 million dollars for economic development. These programs would help the businesses and their workers that I hear from, every single day. I understand the Senate may restore some of these funds... but my vote is based on the budget in front of me.

Additionally, we have a once in a lifetime opportunity to make historic investments in our rural communities...we need to meet the moment...and this budget falls short.”

Rep. Gregoire of Fairfield explained his vote as follows:

“Madam Speaker:

Overall this is a good budget but I’m disappointed that too little funding is invested in economic development, that it does not contain \$15M for middle income housing, that it spends ARPA money on programs instead of on infrastructure, that it is devoid of the Governor’s tax relief ideas, which I believe would best help Vermonters.”

Rep. Kimbell of Woodstock explained his vote as follows:

“Madam Speaker:

This budget invests \$41.9 million in workforce development, one of the greatest challenges facing our economy now and in the future.”

Rep. Long of Newfane explained her vote as follows:

“Madam Speaker:

Every year, we pass a balanced budget that reflects careful stewardship of Vermont’s financial resources. This budget invests in programs that reflect and bring to life our deepest values. I vote yes today to support Vermont families and communities in all 14 counties, to protect the most vulnerable, and to build a more vibrant future for all of us.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

Our House Appropriations Committee has my sincere thanks for the massive job they undertake every year to ensure our budget leaves the House balanced. I voted yes on the bill, however am disappointed the Governor’s budget proposals of 100 million dollars for robust economic recovery funding to help our State move forward towards transformative change to our economy, as well as tax relief for the military and student loan interest and housing income and child care workers tax credits, were left on the cutting room floor.”

Rep. Morgan, M. of Milton explained his vote as follows:

“Madam Speaker:

I voted yes on the Appropriations Bill today. However, I do hope this body, in future years, takes the appropriate action to reduce our budgetary spending when Federal dollars have been exhausted.”

Rep. Scheuermann of Stowe explained her vote as follows:

“Madam Speaker:

While I do not support all that is included in this budget, and never have in a budget, I voted in favor of the bill. I am specifically grateful for the full funding of the Governor's proposal surrounding tourism and marketing."

Rep. Toof of St. Albans Town explained his vote as follows:

"Madam Speaker:

I appreciate the hard work done by the House Committee on Appropriations. Although I ultimately voted in favor of H.740, I was disappointed to see that the budget cuts \$100 million of proposed economic recovery spending. Businesses across the State are struggling and these funds could be crucial in helping them recover."

Rep. White of Hartford explained her vote as follows:

"Madam Speaker:

I vote yes for this transformational budget that supports Vermont today and invests strategically in the next generation. Thank you to the Appropriations Committee for strengthening our infrastructure, both physical and social."

Rep. Wood of Waterbury explained her vote as follows:

"Madam Speaker:

The people of Vermont are fortunate to have the balanced approach to investing in Vermont and its citizens, particularly older Vermonters and those with disabilities. This budget represents the intensity of needs of Vermonters and invests in our future."

**Committee Bill; Second Reading;
Bill Amended; Third Reading Ordered**

H. 739

Rep. Emmons of Springfield spoke for the Committee on Corrections and Institutions.

House bill, entitled

An act relating to capital construction and State bonding budget adjustment

Rep. Long of Newfane presiding.

Rep. Krowinski of Burlington presiding.

Rep. Feltus of Lyndon, for the Committee on Appropriations, recommended that the bill ought to pass when amended as follows:

First: In Sec. 13, adding 2021 Acts and Resolves No. 50, Sec. 17c, in subdivision (b)(4), by striking out “critical communications expansion program” and inserting in lieu thereof “Critical Communications Infrastructure Program, as established in Sec. 20 of this act.”

Second: By striking out Sec. 20, effective date, in its entirety and inserting in lieu thereof the following:

Sec. 20. 2021 Acts and Resolves No. 50, Sec. 34a is added to read:

* * * Public Service * * *

Sec. 34a. CRITICAL COMMUNICATIONS INFRASTRUCTURE
PROGRAM

(a) The purpose of the Critical Communications Infrastructure Program is to improve availability of commercial mobile wireless voice services (CMRS) in areas where those services are currently unavailable.

(b) The Department of Public Service, in cooperation with the Agency of Transportation, shall:

(1) Evaluate CMRS through a driving test of all federal aid highways.

(2) Prioritize road segments identified from the drive test as having no or low-quality voice service using traffic counts and the quantity of E-911 business and residential locations in proximity. In identifying priority road segments, the Department shall seek input on a draft set of priority road segments, including from State agencies and regional planning commissions and any other stakeholders that the Commissioner deems necessary.

(3) Retain an expert to identify search rings, defined as geographic areas in which towers could be deployed to provide mobile wireless service to the priority road segments. In developing the search rings, the expert shall consider the locations of existing tower sites and the optimal extension of existing coverage.

(c) The Department shall develop a program to competitively award grants to facilities-based carriers and tower operators that results in the deployment of new wireless facilities in areas identified for priority in accordance with subsection (b) of this section. In creating the program, the Department shall ensure that the funding is awarded in a manner that:

(1) ensures wireless voice coverage from national facilities-based CMRS carriers;

(2) provides coverage in unserved areas of all Vermont counties; and

(3) provides low-cost or free access to some facilities by Vermont public safety organizations.

(d) In developing the Program, the Commissioner may retain outside consultants for assistance. The Commissioner may also consider neutral host networks in areas that cannot otherwise be supported by the Program.

Sec. 21. EFFECTIVE DATE

This act shall take effect on passage.

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

Adjournment

At twelve o'clock and two minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, March 29, 2022, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 47.

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. 122

House concurrent resolution congratulating the 2022 Blue Mountain Union School Bucks Division IV championship boys' basketball team

H.C.R. 123

House concurrent resolution congratulating the 2022 Champlain Valley Union High School Redhawks State championship girls' Alpine skiing team

H.C.R. 124

House concurrent resolution congratulating Anna Chandler of Orange on her centennial birthday

H.C.R. 125

House concurrent resolution honoring Gill Coates for a half century of exemplary community leadership in Hinesburg

H.C.R. 126

House concurrent resolution commemorating Thomas Davenport, electrical inventor

H.C.R. 127

House concurrent resolution congratulating the 2022 Champlain Valley Union High School Redhawks boys' Alpine ski team on winning a second consecutive State championship

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2022 Adjourned Session.]

Tuesday, March 29, 2022

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

Devotional Exercises

Devotional exercises were conducted by Rep. Donahue of Northfield.

Pledge of Allegiance

Page Hazen (Hazel) Longo of Morristown led the House in the Pledge of Allegiance.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 25th day of March, 2022, he signed a bill originating in the House of the following title:

H. 701 An act relating to cannabis license fees and the regulation of the medical cannabis registry

Message from the Senate No. 40

A message was received from the Senate by Mr. Bloomer, its Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 155. An act relating to the creation of the Agency of Public Safety.

S. 197. An act relating to to the provision of mental health supports.

S. 219. An act relating to ensuring compliance with the U.S. and Vermont Constitutions in the use of public funds for tuition.

S. 254. An act relating to recovering damages for Article 11 violations by law enforcement and a report on qualified immunity.

In the passage of which the concurrence of the House is requested.

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

H. 628. An act relating to amending a birth certificate to reflect gender identity.

And has passed the same in concurrence.

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

H. 722. An act relating to final reapportionment of the House of Representatives.

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

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 122. House concurrent resolution congratulating the 2022 Blue Mountain Union School Bucks Division IV championship boys' basketball team.

H.C.R. 123. House concurrent resolution congratulating the 2022 Champlain Valley Union High School Redhawks State championship girls' Alpine skiing team.

H.C.R. 124. House concurrent resolution congratulating Anna Chandler of Orange on her centennial birthday.

H.C.R. 125. House concurrent resolution honoring Gill Coates for a half century of exemplary community leadership in Hinesburg.

H.C.R. 126. House concurrent resolution commemorating Thomas Davenport, electrical inventor.

H.C.R. 127. House concurrent resolution congratulating the 2022 Champlain Valley Union High School Redhawks boys' Alpine ski team on winning a second consecutive State championship.

House Bill Introduced**H. 742**

By Reps. Morgan, M. of Milton, Mattos of Milton, Morgan, L. of Milton, and Palasik of Milton,

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Milton

Was read the first time and referred to the Committee on Government Operations.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 155

Senate bill, entitled

An act relating to the creation of the Agency of Public Safety

To the Committee on Government Operations.

S. 197

Senate bill, entitled

An act relating to the provision of mental health supports

To the Committee on Education.

S. 219

Senate bill, entitled

An act relating to ensuring compliance with the U.S. and Vermont Constitutions in the use of public funds for tuition

To the Committee on Education.

S. 254

Senate bill, entitled

An act relating to recovering damages for Article 11 violations by law enforcement and a report on qualified immunity

To the Committee on Judiciary.

Joint Resolution Referred to Committee**J.R.H. 21**

Joint resolution urging the U.S. Environmental Protection Agency to approve the use of R-1234yf refrigerant for use in heavy-duty truck air conditioning systems

Offered by: Representative McCormack of Burlington

Whereas, the air conditioning refrigerant known as R-134a was an alternative to the powerful greenhouse gas- and ozone-depleting refrigerant R-12, and

Whereas, R-134a has an ozone-depleting potential of zero, but is still is a major greenhouse gas, and

Whereas, the refrigerant R-1234yf has an ozone-depleting potential of zero and a global-warming impact of close to zero, and it is a workable alternative refrigerant to R-134, and

Whereas, the U.S. Environmental Protection Agency (EPA) has approved the use of R-1234yf for use in automobile and off-road vehicle air conditioning systems, and R-1234yf has been successfully used in automobiles since 2013, and

Whereas, changing from R-134a to R-1234yf for use in heavy-duty truck air conditioning systems would result in significant environmental benefits in the effort to reduce the impact of global warming, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges the U.S. Environmental Protection Agency to approve the use of R-1234yf refrigerant for use in heavy-duty truck air conditioning systems and that truck manufacturers make this transition as soon as possible following federal approval, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the EPA Administrator in Washington, D.C.

Was read by title only, treated as bill, and referred to the Committee on Natural Resources, Fish, and Wildlife pursuant to House Rule 52.

House Resolution Placed on Calendar**H.R. 23**

House resolution amending the Rules and Orders of the House of Representatives related to the prevention of sexual harassment

Offered by: Representatives Burke of Brattleboro, Bluemle of Burlington, Feltus of Lyndon, McCoy of Poultney, and Mrowicki of Putney

Resolved by the House of Representatives:

That Rule 90(c) of the Rules and Orders of the House of Representatives be amended to read:

(c) Sexual Harassment

(1) The House of Representatives is opposed to and prohibits sexual harassment without qualification. This ~~policy rule~~ covers the conduct of Representatives and persons that either the Speaker's Office or the Office of the Clerk of the House employs.

(2) This policy protects Representatives, employees, and members of the public, including lobbyists, advocates, and members of the press, from sexual harassment attributable to a Representative or an employee of these offices.

(3) The Rules Committee shall, at the beginning of the biennium, appoint a Sexual Harassment Prevention Panel composed of five members of the House who shall serve until successors are appointed.

(4) The Panel shall elect a chair, adopt procedures to conduct its business, adopt a policy against sexual harassment in compliance with 21 V.S.A. § 495h and as necessary to implement this ~~policy rule~~, and shall provide copies of ~~the policy set forth in this rule and the adopted procedures and policy against sexual harassment~~ to all members of the House and employees of the Speaker's Office and the Office of the Clerk of the House.

(5) The Panel shall receive and investigate complaints of alleged sexual harassment made against members of the House or an employee of the Speaker's Office or the Office of the Clerk of the House. The Panel may meet remotely during adjournment to consider complaints as set forth in the Panel's adopted procedures.

(6) The Panel shall advise individual members and provide training to all House members, employees, and interns on the scope of conduct constituting prohibited sexual harassment.

(7) The Panel, if it deems it necessary, may recommend to the House any disciplinary action against a member for a sexual harassment violation.

(8) These Rules prohibit retaliation against a person who complains, reports, or cooperates in an investigation of sexual harassment.

(9) Annually, on or before December 31, the Sexual Harassment Prevention Panel shall report to the House the number of complaints filed, the

disposition of those complaints, and the number of member requests for advice on sexual harassment inquiries.

Was read by title only and placed on the Action Calendar on the next legislative day pursuant to House Rule 33.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

S. 90

Rep. Lippert of Hinesburg moved that the Committee on Health Care be relieved of Senate bill, entitled

An act relating to establishing an amyotrophic lateral sclerosis registry

And that the bill be committed to the Committee on Human Services, which was agreed to.

Third Reading; Bill Passed

H. 739

House bill, entitled

An act relating to capital construction and State bonding budget adjustment

Was taken up, read the third time, and passed.

Action on Bill Postponed

H. 444

House bill, entitled

An act relating to approval of amendments to the charter of the City of Barre

Was taken up and, pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Copeland Hanzas of Bradford**, action on the bill was postponed until March 31, 2022.

Adjournment

At ten o'clock and twenty-seven minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Wednesday, March 30, 2022

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

Devotional Exercises

Devotional exercises were conducted by Rev. Joan Javier Duval, Unitarian Church, Montpelier.

Message from the Senate No. 41

A message was received from the Senate by Mr. Bloomer, its Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Governor has informed the Senate that on the twenty-fifth day of March, 2022, he approved and signed a bill originating in the Senate of the following title:

S. 4. An act relating to procedures involving firearms.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 48. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

The Senate has on its part passed Senate bills of the following titles:

S. 220. An act relating to State-paid deputy sheriffs.

S. 234. An act relating to changes to Act 250.

S. 287. An act relating to improving student equity by adjusting the school funding formula and providing education quality and funding oversight.

In the passage of which the concurrence of the House is requested.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 220

Senate bill, entitled

An act relating to State-paid deputy sheriffs

To the Committee on Government Operations.

S. 234

Senate bill, entitled

An act relating to changes to Act 250

To the Committee on Natural Resources, Fish, and Wildlife.

S. 287

Senate bill, entitled

An act relating to improving student equity by adjusting the school funding formula and providing education quality and funding oversight

To the Committee on Ways and Means.

Joint Resolution Adopted in Concurrence**J.R.S. 48**

By Senator Balint,

J.R.S. 48. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 1, 2022, it be to meet again no later than Tuesday, April 5, 2022.

Was taken up, read, and adopted in concurrence.

**Senate Proposal of Amendment to House Proposal of Amendment
Not Concurred in;
Committee of Conference Requested and Appointed**

S. 53

The Senate concurred in the House proposal of amendment with further amendment thereto on Senate bill, entitled

An act relating to exempting feminine hygiene products from the Vermont Sales and Use Tax

The Senate concurred in the House proposal of amendment with the following proposal of amendment thereto:

By striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Corporate Income Tax * * *

Sec. 1. 32 V.S.A. § 5811 is amended to read:

§ 5811. DEFINITIONS

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

* * *

(22) “Affiliated group” means a group of two or more corporations in which more than 50 percent of the voting stock of each member corporation is directly or indirectly owned by a common owner or owners, either corporate or noncorporate, or by one or more of the member corporations, but shall exclude ~~overseas business organizations or~~ foreign corporations and corporations taxable under 8 V.S.A. § 6014.

(23) “Unitary business” means one or more related business organizations engaged in business activity both within and outside the State among which there exists a unity of ownership, operation, and use; or an interdependence in their functions.

(24) ~~“Overseas business organization” means a business organization that ordinarily has 80 percent or more of its payroll and property outside the 50 states and the District of Columbia. [Repealed.]~~

* * *

Sec. 2. 32 V.S.A. § 5833(a)(3)(A) is amended to read:

(A) Sales of tangible personal property are made in this State if:

(i) the property is delivered or shipped to a purchaser, other than the U.S. government, who takes possession within this State, regardless of f.o.b. point or other conditions of sale; ~~or~~

(ii) ~~the property is shipped from an office, store, warehouse, factory, or other place of storage in this State; and~~

~~(I) the purchaser is the U.S. government; or~~

~~(II) the corporation is not taxable in the State in which the purchaser takes possession.~~

Sec. 3. 32 V.S.A. § 5862(d) is amended to read:

(d) A taxable corporation that is part of an affiliated group engaged in a unitary business shall be treated as a single taxpayer and shall file a group return containing the combined net income of the affiliated group and such other informational returns as the Commissioner shall require by rule. A unitary combined return shall include the income and apportionment factors of any taxable corporation incorporated in the United States or formed under the laws of any state, the District of Columbia, or any territory or possession of the

United States and in a unitary relationship with the taxpayer. The income, gain, or losses from members of a combined group shall be combined to the extent allowed under the Internal Revenue Code for consolidated filing as if the combined group was a consolidated filing group, provided that a state tax credit shall not be combined and shall be limited to the member to which the credit is attributed.

Sec. 4. TRANSITION FROM JOYCE TO FINNIGAN METHOD

For taxable years beginning on and after January 1, 2023, for purposes of determining whether sales are in Vermont and are included in the numerator of the sales apportionment factor, if the activities of any member of a unitary group create nexus with this State, then sales of tangible personal property into Vermont from outside the State by all members of the unitary group shall be included in the Vermont sales factor numerator.

Sec. 5. RULEMAKING; REPORT

The Department of Taxes shall adopt rules relating to the unitary combined reporting requirements imposed under this act. The rules required under this section shall include a change from the Joyce to the Finnigan approach to applying Vermont jurisdiction to corporations within a unitary group. The Department shall report to the House Committee on Ways and Means and the Senate Committee on Finance on or before January 15, 2024 on the Department's proposed rules and any recommendations for legislation with respect to unitary combined reporting.

* * * Personal Income Tax; Retirement Income Exemptions * * *

Sec. 6. 32 V.S.A. § 5811(21) is amended to read:

(21) "Taxable income" means, in the case of an individual, federal adjusted gross income determined without regard to 26 U.S.C. § 168(k) and:

* * *

(B) decreased by the following items of income (to the extent such income is included in federal adjusted gross income):

* * *

(iv) the portion of certain retirement income and federally taxable benefits received under the federal Social Security Act that is required to be excluded under section 5830e of this chapter; and

* * *

(vi) U.S. military survivor benefit income received by the surviving spouse of a deceased service member; and

* * *

Sec. 7. 32 V.S.A. § 5813 is amended to read:

§ 5813. STATUTORY PURPOSES

* * *

(w) The statutory purpose of the partial exemption of certain retirement income and federally taxable benefits under the Social Security Act in section 5830e of this title is to lessen the tax burden on Vermonters with low to moderate income who derive part of their income from certain retirement income and Social Security benefits.

* * *

(y) The statutory purpose of the exemption for U.S. military survivor benefit income in subdivision 5811(21)(B)(vi) of this title is to recognize the military service of Vermonters.

Sec. 8. 32 V.S.A. § 5830e is amended to read:

§ 5830e. RETIREMENT INCOME; SOCIAL SECURITY INCOME

(a) Social Security income. The portion of federally taxable Social Security benefits excluded from taxable income under subdivision 5811(21)(B)(iv) of this chapter shall be as follows:

* * *

(b) Civil Service Retirement System income. The portion of income received from the Civil Service Retirement System excluded from taxable income under subdivision 5811(21)(B)(iv) shall be subject to the limitations under subsection (e) of this section and shall be determined as follows:

(1) For taxpayers whose filing status is single, married filing separately, head of household, or surviving spouse:

(A) If the federal adjusted gross income of the taxpayer is less than or equal to \$45,000.00, the first \$10,000.00 of income received from the Civil Service Retirement System shall be excluded.

(B) If the federal adjusted gross income of the taxpayer is greater than \$45,000.00 but less than \$55,000.00, the percentage of the first \$10,000.00 of income received from the Civil Service Retirement System to be excluded shall be proportional to the amount of the taxpayer's federal adjusted gross income over \$45,000.00, determined by:

(i) subtracting the federal adjusted gross income of the taxpayer from \$55,000.00;

(ii) dividing the value under subdivision (i) of this subdivision (B) by \$10,000.00; and

(iii) multiplying the value under subdivision (ii) of this subdivision (B) by the income received from the Civil Service Retirement System.

(C) If the federal adjusted gross income of the taxpayer is equal to or greater than \$55,000.00, no amount of the income received from the Civil Service Retirement System shall be excluded under this section.

(2) For taxpayers whose filing status is married filing jointly:

(A) If the federal adjusted gross income of the taxpayer is less than or equal to \$60,000.00, the first \$10,000.00 of income received from the Civil Service Retirement System shall be excluded.

(B) If the federal adjusted gross income of the taxpayer is greater than \$60,000.00 but less than \$70,000.00, the percentage of the first \$10,000.00 of income received from the Civil Service Retirement System to be excluded shall be proportional to the amount of the taxpayer's federal adjusted gross income over \$60,000.00, determined by:

(i) subtracting the federal adjusted gross income of the taxpayer from \$70,000.00;

(ii) dividing the value under subdivision (i) of this subdivision (B) by \$10,000.00; and

(iii) multiplying the value under subdivision (ii) of this subdivision (B) by the income received from the Civil Service Retirement System.

(C) If the federal adjusted gross income of the taxpayer is equal to or greater than \$70,000.00, no amount of the income received from the Civil Service Retirement System shall be excluded under this section.

(c) Other contributory retirement systems; earnings not covered by Social Security. Other retirement income, except U.S. military retirement income pursuant to subsection (d) of this section, received by a taxpayer of this State shall be excluded pursuant to subsection (b) of this section as though the income were received from the Civil Service Retirement System and shall be subject to the limitations under subsection (e) of this section, provided that:

(1) the income is received from a contributory annuity, pension, endowment, or retirement system of:

(A) the U.S. government or a political subdivision or instrumentality of the U.S. government;

(B) this State or a political subdivision or instrumentality of this State; or

(C) another state or a political subdivision or instrumentality of another state; and

(2) the contributory system from which the income is received was based on earnings that were not covered by the Social Security Act.

(d) U.S. military retirement income. U.S. military retirement income received by a taxpayer of this State shall be excluded pursuant to subsection (b) of this section as though the income were received from the Civil Service Retirement System and shall be subject to the limitations under subsection (e) of this section.

(e) A taxpayer of this State who is eligible during the taxable year for the Social Security income exclusion under subsection (a) of this section and any of the exclusions under subsections (b)–(d) of this section shall elect either one of the exclusions for which the taxpayer is eligible under subsections (b)–(d) of this section or the Social Security income exclusion under subsection (a) of this section, but not both, for the taxable year.

* * * Sales and Use Tax; Exemption; Menstrual Products * * *

Sec. 9. 32 V.S.A. § 9706(oo) is amended to read:

(oo) The statutory purpose of the exemption for ~~feminine hygiene~~ menstrual products in subdivision 9741(56) of this title is to limit the cost of goods that are necessary for the health and welfare of Vermonters.

Sec. 10. 32 V.S.A. § 9741(56) is amended to read:

(56) ~~Feminine hygiene~~ Menstrual products. As used in this subdivision, “~~feminine hygiene~~ menstrual products” means tampons, panty liners, menstrual cups, sanitary menstrual napkins, and other similar tangible personal property designed for ~~feminine hygiene~~ use in connection with the human menstrual cycle but does not include “grooming and hygiene products” as defined in this chapter.

* * * Effective Dates * * *

Sec. 11. EFFECTIVE DATES

This act shall take effect on passage, except that:

(1) Secs. 1–5 (corporate income tax) shall take effect on January 1, 2023 and shall apply to taxable years beginning on and after January 1, 2023.

(2) Notwithstanding 1 V.S.A. § 214, Secs. 6–8 (retirement income exemptions) shall take effect retroactively on January 1, 2022 and shall apply

to taxable years beginning on and after January 1, 2022.

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

An act relating to changes to Vermont's corporate income tax, personal income tax, and sales and use tax.

Pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment?, **Rep. Ancel of Calais** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Ancel of Calais

Rep. Kornheiser of Brattleboro

Rep. Beck of St. Johnsbury

**Senate Proposal of Amendment Concurred in;
Rules Suspended; Action Ordered Messaged to Senate Forthwith
and Delivered to the Governor Forthwith**

H. 722

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

An act relating to final reapportionment of the House of Representatives

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

First: In Sec. 2, 17 V.S.A. § 1893b, in CHITTENDEN-24, following “then southerly along the eastern side of Sandhill Road to the intersection of River Road; then westerly along the” by striking out “northern” and inserting in lieu thereof southern

Second: By striking out Sec. 3, effective date, in its entirety and inserting in lieu thereof Secs. 3–4 to read as follows:

Sec. 3. 17 V.S.A. § 1881 is amended to read:

§ 1881. NUMBER TO BE ELECTED

Senatorial districts and the number of Senators to be elected from each are as follows:

(1) Addison Senatorial District, composed of the towns of Addison, Bridport, Bristol, Buel's Gore, Cornwall, Ferrisburgh, Goshen, Granville, Hancock, Huntington, Leicester, Lincoln, Middlebury, Monkton, New Haven, Orwell, Panton, Rochester, Ripton, Salisbury, Shoreham, Starksboro, Vergennes, Waltham, Weybridge, and Whiting..... two;

(2) Bennington Senatorial District, composed of the towns of Arlington, Bennington, Dorset, Glastenbury, Landgrove, Londonderry, Manchester, Peru, Pownal, Readsboro, Rupert, Sandgate, Searsburg, Shaftsbury, Somerset, Stamford, Stratton, Sunderland, Wilmington, Winhall, and Woodford..... two;

(3) Caledonia Senatorial District, composed of the towns of Barnet, ~~Bradford~~, ~~Burke~~, Danville, Fairlee, Groton, Hardwick, Kirby, ~~Lyndon~~, Newark, Newbury, ~~Orange~~, Peacham, Ryegate, St. Johnsbury, Sheffield, Stannard, Sutton, ~~Topsham~~, Walden, Waterford, ~~West Fairlee~~, and Wheelock..... ~~two~~ one;

(4) ~~Chittenden~~ Chittenden-Central Senatorial District, composed of towns of Bolton, Burlington, Charlotte, Essex, ~~Hinesburg~~, Jericho, Milton, Richmond, St. George, Shelburne, South Burlington, Underhill, Westford, Williston, and Winooski the city of Winooski, that portion of the town of Essex not included in Chittenden-North Senatorial District, that portion of the town of Colchester not included in Grand Isle Senatorial District, and that portion of the city of Burlington encompassed within a boundary beginning at the point where the eastern boundary line of the city of Burlington intersects with the South Burlington Recreation Path; then westerly along the northern side of the boundary between the South Burlington Recreation Path and the Burlington Country Club to where the South Burlington Recreation Path turns north; then continuing westerly along the northern side of the property boundary of the Burlington Country Club to the property boundary line between 544 South Prospect Street and 500 South Prospect Street; then westerly along the northern side of the property line between 544 South Prospect Street and 500 Prospect Street to where it intersects with South Prospect Street; then northerly along the eastern side of the centerline of South Prospect Street to the intersection of Cliff Street; then westerly along the northern side of the centerline of Cliff Street to the intersection of U.S. Route 7; then briefly northerly along the eastern side of the centerline of U.S. Route 7 to the intersection of Spruce Street; then westerly along the northern side of the centerline of Spruce Street to the intersection of South Union Street; then northerly along the eastern side of the centerline of South Union Street to the intersection of Adams Street; then westerly along the northern side of the centerline of Adams Street to the intersection of South Winooski Avenue; then northerly along the eastern side of the centerline of South Winooski Avenue to the intersection of Maple Street; then westerly along the northern side of the centerline of Maple Street to the end of Maple Street; then continuing on a line due west across Lake Champlain to the boundary of the city of South Burlington in Lake Champlain; then northerly along the city line of South Burlington in Lake Champlain and continuing along the city line of

South Burlington as it follows the eastern shore of Lake Champlain to the boundary of the town of Colchester; then northerly and then southeasterly along the town line of Colchester to the boundary of the city of Winooski; then southeasterly along the city line of Winooski to the boundary of the city of South Burlington; then southwesterly along the city line of South Burlington to the point of beginning..... six three;

(5) Chittenden-North Senatorial District, composed of towns of Fairfax, Milton, Westford, and that portion of the town of Essex encompassed within a boundary beginning at the point where the western boundary line of the town of Essex intersects with VT Route 2A; then southerly along the eastern side of the centerline of VT Route 2A to the intersection of Gentes Road; then briefly easterly along the northern side of the centerline of Gentes Road to where it intersects with the railroad tracks before Lamore Road; then southerly along the eastern side of the railroad tracks to where they intersect with VT Route 289; then southeasterly along the northeastern side of the centerline of VT Route 289 to the intersection of Upper Main Street; then northeasterly along the northwestern side of the centerline of Upper Main Street to the intersection of Center Road; then easterly along the northern side of the centerline of Center Road to the intersection of Jericho Road; then southeasterly along the northeastern side of the centerline of Jericho Road to the intersection of Allen Martin Drive; then southwesterly along the southeastern side of the centerline of Allen Martin Road to the intersection of Sandhill Road; then southerly along the eastern side of Sandhill Road to the intersection of River Road; then westerly along the southern side of the centerline of River Road to where it intersects with Alder Brook; then southerly along the eastern side of Alder Brook to the boundary of the town of Williston; then easterly along the town line of Williston to the boundary of the town of Jericho; then northeasterly along the town line of Jericho to the boundary of the town of Westford; then westerly along the town line of Westford to the boundary of the town of Colchester; then southerly along the town line of Colchester to the point of beginning..... one;

(6) Chittenden-Southeast Senatorial District, composed of towns of Bolton, Charlotte, Hinesburg, Jericho, Richmond, Shelburne, South Burlington, St. George, Underhill, Williston, and that portion of the city of Burlington not included in Chittenden-Central Senatorial District..... three;

(7) Essex-Orleans Essex Senatorial District, composed of the towns of Albany, Averill, Avery's Gore, ~~Barton~~, Bloomfield, Brighton, ~~Brownington~~, Brunswick, Canaan, ~~Charleston~~, Concord, Coventry, Craftsbury, Derby, East Haven, Ferdinand, ~~Glover~~, Granby, ~~Greensboro~~, Guildhall, Holland, ~~Irasburg~~, Jay, Kirby, Lemington, Lewis, ~~Lowell~~, Lunenburg, Lyndon, Maidstone, Montgomery, Morgan, Newport City, ~~Newport Town~~, Norton, Richford, Troy,

Victory, Warner's Grant, and Warren Gore, ~~Westfield, Westmore, and Wolcott~~..... two one;

(6)(8) Franklin Senatorial District, composed of the towns of Alburgh, Bakersfield, Berkshire, Enosburgh, ~~Fairfax~~, Fairfield, ~~Fleteher~~, Franklin, Georgia, Highgate, Richford, St. Albans City, St. Albans Town, Sheldon, and Swanton..... two;

(7)(9) Grand Isle Senatorial District, composed of the towns of ~~Colchester~~, Grand Isle, Isle La Motte, North Hero, ~~and~~ South Hero, ~~and that~~ portion of the town of Colchester encompassed within a boundary beginning at the point where the southern boundary line of Colchester and the northern boundary of the city of Winooski intersects with U.S. Route 7; then northerly along the western side of the centerline of U.S. Route 7 to the intersection of Hercules Drive; then easterly along the northern side of the centerline of Hercules Drive; then continue southerly along the eastern side of the centerline of Hercules Drive to the intersection of Vermont National Guard Road; then southeasterly along the northeastern side of the centerline of Vermont National Guard Road to the intersection of Hegeman Avenue; then northeasterly along the northwestern side of the centerline of Hegeman Avenue to the intersection of Barnes Avenue; then briefly northwesterly along the southwestern side of the centerline of Barnes Avenue to the intersection of Troy Avenue; then northeasterly along the northwestern side of the centerline of Troy Avenue to where it joins Hegeman Avenue; then briefly southeasterly along the northeastern side of the centerline of Hegeman Avenue to the intersection of Vermont Avenue; then briefly easterly along the northern side of the centerline of Vermont Avenue to where it intersects with the boundary of the town of Essex; then northeasterly along the town line of Essex to the boundary of the town of Milton; then northwesterly along the town line of Milton to the boundary of the town of South Hero; then southwesterly along the town line of South Hero to the state border of New York; then southerly along the state border of New York to the boundary of the city of South Burlington in Lake Champlain; then easterly along the city line of South Burlington to the boundary of the city of Burlington; then easterly along the city line of Burlington to the boundary of the city of Winooski; then northeasterly along the city line of Winooski; then continue along the city line of Winooski to the point of beginning..... one;

(8)(10) Lamoille Senatorial District, composed of the towns of Belvidere, Cambridge, Eden, Elmore, Fletcher, Hyde Park, Johnson, Morristown, ~~Stowe~~, ~~and~~ Waterville, ~~and~~ Wolcott..... one;

(9)(11) Orange Senatorial District, composed of the towns of ~~Braintree~~, Bradford, Brookfield, Chelsea, Corinth, Fairlee, Randolph, Strafford,

~~Thetford, Topsham, Tunbridge, Vershire, Washington, West Fairlee, and Williamstown..... one;~~

(12) Orleans Senatorial District, composed of the towns of Albany, Barton, Brownington, Burke, Charleston, Coventry, Craftsbury, Glover, Greensboro, Irasburg, Jay, Lowell, Montgomery, Newport Town, Newark, Sheffield, Sutton, Troy, Westfield, and Westmore..... one;

~~(10)~~(13) Rutland Senatorial District, composed of the towns of Benson, Brandon, Castleton, Chittenden, Clarendon, Danby, Fair Haven, Hubbardton, Ira, Killington, Mendon, Middletown Springs, Mt. Holly, Mt. Tabor, Pawlet, Pittsfield, Pittsford, Poultney, Proctor, Rutland City, Rutland Town, Shrewsbury, Sudbury, Tinmouth, Wallingford, Wells, West Haven, and West Rutland..... three;

~~(11)~~(14) Washington Senatorial District, composed of the towns of Barre City, Barre Town, Berlin, Braintree, Cabot, Calais, Duxbury, East Montpelier, Fayston, Marshfield, Middlesex, Montpelier, Moretown, Northfield, Orange, Plainfield, Roxbury, Stowe, Waitsfield, Warren, Waterbury, Woodbury, and Worcester..... three;

~~(12)~~(15) Windham Senatorial District, composed of the towns of Athens, Brattleboro, Brookline, Dover, Dummerston, Grafton, Guilford, Halifax, Jamaica, Marlboro, Newfane, Putney, Rockingham, Somerset, Stratton, Townshend, Vernon, Wardsboro, Westminster, Whitingham, and Windham..... two;

~~(13)~~(16) Windsor Senatorial District, composed of the towns of Andover, Baltimore, Barnard, Bethel, Bridgewater, Cavendish, Chester, Hartford, Hartland, Londonderry, Ludlow, Mt. Holly, Norwich, Pittsfield, Plymouth, Pomfret, Reading, Rochester, Royalton, Sharon, Springfield, Stockbridge, Thetford, Weathersfield, Weston, West Windsor, Windsor, and Woodstock..... three.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage and shall apply to representative and senatorial districts for the 2022 election cycle and thereafter.

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

An act relating to reapportioning the final representative districts of the House of Representatives and the senatorial districts of the Senate.

Proposal of amendment was considered and concurred in.

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

Action on Resolution Postponed

H.R. 23

House resolution, entitled,

House resolution amending the Rules and Orders of the House of Representatives related to the prevention of sexual harassment

Was taken up and, on motion of **Rep. Burke of Brattleboro**, action on the resolution was postponed until March 31, 2022.

Message from the Senate No. 42

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 148. An act relating to environmental justice in Vermont.

S. 195. An act relating to the certification of mental health peer support specialists.

S. 239. An act relating to enrollment in Medicare supplemental insurance policies.

In the passage of which the concurrence of the House is requested.

Adjournment

At three o'clock and thirty-one minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Thursday, March 31, 2022

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

Devotional Exercises

Devotional exercises were conducted by Rabbi Tobie Weisman, Director, Jewish Communities of Vermont, Burlington.

Message from the Senate No. 43

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 226. An act relating to expanding access to safe and affordable housing.

S. 281. An act relating to hunting coyotes with dogs.

S. 285. An act relating to health care reform initiatives, data collection, and access to home- and-community-based services.

In the passage of which the concurrence of the House is requested.

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

H. 447. An act relating to approval of amendments to the charter of the Town of Springfield.

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

House Bill Introduced**H. 743**

By Rep. Troiano of Stannard,

House bill, entitled

An act relating to amending the charter of the Town of Hardwick

Was read the first time and referred to the Committee on Government Operations.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 148

Senate bill, entitled

An act relating to environmental justice in Vermont

To the Committee on Natural Resources, Fish, and Wildlife.

S. 195

Senate bill, entitled

An act relating to the certification of mental health peer support specialists

To the Committee on Health Care.

S. 239

Senate bill, entitled

An act relating to enrollment in Medicare supplemental insurance policies

To the Committee on Health Care.

Action on Bill Postponed**H. 444**

House bill, entitled

An act relating to approval of amendments to the charter of the City of Barre

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Anthony of Barre City**, action on the bill was postponed until April 1, 2022.

House Resolution Adopted**H.R. 23**

House resolution amending the Rules and Orders of the House of Representatives related to the prevention of sexual harassment

Was taken up and adopted.

[For text of the resolution, see House Journal, Tuesday, March 29, 2022.]

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 183

Rep. Morgan, M. of Milton, for the Committee on Corrections and Institutions, to which had been referred Senate bill, entitled

An act relating to midpoint probation review

Reported in favor of its passage in concurrence.

Pending the question, Shall the bill be read a third time?, **Rep. Morgan, M. of Milton** moved that the House propose to the Senate that the bill be amended as follows:

By striking out Sec. 3, effective date, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Which was agreed to. Thereupon, third reading was ordered.

Adjournment

At three o'clock and thirty-six minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, April 1, 2022

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Bos-Lun of Westminster.

Pages Honored

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

Orion Cooper of South Burlington
Sadie Farris of Grand Isle
Hannah Haskins of Waterbury
HazeN (Hazel) Longe of Morristown
Carver Maxwell of Coventry
Madelyn Morris of Williston
Anya Muller of Jericho

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 226

Senate bill, entitled

An act relating to expanding access to safe and affordable housing

To the Committee on General, Housing, and Military Affairs.

S. 281

Senate bill, entitled

An act relating to hunting coyotes with dogs

To the Committee on Natural Resources, Fish, and Wildlife.

S. 285

Senate bill, entitled

An act relating to health care reform initiatives, data collection, and access

to home- and community-based services

To the Committee on Health Care.

Action on Bill Postponed

H. 444

House bill, entitled

An act relating to approval of amendments to the charter of the City of Barre

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Anthony of Barre City**, action on the bill was postponed until April 6, 2022.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 183

Senate bill, entitled

An act relating to midpoint probation review

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

Adjournment

At nine o'clock and forty-eight minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, April 5, 2022, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 48.

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. 128

House concurrent resolution congratulating the 2022 Milton High School Yellowjackets Division II boys' ice hockey championship team

H.C.R. 129

House concurrent resolution congratulating the 2022 Bellows Free Academy-St Albans Comets Division I girls' championship ice hockey team

H.C.R. 130

House concurrent resolution recognizing April 2022 as the Month of the Military Child and April 15, 2022 as Purple Up Day in Vermont

H.C.R. 131

House concurrent resolution honoring Melinda Moulton and Lisa Steele for their pivotal role in rejuvenating the Burlington waterfront

H.C.R. 132

House concurrent resolution recognizing April 2022 as National Donate Life Month in Vermont

H.C.R. 133

House concurrent resolution congratulating the 2022 Essex High School Hornets Division I boys' ice hockey championship team

H.C.R. 134

House concurrent resolution recognizing April 6, 2022 as Start by Believing Day in Vermont

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2022 Adjourned Session.]

Tuesday, April 5, 2022

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

Message from the Senate No. 44

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 181. An act relating to authorizing miscellaneous regulatory authority for municipal governments.

S. 204. An act relating to licensure of freestanding birth centers.

In the passage of which the concurrence of the House is requested.

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill entitled:

S. 53. An act relating to exempting feminine hygiene products from the Vermont Sales and Use Tax.

The President pro tempore announced the appointment as members of such Committee on the part of the Senate:

Senator Cummings
Senator Brock
Senator Hardy

The Senate has on its part considered the Governor's veto of a House bill of the following title:

H. 361. An act relating to approval of amendments to the charter of the Town of Brattleboro.

And has sustained such veto.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 128. House concurrent resolution congratulating the 2022 Milton High School Yellowjackets Division II boys' ice hockey championship team.

H.C.R. 129. House concurrent resolution congratulating the 2022 Bellows Free Academy-St Albans Comets Division I girls' championship ice hockey team.

H.C.R. 130. House concurrent resolution recognizing April 2022 as the Month of the Military Child and April 15, 2022 as Purple Up Day in Vermont.

H.C.R. 131. House concurrent resolution honoring Melinda Moulton and Lisa Steele for their pivotal role in rejuvenating the Burlington waterfront.

H.C.R. 132. House concurrent resolution recognizing April 2022 as National Donate Life Month in Vermont.

H.C.R. 133. House concurrent resolution congratulating the 2022 Essex High School Hornets Division I boys' ice hockey championship team.

H.C.R. 134. House concurrent resolution recognizing April 6, 2022 as Start by Believing Day in Vermont.

Seating Ceremony of New Members

A formal seating ceremony was held for new members who joined the Legislature during its period of remote operation. Members were seated in the House Chamber pursuant to House Rule 5.

Devotional Exercises

Devotional exercises were conducted by Geof Hewitt of Calais.

Pledge of Allegiance

Page Jeremiah Watson of East Haven led the House in the Pledge of Allegiance.

Committee Bill Introduced**H. 744**

By the Committee on Government Operations,
House bill, entitled

An act relating to approval of an amendment to the charter of the City of Burlington

Was read the first time and placed on the Notice Calendar pursuant to House Rule 48.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 181

Senate bill, entitled

An act relating to authorizing miscellaneous regulatory authority for municipal governments

To the Committee on Government Operations.

S. 204

Senate bill, entitled

An act relating to licensure of freestanding birth centers

To the Committee on Health Care.

Bill Referred to Committee on Appropriations**S. 72**

Senate bill, entitled

An act relating to the Interstate Compact on the Placement of Children

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

House Resolution Placed on Calendar

H.R. 24

House resolution reaffirming the friendship between Vermont and the Republic of China (Taiwan) and supporting both enhanced United States-Taiwan bilateral relations and Taiwan's participation in the international community

Offered by: Representatives Partridge of Windham, Ancel of Calais, and Webb of Shelburne

Whereas, the United States and the Republic of China (Taiwan) share a vibrant, mutually beneficial bilateral relationship based on our common values of freedom, democracy, the rule of law, and a free market economy, and the relationship has never been stronger, and

Whereas, the United States is Taiwan's second-largest trading partner, and Taiwan is the United States' eighth-largest trading partner, and American trade in goods with Taiwan totaled an estimated \$114.1 billion in 2021, and

Whereas, a Bilateral Trade Agreement (BTA) between Taiwan and the United States would increase Vermont exports to Taiwan and create more jobs in the State, and

Whereas, Vermont and Taiwan have enjoyed a long history of productive bilateral relations as Taiwan is our second-largest export market, and, in 2020, the two jurisdictions entered into a driver's license reciprocity agreement, and

Whereas, the Government of Taiwan desires to establish a Memorandum of Understanding with the State of Vermont to increase educational exchanges, now therefore be it

Resolved by the House of Representatives:

That this legislative body reaffirms the friendship between Vermont and the Republic of China (Taiwan) and supports enhanced United States-Taiwan bilateral relations and Taiwan's participation in the international community, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to President Joseph R. Biden, President Tsai Ing-wen of the Republic of China (Taiwan), Director-General Jonathan Sun of the Taipei Economic and Cultural Office in Boston, Governor Philip B. Scott, and to the Vermont Congressional Delegation.

Was read by title and, in the Speaker's discretion, placed on the Action Calendar on the next legislative day pursuant to House Rule 52.

**Favorable Report; Second Reading;
Third Reading Ordered**

S. 184

Rep. Grad of Moretown, for the Committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to defense of others and justifiable homicide

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.

**Favorable Report; Second Reading;
Third Reading Ordered**

J.R.S. 43

Rep. Labor of Morgan, for the Committee on Corrections and Institutions, to which had been referred Joint Senate Resolution, entitled

Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to exchange quit claim deeds with the Vermont Land Trust and the Nature Conservancy in order to confirm the boundary between the Long Trail State Forest and the land co-owned by the Vermont Land Trust and the Nature Conservancy in the Towns of Eden and Belvidere

Reported in favor of its adoption in concurrence.

The resolution, which was treated as a bill pursuant to House Rule 52, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

[For text of the resolution, see House Journal, Tuesday, March 15, 2022.]

Message from the Senate No. 45

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 286. An act relating to amending various public pension and other postemployment benefits.

In the passage of which the concurrence of the House is requested.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 49. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Adjournment

At ten o'clock and twenty-six minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Wednesday, April 6, 2022

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

Devotional Exercises

Devotional exercises were conducted by Rev. Katelyn Macrae, Richmond Congregational Church, Richmond.

Message from the Senate No. 46

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

Madam Speaker:

I am directed to inform the House that:

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

H. 448. An act relating to approval of amendments to the charter of the City of Burlington.

H. 491. An act relating to the creation of the City of Essex Junction and the adoption of the City charter.

H. 556. An act relating to exempting property owned by Vermont-recognized Native American tribes from property tax.

H. 627. An act relating to the Vermont Economic Development Authority.

H. 680. An act relating to obtaining a marriage license in any town in Vermont.

And has passed the same in concurrence.

House Bill Introduced

H. 745

By Rep. Leffler of Enosburgh,

House bill, entitled

An act relating to the approval of the adoption of the charter of the Town of Montgomery

Was read the first time and referred to the Committee on Government Operations.

Senate Bill Referred

S. 286

Senate bill, entitled

An act relating to amending various public pension and other postemployment benefits

Was read the first time and referred to the Committee on Government Operations.

Joint Resolution Adopted in Concurrence

J.R.S. 49

By Senator Balint,

J.R.S. 49. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 8, 2022, it be to meet again no later than Tuesday, April 12, 2022.

Was taken up, read, and adopted in concurrence.

Ceremonial Reading

H.C.R. 134

House concurrent resolution recognizing April 6, 2022 as Start by Believing Day in Vermont

Offered by: Rep. Grad of Moretown and Sen. Kesha Ram Hinsdale

Having been adopted in concurrence on Friday, April 1, 2022 in accord with Joint Rule 16b, was read.

Senate Proposal of Amendment; Bill Committed

H. 444

House bill, entitled

An act relating to approval of amendments to the charter of the City of Barre

Appearing on the Action Calendar, was taken up, and pending the question, Shall the House concur in the Senate proposal of amendment?, **Rep. Anthony of Barre City** moved to commit the bill to the Committee on Government Operations, which was agreed to.

Third Reading; Bill Passed in Concurrence

S. 184

Senate bill, entitled

An act relating to defense of others and justifiable homicide

Was taken up, read the third time, and passed in concurrence.

Third Reading; Joint Resolution Adopted in Concurrence

J.R.S. 43

Joint Senate resolution, entitled

Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to exchange quit claim deeds with the Vermont Land Trust and the Nature Conservancy in order to confirm the boundary between the Long Trail State Forest and the land co-owned by the Vermont Land Trust and the Nature Conservancy in the Towns of Eden and Belvidere

Was taken up, read the third time, and adopted in concurrence.

Senate Proposal of Amendment; Bill Committed

H. 447

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Springfield

Appearing on the Action Calendar, was taken up, and pending the question, Shall the House concur in the Senate proposal of amendment?, **Rep. Copeland Hanzas of Bradford** moved to commit the bill to the Committee on Government Operations, which was agreed to.

House Resolution Adopted

H.R. 24

House resolution reaffirming the friendship between Vermont and the Republic of China (Taiwan) and supporting both enhanced United States-Taiwan bilateral relations and Taiwan's participation in the international community

Was taken up and adopted.

Adjournment

At three o'clock and twenty-four minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Thursday, April 7, 2022

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

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 6th day of April, 2022, he signed bills originating in the House of the following titles:

H. 722 An act relating to reapportioning the final representative districts of the House of Representatives and the senatorial districts of the Senate

H. 628 An act relating to amending a birth certificate to reflect gender identity

Bill Referred to Committee on Ways and Means**S. 100**

Senate bill, entitled

An act relating to universal school breakfast and the creation of the Task Force on Universal School Lunch

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

**Committee Relieved of Consideration
and Bill Committed to Other Committee****S. 250**

Rep. Grad of Moretown moved that the Committee on Judiciary be relieved of Senate bill, entitled

An act relating to law enforcement data collection and interrogation

And that the bill be committed to the Committee on Government Operations, which was agreed to.

Committee Bill; Second Reading; Third Reading Ordered**H. 744**

Rep. LaClair of Barre Town spoke for the Committee on Government Operations.

House bill, entitled

An act relating to approval of an amendment to the charter of the City of Burlington

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up, read the second time, and third reading ordered.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered****S. 239**

Rep. Black of Essex, for the Committee on Health Care, to which had been referred Senate bill, entitled

An act relating to enrollment in Medicare supplemental insurance policies

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

In Sec. 2, Medicare supplemental coverage; Medicare advantage plans; Department of Financial Regulation; report:

First: By striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) The Department of Financial Regulation shall convene a group of interested stakeholders, including Vermonters eligible for Medicare by reason of age, disability status, or end stage renal disease and representatives of health care providers, the Community of Vermont Elders, the area agencies on aging, the Office of the Health Care Advocate, and the Department of Vermont Health Access, to consider issues relating to Medicare Advantage plans and to the availability of, enrollment in, and use of supplemental coverage by individuals enrolled in Medicare. A majority of the stakeholders shall not have a financial stake in any Medicare supplemental coverage or Medicare Advantage product.

Second: In subsection (b), by adding a new subdivision to be subdivision (4) to read as follows:

(4) the costs of Medicare Part B premiums, Medicare Part D plans, Medicare supplement plans, and Medicare Advantage plans; the effect of those costs on access to health care for Vermonters with low income who are not eligible for Medicaid or for a Medicare Savings Program; the income eligibility thresholds for Medicare Savings Programs in Vermont and in other states; and whether Vermont should consider revising the income eligibility thresholds for its Medicare Savings Programs;

and by renumbering the remaining subdivisions in subsection (b) to be numerically correct

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

**Favorable Report; Second Reading;
Third Reading Ordered**

S. 113

Rep. Burditt of West Rutland, for the Committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to establishing a cause of action for medical monitoring expenses

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 fifty-six minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, April 8, 2022

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. McCoy of Poultney.

House Bill Introduced

H. 746

By Reps. Hooper of Burlington, Anthony of Barre City, Bluemle of Burlington, Cina of Burlington, Colston of Winooski, Mulvaney-Stanak of Burlington, Ode of Burlington, Rachelson of Burlington, Small of Winooski, Stebbins of Burlington, and Vyhovsky of Essex,

House bill, entitled

An act relating to an amendment to the charter of the City of Burlington

Was read the first time and referred to the Committee on Government Operations.

Ceremonial Readings

H.C.R. 112

House concurrent resolution honoring the Voices of St. Joseph's Orphanage

Offered by: Rep. Austin of Colchester

Having been adopted in concurrence on Friday, March 11, 2022 in accord with Joint Rule 16b, was read.

H.C.R. 132

House concurrent resolution recognizing April 2022 as National Donate Life Month in Vermont

Offered by: Reps. Rachelson of Burlington, Anthony of Barre City, Austin of Colchester, Black of Essex, Bluemle of Burlington, Brown of Richmond, Brownell of Pownal, Brumsted of Shelburne, Canfield of Fair Haven, Cina of Burlington, Copeland Hanzas of Bradford, Dolan of Waitsfield, Garofano of Essex, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Hooper of Burlington, Howard of Rutland City, Jerome of Brandon, LaClair of Barre Town, Leffler of Enosburgh, Morrissey of Bennington, Mulvaney-Stanak of Burlington, Murphy of Fairfax, Nicoll of Ludlow, Ode of Burlington, Page of Newport City, Partridge of Windham, Pugh of South Burlington, Scheu of Middlebury, Sims of Craftsbury, Small of Winooski, Stebbins of Burlington, Till of Jericho, Vyhovsky of Essex, White of Bethel, Williams of Granby, Wood of Waterbury, and Yantachka of Charlotte

Having been adopted in concurrence on Friday, April 1, 2022 in accord with Joint Rule 16b, was read.

Third Reading; Bill Passed

H. 744

House bill, entitled

An act relating to approval of an amendment to the charter of the City of Burlington

Was taken up, read the third time, and passed.

Third Reading; Bill Passed in Concurrence

S. 113

Senate bill, entitled

An act relating to establishing a cause of action for medical monitoring expenses

Was taken up, read the third time, and passed in concurrence.

Third Reading; Bill Passed in Concurrence With Proposal of Amendment

S. 239

Senate bill, entitled

An act relating to enrollment in Medicare supplemental insurance policies

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 265

Rep. Notte of Rutland City, for the Committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to expanding criminal threatening to include threats to third persons

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. § 1702 is amended to read:

§ 1702. CRIMINAL THREATENING

(a) A person shall not by words or conduct knowingly:

(1) threaten another person or a group of particular persons; and

(2) as a result of the threat, place the other person in reasonable apprehension of death, ~~or serious bodily injury, or sexual assault to the other person, a person in the group of particular persons, or any other person.~~

(b) A person who violates subsection (a) of this section shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(c) A person who violates subsection (a) of this section with the intent to prevent another person from reporting to the Department for Children and Families the suspected abuse or neglect of a child shall be imprisoned not more than two years or fined not more than ~~\$1,000.00~~ \$2,000.00, or both.

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

(e) A person who violates subsection (a) of this section with the intent to terrify, intimidate, or unlawfully influence a person to prevent that person from complying with State laws or rules, State court or administrative orders, or State executive orders shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(f) A person who violates subsection (a) of this section with the intent to terrify, intimidate, or unlawfully influence the conduct of a candidate for

public office, a public servant, an election official, or a public employee in any decision, opinion, recommendation, vote, or other exercise of discretion taken in capacity as a candidate for public office, a public servant, an election official, or a public employee, or with the intent to retaliate against a candidate for public office, a public servant, an election official, or a public employee for any previous action taken in capacity as a candidate for public office, a public servant, an election official, or a public employee, shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(g) As used in this section:

(1) “Serious bodily injury” ~~shall have~~ has the same meaning as in section 1021 of this title.

(2) “Threat” and “threaten” ~~shall~~ do not include constitutionally protected activity.

(3) “Candidate” has the same meaning as in 17 V.S.A. § 2103.

(4) “Election official” has the same meaning as in 17 V.S.A. § 2455.

(5) “Public employee” means a classified employee within the Legislative, Executive, or Judicial Branch of the State and any of its political subdivisions and any employee within a county or local government and any of the county’s or local government’s political subdivisions.

(6) “Public servant” has the same meaning as in 17 V.S.A. § 2103.

(7) “Polling place” has the same meaning as described in 17 V.S.A. chapter 51, subchapter 4.

(8) “Sexual assault” has the same meaning as sexual assault as described in section 3252 of this title.

~~(e)(h)~~ Any person charged under this section who is under 18 years of age younger than the age identified in 33 V.S.A. § 5201(d) shall be adjudicated as a juvenile delinquent subject to a juvenile proceeding.

~~(f) It shall be an affirmative defense to a charge under this section that the person did not have the ability to carry out the threat. The burden shall be on the defendant to prove the affirmative defense by a preponderance of the evidence.~~

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

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

**Favorable Reports; Second Reading;
Proposal of Amendment Agreed to; Third Reading Ordered**

S. 72

Rep. Gregoire of Fairfield, for the Committee on Human Services, to which had been referred Senate bill, entitled

An act relating to the Interstate Compact on the Placement of Children
Reported in favor of its passage in concurrence.

Rep. Jessup of Middlesex, for the Committee on Appropriations, reported in favor of its passage in concurrence.

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

Pending the question, Shall the bill be read a third time?, **Reps. Gregoire of Fairfield and Small of Winooski** moved to propose to the Senate to amend the bill as follows:

First: In Sec. 2, 33 V.S.A. chapter 59, in subdivision 5902(20), by striking out “he or she” and inserting in lieu thereof “the person”

Second: In Sec. 2, 33 V.S.A. chapter 59, in subdivision 5903(a)(3), by striking out “The” and inserting in lieu thereof “the”

Third: In Sec. 2, 33 V.S.A. chapter 59, in subdivision 5903(b)(4), by striking out “his or her” and inserting in lieu thereof “the child’s”

Fourth: In Sec. 2, 33 V.S.A. chapter 59, in subdivision 5903(b)(7), by striking out “his or her”

Fifth: In Sec. 2, 33 V.S.A. chapter 59, in subdivision 5904(d)(7), after the word “receiving”, by striking out “the”

Sixth: In Sec. 2, 33 V.S.A. chapter 59, in subdivision 5908(2)(D), by striking out “his or her” and inserting in lieu thereof “the”

Seventh: In Sec. 2, 33 V.S.A. chapter 59, in section 5924, by striking out “his or her” and inserting in lieu thereof “the child’s”

Which was agreed to. Thereupon, third reading was ordered.

Adjournment

At ten o'clock and forty-two minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, April 12, 2022, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 49.

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. 135

House concurrent resolution designating April 27, 2022 as Alzheimer's Awareness Day at the State House

H.C.R. 136

House concurrent resolution congratulating the 2021 Bellows Falls Union High School Terriers Division II championship football team

H.C.R. 137

House concurrent resolution honoring Bellows Free Academy-St. Albans boys' ice hockey Head Coach Toby Ducolon for his outstanding achievements

H.C.R. 138

House concurrent resolution congratulating the Champlain Valley Union High School RoboHawks on winning the 2022 Vermont State FIRST Tech Challenge Robotics Championships

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2022 Adjourned Session.]

Tuesday, April 12, 2022

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

Devotional Exercises

Devotional exercises were conducted by Julia Wayne of Charlotte, Katie Trautz of Montpelier, and Jeff Fellingner of Craftsbury.

Pledge of Allegiance

Page Taylor Morrison of Barre led the House in the Pledge of Allegiance.

Message from the Senate No. 47

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

Madam Speaker:

I am directed to inform the House that:

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

S. 183. An act relating to midpoint probation review.

And has concurred therein.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 135. House concurrent resolution designating April 27, 2022 as Alzheimer's Awareness Day at the State House.

H.C.R. 136. House concurrent resolution congratulating the 2021 Bellows Falls Union High School Terriers Division II championship football team.

H.C.R. 137. House concurrent resolution honoring Bellows Free Academy-St. Albans boys' ice hockey Head Coach Toby Ducolon for his outstanding achievements.

H.C.R. 138. House concurrent resolution congratulating the Champlain Valley Union High School RoboHawks on winning the 2022 Vermont State FIRST Tech Challenge Robotics Championships.

Message from the Senate No. 48

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

Madam Speaker:

I am directed to inform the House that:

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

H. 461. An act relating to excluding the income of asylum seekers and refugees from household income.

H. 629. An act relating to access to adoption records.

H. 708. An act relating to the approval of an amendment to the charter of the City of Burlington.

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

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 50. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

**Third Readings; Bills Passed in Concurrence
With Proposal of Amendment**

S. 72

Senate bill, entitled

An act relating to the Interstate Compact on the Placement of Children

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

S. 265

Senate bill, entitled

An act relating to expanding criminal threatening to include threats to third persons

Was taken up and read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment?, **Rep. LaClair of Barre Town** 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 pass in concurrence with proposal of amendment?, was decided in the affirmative. Yeas, 89. Nays, 32.

Those who voted in the affirmative are:

Ancel of Calais	Durfee of Shaftsbury	Partridge of Windham
Anthony of Barre City	Elder of Starksboro	Patt of Worcester
Arrison of Weathersfield	Feltus of Lyndon	Pearl of Danville
Austin of Colchester	Gannon of Wilmington	Pugh of South Burlington
Bartholomew of Hartland	Garofano of Essex	Rachelson of Burlington *
Black of Essex	Goldman of Rockingham	Rogers of Waterville
Bluemle of Burlington	Grad of Moretown	Satcowitz of Randolph
Bock of Chester	Hooper of Montpelier	Scheu of Middlebury
Bongartz of Manchester	Houghton of Essex	Sheldon of Middlebury
Bos-Lun of Westminster	Jessup of Middlesex	Sibilia of Dover
Brady of Williston	Killackey of South Burlington	Sims of Craftsbury
Briglin of Thetford	Kornheiser of Brattleboro	Small of Winooski
Brown of Richmond	LaLonde of South	Squirell of Underhill
Brownell of Pownal	Burlington	Stebbins of Burlington
Brumsted of Shelburne	Lanpher of Vergennes	Stevens of Waterbury
Burditt of West Rutland	Leffler of Enosburgh	Sullivan of Dorset
Burke of Brattleboro	Lippert of Hinesburg	Surprenant of Barnard

Burrows of West Windsor	Long of Newfane	Taylor of Colchester
Campbell of St. Johnsbury	Masland of Thetford	Till of Jericho
Chase of Colchester	McCarthy of St. Albans City	Townsend of South
Christie of Hartford	McCormack of Burlington	Burlington
Coffey of Guilford	McCullough of Williston	Troiano of Stannard
Colburn of Burlington	Morris of Springfield	Vyhovsky of Essex
Colston of Winooski	Mrowicki of Putney	Walz of Barre City
Conlon of Cornwall	Murphy of Fairfax	Webb of Shelburne
Copeland Hanzas of	Norris of Shoreham	White of Hartford
Bradford	Notte of Rutland City	Whitman of Bennington
Corcoran of Bennington	Noyes of Wolcott	Wood of Waterbury
Cordes of Lincoln	O'Brien of Tunbridge	Yacovone of Morristown
Dolan of Essex	Ode of Burlington	Yantachka of Charlotte
Dolan of Waitsfield	Pajala of Londonderry	

Those who voted in the negative are:

Achey of Middletown	Harrison of Chittenden	Norris of Sheldon
Springs	Helm of Fair Haven	Parsons of Newbury
Beck of St. Johnsbury	Higley of Lowell	Peterson of Clarendon
Canfield of Fair Haven	LaClair of Barre Town	Rosenquist of Georgia
Cupoli of Rutland City	Lefebvre of Orange	Scheuermann of Stowe
Donahue of Northfield	Mattos of Milton	Shaw of Pittsford
Fagan of Rutland City	McCoy of Poultney *	Smith of Derby
Goslant of Northfield	McFaun of Barre Town	Strong of Albany
Graham of Williamstown	Morgan, L. of Milton	Toof of St. Albans Town
Gregoire of Fairfield	Morgan, M. of Milton	Walker of Swanton *
Hango of Berkshire	Morrissey of Bennington	Williams of Granby

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

Birong of Vergennes	James of Manchester	Mulvaney-Stanak of
Brennan of Colchester	Jerome of Brandon	Burlington
Cina of Burlington	Kascenska of Burke	Nicoll of Ludlow
Dickinson of St. Albans	Kimbell of Woodstock	Nigro of Bennington
Town	Kitzmiller of Montpelier	Page of Newport City
Donnally of Hyde Park	Labor of Morgan	Palasik of Milton
Emmons of Springfield	Laroche of Franklin	Smith of New Haven
Hooper of Randolph	Lefebvre of Newark	Terenzini of Rutland Town
Hooper of Burlington	Marcotte of Coventry	Toleno of Brattleboro
Howard of Rutland City	Martel of Waterford	White of Bethel

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

A carve out to somehow hold ourselves above an existing law that already protects everyone, is something I cannot support.”

Rep. Rachelson of Burlington explained her vote as follows:

“Madam Speaker:

Threats against State employees, elected officials, election workers, and others have increased in Vermont. These threats go against Vermont values and result in keeping people from serving or working, or drive people to stop serving or working. We've sadly already seen that happen right here in our Chamber.

I voted yes to strongly send a message that this behavior is not okay and will not be tolerated.”

Rep. Walker of Swanton explained his vote as follows:

“Madam Speaker:

I believe in and support the good intentions of this bill but I cannot vote to make myself more equal - even if just a little more equal - than my neighbors.”

Second Reading; Bill Amended; Third Reading Ordered

H. 741

Rep. McCarthy of St. Albans City, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the City of St. Albans

Reported in favor of its passage when amended as follows:

In Sec. 3, effective date, immediately following the words “shall take effect on” by striking out “July 1, 2022” and inserting in lieu thereof the words “on passage” before the period.

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

Second Reading; Proposal of Amendment Agreed to; Third Reading Ordered

S. 171

Rep. Gannon of Wilmington, for the Committee on Government Operations, to which had been referred Senate bill, entitled

An act relating to adoption of a State code of ethics

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

First: In Sec. 1, 3 V.S.A. chapter 31, subchapter 1, by striking out section 1205 in its entirety and inserting in lieu thereof a new section 1205 to read as follows:

§ 1205. MANDATORY CODE OF ETHICS EDUCATION AND TRAINING

Within the first 120 days of public service, a public servant shall engage in State Code of Ethics training, which may be in person or online. Completion of State Code of Ethics training shall be documented by the department where the public servant is employed. A public servant shall participate in continuing State Code of Ethics education, which may be in person or online, at least once every three years thereafter. Approved continuing State Code of Ethics education providers are the State Ethics Commission, the Department of Human Resources – Center for Achievement in Public Service (CAPS), the Vermont House of Representatives Ethics Panel for the House of Representatives, the Vermont Senate Ethics Panel for the Senate, the Vermont Supreme Court and the Court Administrator’s Office for the Vermont Judiciary, and any education providers approved by the State Ethics Commission. Copies of State Code of Ethics training materials by ethics education providers shall be provided to the State Ethics Commission in advance of the training. On request, the State Ethics Commission may collaborate with or assist State Code of Ethics education providers.

Second: By adding a new section to be Sec. 2a to read as follows:

Sec. 2a. 3 V.S.A. § 1226 is amended to read:

§ 1226. COMMISSION REPORTS

Annually, on or before January 15, the Commission shall report to the General Assembly regarding the following issues:

(1) Complaints. The number and a summary of the complaints made to it, separating the complaints by topic, and the disposition of those complaints, including any prosecution, enforcement action, or dismissal. This summary of complaints shall not include any personal identifying information.

(2) Guidance and training.

(A) Guidance. The number of requests for and a summary of the guidance the Executive Director provided, separating the guidance by topic. This summary of guidance shall not include any personal identifying information.

(B) Training. An estimate of the number of Code of Ethics trainings conducted by each branch of government, a summary of the training activities undertaken by the Ethics Commission, and a summary of any recommendations the Commission or the Executive Director made to any branch of State government regarding additional training or more in-depth training for particular provisions of the Code of Ethics.

(3) Recommendations. Any recommendations for legislative action to address State governmental ethics or provisions of campaign finance law.

Third: In Sec. 1, 3 V.S.A. chapter 31, subchapter 1, in section 1203g, in subsection (a), by striking out subdivision (7) in its entirety and inserting in lieu thereof a new subdivision (7) to read as follows:

(7) Admission fees and tickets. A public servant may accept free attendance to a widely attended charitable, cultural, political, or civic event at which a public servant participates in the public servant's official capacity, provided such tickets or admission is provided by the primary sponsoring entity. Free attendance may include all or part of the cost of admission; transportation to and from the event; and food, refreshments, entertainment, and instructional materials provided to all event attendees.

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

Adjournment

At ten o'clock and fifty-two minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Wednesday, April 13, 2022

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

Devotional Exercises

Devotional exercises were conducted by Pastor Herb Hatch, The Old Brick Church, East Montpelier.

Joint Resolution Adopted in Concurrence

J.R.S. 50

By Senator Balint,

J.R.S. 50. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 15, 2022, it be to meet again no later than Tuesday, April 19, 2022.

Was taken up, read, and adopted in concurrence.

Ceremonial Reading**H.C.R. 131**

House concurrent resolution honoring Melinda Moulton and Lisa Steele for their pivotal role in rejuvenating the Burlington waterfront

Offered by: Reps. Rachelson of Burlington, Anthony of Barre City, Austin of Colchester, Birong of Vergennes, Bluemle of Burlington, Brumsted of Shelburne, Cina of Burlington, Colburn of Burlington, Copeland Hanzas of Bradford, Dolan of Waitsfield, Garofano of Essex, Hooper of Burlington, Killacky of South Burlington, LaClair of Barre Town, Masland of Thetford, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Ode of Burlington, Partridge of Windham, Pugh of South Burlington, Sims of Craftsbury, Stebbins of Burlington, Stevens of Waterbury, Till of Jericho, Vyhovsky of Essex, Wood of Waterbury, and Yantachka of Charlotte

Having been adopted in concurrence on Friday, April 1, 2022 in accord with Joint Rule 16b, was read.

Third Reading; Bill Passed**H. 741**

House bill, entitled

An act relating to approval of amendments to the charter of the City of St. Albans

Was taken up, read the third time, and passed.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment****S. 171**

Senate bill, entitled

An act relating to adoption of a State code of ethics

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

**Favorable Report; Second Reading;
Proposal of Amendment Disagreed to; Third Reading Ordered**

S. 74

Rep. Pugh of South Burlington, for the Committee on Human Services, to which had been referred Senate bill, entitled

An act relating to modifications to Vermont's patient choice at end of life laws

Reported in favor of its passage. The bill, having appeared on the Notice Calendar, was taken up and read the second time.

Pending the question, Shall the bill be read a third time?, **Rep. Donahue of Northfield** moved that the House propose to the Senate to amend the bill as follows:

First: In Sec. 1, 18 V.S.A. § 5281, following the ellipses, by inserting the following:

(4) "Health care provider" means a person, partnership, corporation, facility, or institution; that is licensed or, certified, or otherwise authorized by law to administer health care provide health care services or dispense medication in the ordinary course of business or practice of a profession.

* * *

Second: In Sec. 2, 18 V.S.A. § 5283, following the ellipses after subdivision (a)(6), by inserting the following:

(10)(A) The physician informed the patient that the patient may rescind the request at any time and in any manner and offered the patient an opportunity to rescind after the patient's second oral request.

(B) One or more of the following occurred either in the physician's physical presence or in the physical presence of another health care provider who was able to determine that the patient was not being subjected to coercive influences and who informed the physician of this determination:

(i) one or both of the patient's oral requests pursuant to subdivisions (1) and (2) of this subsection (a);

(ii) the physician's determination that the patient's request was voluntary pursuant to subdivision (5)(D) of this subsection (a);

(iii) the second physician's determination that the patient was acting voluntarily pursuant to subdivision (7) of this subsection (a); or

(iv) the physician's confirmation that the patient was making an informed decision pursuant to subdivision (11) of this subsection (a).

* * *

Pending the question, Shall the House propose to the Senate to amend the bill as offered by Rep. Donahue of Northfield?, **Rep. Donahue of Northfield** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House propose to the Senate to amend the bill as offered by Rep. Donahue of Northfield?, was decided in the negative. Yeas, 41. Nays, 98.

Those who voted in the affirmative are:

Achey of Middletown	Harrison of Chittenden	Murphy of Fairfax
Springs	Helm of Fair Haven	Norris of Sheldon
Beck of St. Johnsbury	Higley of Lowell	Page of Newport City
Campbell of St. Johnsbury	Kascenska of Burke	Peterson of Clarendon
Canfield of Fair Haven	LaClair of Barre Town	Rosenquist of Georgia
Cupoli of Rutland City	Laroche of Franklin	Scheuermann of Stowe
Dickinson of St. Albans	Lefebvre of Orange	Shaw of Pittsford
Town	Marcotte of Coventry	Smith of Derby
Donahue of Northfield	Mattos of Milton	Strong of Albany
Fagan of Rutland City	McCoy of Poultney	Terenzini of Rutland Town
Feltus of Lyndon	McFaun of Barre Town	Toof of St. Albans Town
Goslant of Northfield	Morgan, L. of Milton	Walker of Swanton
Graham of Williamstown	Morgan, M. of Milton	Williams of Granby
Gregoire of Fairfield	Morris of Springfield	
Hango of Berkshire	Morrissey of Bennington	

Those who voted in the negative are:

Ancel of Calais	Grad of Moretown	Partridge of Windham
Anthony of Barre City	Hooper of Montpelier	Patt of Worcester
Arrison of Weathersfield	Hooper of Randolph	Pearl of Danville
Austin of Colchester	Hooper of Burlington	Pugh of South Burlington
Bartholomew of Hartland	Houghton of Essex	Rachelson of Burlington
Black of Essex	Howard of Rutland City	Rogers of Waterville
Bluemle of Burlington	James of Manchester	Satcowitz of Randolph
Bock of Chester	Jerome of Brandon	Scheu of Middlebury
Bongartz of Manchester	Jessup of Middlesex	Sheldon of Middlebury
Bos-Lun of Westminster	Killackey of South Burlington	Sibilia of Dover
Brady of Williston	Kimbell of Woodstock	Sims of Craftsbury
Briglin of Thetford	Kitzmiller of Montpelier	Small of Winooski
Brown of Richmond	Kornheiser of Brattleboro	Squirrell of Underhill
Brownell of Pownal	LaLonde of South	Stebbins of Burlington
Brumsted of Shelburne	Burlington	Stevens of Waterbury
Burke of Brattleboro	Lanpher of Vergennes	Sullivan of Dorset
Burrows of West Windsor	Lefebvre of Newark	Surprenant of Barnard
Chase of Colchester	Leffler of Enosburgh	Taylor of Colchester
Christie of Hartford	Lippert of Hinesburg	Till of Jericho
Coffey of Guilford	Long of Newfane	Toleno of Brattleboro
Colburn of Burlington	Masland of Thetford	Townsend of South
Colston of Winooski	McCarthy of St. Albans City	Burlington

Conlon of Cornwall	McCormack of Burlington	Troiano of Stannard
Copeland Hanzas of Bradford	McCullough of Williston	Vyhovsky of Essex
Corcoran of Bennington	Mrowicki of Putney	Walz of Barre City
Cordes of Lincoln	Mulvaney-Stanak of Burlington	Webb of Shelburne
Dolan of Essex	Nicoll of Ludlow	White of Bethel
Dolan of Waitsfield	Nigro of Bennington	White of Hartford
Durfee of Shaftsbury	Norris of Shoreham	Whitman of Bennington
Elder of Starksboro	Notte of Rutland City	Wood of Waterbury
Emmons of Springfield	Noyes of Wolcott	Yacovone of Morristown
Gannon of Wilmington	O'Brien of Tunbridge	Yantachka of Charlotte
Garofano of Essex	Ode of Burlington	
Goldman of Rockingham	Pajala of Londonderry	

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

Birong of Vergennes	Donnally of Hyde Park	Parsons of Newbury
Brennan of Colchester	Labor of Morgan	Smith of New Haven
Burditt of West Rutland	Martel of Waterford	
Cina of Burlington	Palasik of Milton	

Thereupon, third reading was ordered.

Action on Bill Postponed

S. 247

Senate bill, entitled

An act relating to prohibiting discrimination based on genetic information

Was taken up, and pending the reading of the report of the Committee on Health Care, on motion of **Rep. Lippert of Hinesburg**, action on the bill was postponed until April 21, 2022.

Adjournment

At four o'clock and thirty-six minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Thursday, April 14, 2022

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

Devotional Exercises

Devotional exercises were conducted by Bess O'Brien of Peacham, Avery Cutroni of South Burlington, Cora Rabin of Burlington, and Don Kiputa of Essex.

Bill Referred to Committee on Appropriations**S. 206**

Senate bill, entitled

An act relating to planning and support for individuals and families impacted by Alzheimer's Disease and related disorders

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

Bills Referred to Committee on Ways and Means**S. 286**

Senate bill, entitled

An act relating to amending various public pension and other postemployment benefits

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

S. 210

Senate bill, entitled

An act relating to rental housing health and safety and affordable housing

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

Third Reading; Bill Passed in Concurrence**S. 74**

Senate bill, entitled

An act relating to modifications to Vermont's patient choice at end of life laws

Was taken up, read the third time, and passed in concurrence.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered****S. 254**

Rep. Christie of Hartford, for the Committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to recovering damages for Article 11 violations by law enforcement and a report on qualified immunity

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. REPORT ON ACCESS TO CIVIL JUSTICE REMEDIES AND LAW
ENFORCEMENT QUALIFIED IMMUNITY IN VERMONT

(a) On or before November 15, 2022, the Office of Legislative Counsel shall submit a written legal analysis to the Senate Committee on Judiciary, the House Committee on Judiciary, and the Joint Legislative Justice Oversight Committee concerning the impact of the doctrine of qualified immunity on access to civil justice remedies in the State of Vermont and the U.S. Court of Appeals for the Second Circuit. In particular, the analysis shall identify:

(1) the origins of the doctrine of qualified immunity and its present interpretation and application by the State courts of Vermont;

(2) existing constitutional, statutory, and common law causes of action for redressing the alleged misconduct of Vermont law enforcement under Vermont law;

(3) existing immunities from suit concerning allegations of Vermont law enforcement misconduct under Vermont law;

(4) existing defenses to liability concerning allegations of Vermont law enforcement misconduct under Vermont law;

(5) existing statutory and common law limitations on damages concerning allegations of Vermont law enforcement misconduct under Vermont law;

(6) the applicability of the doctrine of qualified immunity to all certified law enforcement officers;

(7) the level of specificity necessary for a statute to be considered clearly established law pursuant to a qualified immunity analysis under Vermont law;

(8) the difference between remedies available pursuant to a direct private right of action based on self-executing provisions of the Vermont Constitution and remedies available in an action pursuant to 42 U.S.C § 1983; and

(9) a survey of states that maintain a central database of all final judgments and settlements paid by a law enforcement agency for allegations of

law enforcement officer misconduct.

(b) The written analysis shall be confined to legal analysis and shall not make any policy recommendations.

(c) In the preparation of the legal analysis, the Office of Legislative Counsel shall have the administrative, technical, and legal assistance of the Office of the Vermont Attorney General, the Office of the Vermont Defender General, the Center for Justice Reform at Vermont Law School, and other stakeholders interested in assisting with the report.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

and that after passage the title of the bill be amended to read: “An act relating to a report on qualified immunity”

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

Favorable Report; Second Reading; Third Reading Ordered

S. 163

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

An act relating to State court petitions for vulnerable noncitizen youth

Reported in favor of its passage in concurrence.

Rep. Long of Newfane presiding.

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

Senate Proposal of Amendment Concurred in

H. 461

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

An act relating to excluding the income of asylum seekers and refugees from household income

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

In Sec. 1, 32 V.S.A. § 6061(3), subdivision (B), by striking out subdivision (ii) in its entirety and inserting in lieu thereof a new subdivision (ii) to read as follows:

(ii) a person residing in the household who was granted humanitarian parole to enter the United States pursuant to 8 U.S.C. § 1182(d)(5), who is seeking or has been granted asylum pursuant to 8 U.S.C. § 1158, or who qualifies as a refugee pursuant to 8 U.S.C. § 1101(a)(42), provided the person is not eligible under the laws of the United States to apply for adjustment of status to lawful permanent resident; or

Proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 629

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

An act relating to access to adoption records

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

First: In Sec. 4, 15A V.S.A. § 6-106, by striking out “2024” and inserting in lieu thereof 2023

Second: In Sec. 5, 15A V.S.A. § 6-107, in subsection (c), by striking out subdivision (2) in its entirety and inserting in lieu thereof the following:

(2) A contact preference form shall include space where the parent may include information that the parent feels is important for the adoptee to know.

(3) A contact preference form may be withdrawn or revised at any time.

Third: In Sec. 8, implementation, by striking out “September” and inserting in lieu thereof October

Fourth: By adding a new section to be Sec. 8a to read as follows:

Sec. 8a. VERMONT STATE ARCHIVES AND RECORDS

ADMINISTRATION; REPORT ON RECORDS OF CHILDREN

PLACED IN FOSTER HOMES OR RESIDENTIAL CHILD CARE

FACILITIES

On or before January 15, 2023, the Vermont State Archives and Records Administration, in consultation with the Department for Children and Families and other interested parties, shall submit to the Senate Committees on Government Operations and on Health and Welfare and the House Committees on Government Operations and on Human Services a written report containing:

(1) a historical overview of the laws governing records related to children who were placed by a child-placing agency in foster homes or residential child care facilities and who are not adopted;

(2) a narrative explanation of:

(A) the records that may exist concerning these children; and

(B) who acts as the custodians of the records; and

(3) a recommendation for legislation to ensure that these children have access to records concerning their background, medical history, and other pertinent information relating to their time under the care and supervision of an agency.

Fifth: In Sec. 9, effective dates, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) This section and Secs. 1, 8, and 8a shall take effect on passage.

Sixth: In Sec. 9, effective dates, in subsection (b), by striking out “2024” and inserting in lieu thereof 2023

Proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 708

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

An act relating to the approval of an amendment to the charter of the City of Burlington

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

In Sec. 2, 24 App. V.S.A. chapter 3, section 48, subdivision (66)(C), by striking out subdivision (ii) in its entirety and inserting in lieu thereof a new subdivision (ii) to read as follows:

(ii) provide for a reasonable probationary period after initial occupancy;

Proposal of amendment was considered and concurred in.

Adjournment

At three o'clock and fifty-four minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, April 15, 2022

At nine o'clock and thirty minutes in the forenoon Rep. Long of Newfane called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Memorial Service

The Presiding Officer placed before the House the following name of the member of past sessions of the Vermont General Assembly who had passed away recently:

Larry G. Fiske of Enosburgh	Member of the House, Session of 2015-2016

Thereupon, the members of the House held a moment of silence in memory of the deceased member.

Ceremonial Reading**H.C.R. 79**

House concurrent resolution congratulating the 2021 Milton High School Yellowjackets Division II boys' varsity soccer team

Offered by: Mattos of Milton, Morgan, L. of Milton, Morgan, M. of Milton, and Palasik of Milton

Having been adopted in concurrence on Wednesday, January 12, 2022 in accord with Joint Rule 16b, was read.

Rep. Krowinski of Burlington presiding.

Third Reading; Bill Passed in Concurrence**S. 163**

Senate bill, entitled

An act relating to State court petitions for vulnerable noncitizen youth

Was taken up, read the third time, and passed in concurrence.

Third Reading; Bill Passed in Concurrence With Proposal of Amendment**S. 254**

Senate bill, entitled

An act relating to recovering damages for Article 11 violations by law enforcement and a report on qualified immunity

Was taken up and read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment?, **Rep. LaClair of Barre Town** 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 pass in concurrence with proposal of amendment?, was decided in the affirmative. Yeas, 95. Nays, 40.

Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	Ode of Burlington
Anthony of Barre City	Garofano of Essex	Pajala of Londonderry
Austin of Colchester	Goldman of Rockingham	Partridge of Windham
Bartholomew of Hartland	Grad of Moretown	Patt of Worcester
Black of Essex	Hooper of Montpelier	Pugh of South Burlington
Bluemle of Burlington	Hooper of Randolph	Rachelson of Burlington *
Bock of Chester	Hooper of Burlington	Rogers of Waterville
Bongartz of Manchester	Houghton of Essex	Satcowitz of Randolph
Bos-Lun of Westminster	Howard of Rutland City	Scheu of Middlebury
Briglin of Thetford	James of Manchester	Sheldon of Middlebury
Brown of Richmond	Jerome of Brandon	Sibilia of Dover
Brownell of Pownal	Jessup of Middlesex	Sims of Craftsbury
Brumsted of Shelburne	Killackey of South Burlington	Small of Winooski
Burke of Brattleboro	Kimbell of Woodstock	Squirrell of Underhill
Burrows of West Windsor	Kitzmiller of Montpelier	Stebbins of Burlington
Campbell of St. Johnsbury	Kornheiser of Brattleboro	Stevens of Waterbury
Chase of Colchester	LaLonde of South	Sullivan of Dorset
Christie of Hartford	Burlington	Taylor of Colchester
Cina of Burlington	Lanpher of Vergennes	Till of Jericho
Coffey of Guilford	Lefebvre of Newark	Toleno of Brattleboro
Colburn of Burlington *	Lippert of Hinesburg	Townsend of South
Colston of Winooski *	Long of Newfane	Burlington
Conlon of Cornwall	Masland of Thetford	Troiano of Stannard
Copeland Hanzas of	McCarthy of St. Albans City	Vyhovsky of Essex
Bradford	McCormack of Burlington	Walz of Barre City
Corcoran of Bennington	McCullough of Williston	Webb of Shelburne
Cordes of Lincoln	Mrowicki of Putney	White of Bethel
Dolan of Essex	Murphy of Fairfax	White of Hartford
Dolan of Waitsfield	Nicoll of Ludlow	Whitman of Bennington
Donahue of Northfield *	Nigro of Bennington	Wood of Waterbury
Durfee of Shaftsbury	Notte of Rutland City	Yacovone of Morristown
Elder of Starksboro	Noyes of Wolcott	Yantachka of Charlotte
Emmons of Springfield	O'Brien of Tunbridge	

Those who voted in the negative are:

Achey of Middletown	Higley of Lowell	Norris of Sheldon
Springs	Kascenska of Burke	Norris of Shoreham

Arrison of Weathersfield	Labor of Morgan	Page of Newport City
Beck of St. Johnsbury	LaClair of Barre Town	Parsons of Newbury
Brennan of Colchester	Laroche of Franklin	Peterson of Clarendon
Canfield of Fair Haven	Lefebvre of Orange	Scheuermann of Stowe
Cupoli of Rutland City	Marcotte of Coventry	Shaw of Pittsford
Fagan of Rutland City	Mattos of Milton	Smith of Derby *
Feltus of Lyndon	McCoy of Poultney	Strong of Albany
Graham of Williamstown	McFaun of Barre Town	Terenzini of Rutland Town
Gregoire of Fairfield	Morgan, L. of Milton	Toof of St. Albans Town
Hango of Berkshire	Morgan, M. of Milton	Walker of Swanton
Harrison of Chittenden	Morris of Springfield	Williams of Granby
Helm of Fair Haven	Morrissey of Bennington	

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

Birong of Vergennes	Goslant of Northfield	Pearl of Danville
Brady of Williston	Leffler of Enosburgh	Rosenquist of Georgia
Burditt of West Rutland	Martel of Waterford	Smith of New Haven
Dickinson of St. Albans Town	Mulvaney-Stanak of Burlington	Surprenant of Barnard
Donnally of Hyde Park	Palasik of Milton	

Rep. Colburn of Burlington explained her vote as follows:

“Madam Speaker:

I strongly believe that Vermont should end the practice of qualified immunity for law enforcement, so that Vermonters who have experienced constitutional violations and serious harms as a result of police misconduct have a meaningful opportunity for redress. That said, this is simply a study. To say we should not even ask legal questions about this practice is a disservice to the important conversations taking place in our communities about policing and racial equity.”

Rep. Colston of Winooski explained his vote as follows:

“Madam Speaker:

At its root qualified immunity is about inequity. When we pledge allegiance to the flag every Tuesday in this chamber, our pledge ends with ‘liberty and justice for all.’ This must be true for victims of police misconduct.”

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

I believe that a great deal of the controversy regarding qualified immunity – both for and against – relates to perception rather than actual law. Fully

reviewing the law before considering change is the best move to protect all parties.”

Rep. Rachelson of Burlington explained her vote as follows:

“Madam Speaker:

I am deeply disappointed that this bill morphed into a study. Qualified immunity is not about a lack of trust of law enforcement or municipal and State employees. Qualified immunity prevents Vermonters from seeking justice when they have been wrongly harmed, even if the employee broke the law. Qualified immunity doesn’t exist in the private sector. A November 2021 Vermont Public Policy poll found 70% of those interviewed strongly agreed that when law enforcement violates someone’s rights, we need to make sure that families, victims, and survivors can get the justice they deserve.”

Rep. Smith of Derby explained his vote as follows:

“Madam Speaker:

I voted no on this. I find it difficult to understand why we would listen to testimony from an ice cream king and what relevance or knowledge that he could have on this issue. We need to show support of our law enforcement or we won’t have any!”

**Favorable Report; Second Reading;
Third Reading Ordered**

H.R. 22

Rep. McCarthy of St. Albans City, for the Committee on Rules, to which had been referred House resolution, entitled

House resolution authorizing remote participation in House sessions and committees through the remainder of 2022 for members with a disability as an accommodation under the Americans with Disabilities Act

Reported in favor of its adoption. The resolution, which was treated as a bill and referred to the Committee on Rules, and having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

**Favorable Report; Second Reading;
Third Reading Ordered**

J.R.H. 20

Rep. McCarthy of St. Albans City, for the Committee on Rules, to which had been referred joint House resolution, entitled

Joint resolution authorizing remote participation in joint committees through the remainder of 2022 for members with a disability as an accommodation under the Americans with Disabilities Act

Reported in favor of its adoption. The resolution, which was treated as a bill and referred to the Committee on Rules, and having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Adjournment

At ten o'clock and sixteen minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, April 19, 2022, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 50.

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. 139

House concurrent resolution congratulating the Vermont winners of the 2022 NYSRAEF ProStart Invitational culinary competition

H.C.R. 140

House concurrent resolution congratulating E.J. Barrette & Sons Inc. of Swanton on its centennial

H.C.R. 141

House concurrent resolution congratulating Chef Christian Kruse on his selection as a 2022 semifinalist for the receipt of the James Beard Foundation's Best Chef: Northeast Award

H.C.R. 142

House concurrent resolution in memory of Sister Janice E. Ryan, RSM

H.C.R. 143

House concurrent resolution in memory of George H. Severance of Hinesburg

S.C.R. 18

Senate concurrent resolution in memory of former Assistant Attorney General Mark Di Stefano of Montpelier

[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 2022 Adjourned Session.]

Tuesday, April 19, 2022

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

Devotional Exercises

Devotional exercises were conducted by Rep. O'Brien of Tunbridge.

Pledge of Allegiance

Page Maya Piluski of Westminster led the House in the Pledge of Allegiance.

Message from the Senate No. 49

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

Madam Speaker:

I am directed to inform the House that:

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

H. 718. An act relating to approval of the dissolution of Colchester Fire District No. 1.

And has passed the same in concurrence.

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

H. 731. An act relating to technical corrections for the 2022 legislative session.

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

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

S. 239. An act relating to enrollment in Medicare supplemental insurance policies.

And has concurred therein.

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 18. Senate concurrent resolution in memory of former Assistant Attorney General Mark Di Stefano of Montpelier.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 139. House concurrent resolution congratulating the Vermont winners of the 2022 NYSRAEF ProStart Invitational culinary competition.

H.C.R. 140. House concurrent resolution congratulating E.J. Barrette & Sons Inc. of Swanton on its centennial.

H.C.R. 141. House concurrent resolution congratulating Chef Christian Kruse on his selection as a 2022 semifinalist for the receipt of the James Beard Foundation's Best Chef: Northeast Award.

H.C.R. 142. House concurrent resolution in memory of Sister Janice E. Ryan, RSM.

H.C.R. 143. House concurrent resolution in memory of George H. Severance of Hinesburg.

Message from the Senate No. 50

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 51. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Bills Referred to Committee on Appropriations

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, the following bills were referred to the Committee on Appropriations:

S. 100

Senate bill, entitled

An act relating to universal school breakfast and the creation of the Task Force on Universal School Lunch

S. 197

Senate bill, entitled

An act relating to the provision of mental health supports

S. 226

Senate bill, entitled

An act relating to expanding access to safe and affordable housing

Bill Referred to Committee on Ways and Means**S. 280**

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles

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

Third Reading; Joint Resolution Adopted on Its Part**J.R.H. 20**

Joint resolution, entitled

Joint resolution authorizing remote participation in joint committees through the remainder of 2022 for members with a disability as an accommodation under the Americans with Disabilities Act

Was taken up, read the third time, and adopted on its part.

Third Reading; Resolution Adopted**H.R. 22**

House resolution, entitled

House resolution authorizing remote participation in House sessions and committees through the remainder of 2022 for members with a disability as an accommodation under the Americans with Disabilities Act

Was taken up, read the third time, and adopted.

Adjournment

At ten o'clock and twenty-six minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, April 20, 2022

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

Devotional Exercises

Devotional exercises were conducted by Rev. Dr. Tom Redden, Zen Peacemaker Order, Newfane.

Bill Referred to Committee on Appropriations**S. 210**

Senate bill, entitled

An act relating to rental housing health and safety and affordable housing

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

Bill Referred to Committee on Ways and Means**S. 234**

Senate bill, entitled

An act relating to changes to Act 250

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

Bill Referred to Committee on Appropriations**S. 286**

Senate bill, entitled

An act relating to amending various public pension and other postemployment benefits

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

Joint Resolution Adopted in Concurrence**J.R.S. 51**

By Senator Balint,

J.R.S. 51. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 22, 2022, it be to meet again no later than Tuesday, April 26, 2022.

Was taken up, read, and adopted in concurrence.

House Resolution Adopted**H.R. 25**

House resolution honoring Senator Patrick J. Leahy for his nearly half century of extraordinary public service in the U.S. Senate

Offered by: All Members of the House

Whereas, the true origin of U.S. Senator Patrick Leahy's illustrious senatorial career can be traced back to the then four-year-old Montpelier boy's obtaining his first library card at the Kellogg-Hubbard Library in Montpelier, and

Whereas, after graduating from St. Michael's College and the Georgetown University Law Center, Pat Leahy turned his attention to public service, first as Chittenden County State's Attorney, and then, in 1974, at 34 years of age, as a U.S. Senator, beginning the longest tenure of any Vermonter in the nation's senior legislative chamber where he is currently the U.S. Senate's longest-serving member, and

Whereas, Senator Leahy has been honored to serve terms as Chair of the Senate Agriculture, Appropriations, and Judiciary Committees, and has twice been President Pro Tempore, the third in line to the presidency, and

Whereas, issues pertaining to the economic prosperity and environmental protection of Vermont have always been of paramount importance to him, and

Whereas, Senator Leahy's advocacy of open government earned him membership in the FOIA Hall of Fame and won him the John Peter Zenger Press Freedom Award, and his concern for personal privacy in the digital age influenced his co-founding of the Congressional Internet Caucus, and

Whereas, he was an early and ardent advocate for the banning of anti-personnel landmines and shepherded the legislation establishing the Leahy War Victims Fund, and

Whereas, unique among his colleagues, Senator Leahy's thousands of photographs of congressional life have been prominently published and exhibited, and they form an extraordinary congressional archive, and

Whereas, the fees and royalties Senator Leahy has earned for appearing in five *Batman* movies have all been donated to the Kellogg-Hubbard Library, whose children's wing is named in his honor, and

Whereas, Pat Leahy and the love of his life, Marcelle, are celebrating their 60th wedding anniversary this year, and, at the conclusion of his current term, he will end an amazing eight terms as Vermont's U.S. Senator, now therefore be it

Resolved by the House of Representatives:

That this legislative body honors Senator Patrick J. Leahy for his nearly half century of extraordinary public service in the U.S. Senate, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to U.S. Senator Pat Leahy.

Was read and adopted.

Recess

At one o'clock and twenty-three minutes in the afternoon, the Speaker declared a recess until the fall of the gavel. At two o'clock in the afternoon, the Speaker called the House to order.

Action on Bill Postponed

H. 157

House bill, entitled

An act relating to registration of construction contractors

On motion of **Rep. Stevens of Waterbury**, action on the bill was postponed until May 6, 2022.

**Senate Proposal of Amendment Concurred in With a Further
Amendment Thereto**

H. 447

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

An act relating to approval of amendments to the charter of the Town of Springfield

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

First: In Sec. 2, 24 App. V.S.A. chapter 149, section 3, subdivision (b)(1), by striking out subdivision (B) in its entirety and inserting in lieu thereof a new subdivision (B) to read as follows:

(B) is injurious to other property in the vicinity; or

Second: In Sec. 2, 24 App. V.S.A. chapter 149, section 3, subsection (b), by striking out subdivision (3) in its entirety and inserting in lieu thereof a new subdivision (3) to read as follows:

(3) Not less than 30 days before any action taken under this subsection, the Town shall provide to the property owner and any recorded lienholders a notice of the Town's intent to issue civil penalties; clean or repair the premises; or remove rubbish, waste, or objectionable material. The Town shall provide to the property owner and any recorded lienholders reasonable opportunity and information to appeal the proposed action or to clean or repair the premises before the Town takes any final action.

Third: In Sec. 2, 24 App. V.S.A. chapter 149, in section 11, in subsection (c), in the last sentence, immediately following the words "may not be petitioned again for a period of", by striking out the words "one year" and inserting in lieu thereof the words three years

Pending the question, Shall the House concur in the Senate proposal of amendment?, **Rep. Vyhovsky of Essex**, for the Committee on Government Operations, recommended that the House concur in the Senate proposal of amendment with further proposals of amendment as follows:

First: In Sec. 2, 24 App. V.S.A. chapter 149, in section 3, in subdivision (b)(1), by striking out subdivision (B) in its entirety and inserting in lieu thereof a new subdivision (B) to read as follows:

(B) may physically injure other property in the vicinity; or

Second: In Sec. 2, 24 App. V.S.A. chapter 149, in section 11, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) In addition to the procedure set forth above in subsections (a) and (b) of this section, the charter may be revised or amended by the submission of a citizen initiative (petition) specifying the amendments or revisions desired and signed by 10 percent of the registered voters. The petition and subsequent action shall conform to the requirements of State statutes relating to charter amendment procedures, shall be subject to the determination of the Selectboard as to whether or not they are comprehensive in nature, and shall be approved by an annual Town meeting vote with at least 25 15 percent of voters participating. If a proposed amendment or revision under this

subsection is voted down at the annual Town meeting, it or a substantially similar amendment may not be petitioned again for a period of one year.

Which was agreed to.

Senate Proposal of Amendment Concurred in

H. 731

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

An act relating to technical corrections for the 2022 legislative session

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

First: By striking out Sec. 381, 20 V.S.A. § 1601, in its entirety and inserting in lieu thereof the following:

Sec. 381. 20 V.S.A. chapter 85 is amended to read:

Chapter 85. Needy Veterans in Need

§ 1601. AID TO ~~NEEDY~~ VETERANS IN NEED

(a) The monies annually available for the purposes of this chapter, or ~~so much thereof as may be~~ the amount of those monies that is necessary, shall be expended under the supervision of the Vermont Office of Veterans' Affairs at the direction of the Adjutant and Inspector General. The Office of Veterans' Affairs shall disburse ~~such~~ the funds, or ~~such part thereof as may be~~ necessary, in aiding, caring for, and educating ~~needy~~ in need veterans in need and ~~needy~~ persons in need who are legal dependents of veterans. The Office of Veterans' Affairs shall award funds to applicants approved for assistance based on criteria approved by the Adjutant and Inspector General. Monetary assistance will be given only to applicants who would not be better served by other State, federal, or private assistance programs. The Adjutant and Inspector General shall determine conditions for eligibility and ~~will~~ shall ensure that the program is managed to the limit imposed by the available funding. The Office of Veterans' Affairs shall submit an annual report to the Adjutant and Inspector General on all fund activities at the end of each fiscal year. In addition, the Adjutant and Inspector General ~~will~~ shall review all fund expenditures at least once per fiscal year.

(b) The Office of Veterans' Affairs shall develop application and operating procedures for the fund, which must be approved by the Office of the Adjutant and Inspector General. Any deviation from the application and operating procedures shall be approved by the Adjutant and Inspector General. The application and operating procedures shall be available for review by applicants, service providers, and others that may have an interest in the fund.

* * *

§ 1605. VETERAN EDUCATION

The Office of Veterans' Affairs may use some, none, or all of the funds to educate ~~needy~~ veterans in need about programs and benefits that will provide more permanent solutions to their financial situation. Any use of funds for veteran education or program support shall be approved in advance by the Adjutant and Inspector General.

Second: By adding a new section to be numbered Sec. 432a to read as follows:

Sec. 432a. 24 V.S.A. § 5 is amended to read:

§ 5. CHITTENDEN

The County of Chittenden is formed of the towns of Bolton, Charlotte, Colchester, Essex, Hinesburg, Huntington, Jericho, Milton, Richmond, St. George, Shelburne, the City of South Burlington, Underhill, Westford, Williston, the City of Burlington, the City of Essex Junction, the City of Winooski, Buel's Gore, and so much of Lake Champlain as lies in this State west of the towns in the county adjoining the lake and not included within the limits of the County of Grand Isle. The City of Burlington is the shire town.

Proposal of amendment was considered and concurred in.

Adjournment

At two o'clock and thirteen minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Thursday, April 21, 2022

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

Devotional Exercises

Devotional exercises were conducted by Rep. Stevens of Waterbury.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 20th day of April, 2022, he signed bills originating in the House of the following titles:

H. 448 An act relating to approval of amendments to the charter of the City of Burlington

H. 491 An act relating to the creation of the City of Essex Junction and the adoption of the City charter

H. 556 An act relating to exempting property owned by Vermont-recognized Native American tribes from property tax

H. 627 An act relating to the Vermont Economic Development Authority

H. 680 An act relating to obtaining a marriage license in any town in Vermont

Message from the Senate No. 51

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

Madam Speaker:

I am directed to inform the House that:

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

H. 635. An act relating to secondary enforcement of minor traffic offenses.

H. 740. An act relating to making appropriations for the support of government.

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

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

S. 72. An act relating to the Interstate Compact on the Placement of Children.

S. 171. An act relating to adoption of a State code of ethics.

And has concurred therein.

Message from the Senate No. 52

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

Madam Speaker:

I am directed to inform the House that:

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

H. 159. An act relating to community and economic development and workforce revitalization.

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

The Governor has informed the Senate that on the 21st day of April, 2022, he approved and signed bills originating in the Senate of the following titles:

S. 113. An act relating to establishing a cause of action for medical monitoring expenses.

S. 183. An act relating to midpoint probation review.

S. 184. An act relating to defense of others and justifiable homicide.

Bill Referred to Committee on Ways and Means

S. 281

Senate bill, entitled

An act relating to hunting coyotes with dogs

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

Bill Referred to Committee on Appropriations

S. 287

Senate bill, entitled

An act relating to improving student equity by adjusting the school funding formula and providing education quality and funding oversight

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

Joint Resolution Referred to Committee

J.R.H. 22

Joint resolution urging the President and Congress to spearhead a global effort to prevent nuclear war and opposing the basing of nuclear weapons in Vermont

Offered by: Representatives Small of Winooski, Troiano of Stannard, Brumsted of Shelburne, Burke of Brattleboro, Burrows of West Windsor, Cina of Burlington, Colburn of Burlington, Colston of Winooski, Cordes of Lincoln, Dolan of Essex, Garofano of Essex, Hooper of Randolph, Houghton of Essex, McCormack of Burlington, McCullough of Williston, Mulvaney-Stanak of Burlington, Rachelson of Burlington, Surprenant of Barnard, Townsend of South Burlington, Vyhovsky of Essex, White of Hartford, Whitman of Bennington, and Wood of Waterbury

Whereas, there are approximately 13,000 nuclear weapons in the world, posing an intolerable risk to human survival, and an overwhelming majority of these weapons belong to the United States and Russia, with the balance belonging to other nations, and

Whereas, the current conflict in Ukraine demonstrates that the possession of nuclear weapons does not prevent war, but, rather, empowers the nations that control these weapons by dissuading other countries from responding effectively to unfathomable instances of military aggression, and

Whereas, there is an alternative to this march to nuclear war, and

Whereas, in July 2017, representatives of over 135 nations called for the elimination of all nuclear weapons through the adoption of the Treaty on the Prohibition of Nuclear Weapons, which was entered into force on January 22, 2021, and

Whereas, in 1982, the General Assembly, in response to the adoption at over 160 town meetings of the nonbinding question asking: “Shall the State Senators and Representatives from this district be advised to introduce into the Vermont Legislature a resolution asking the Vermont Congressional Delegation to: Request the President of the United States to propose to the Soviet Union a mutual freeze on the testing, production, and deployment of nuclear weapons and of missiles and new aircraft designed primarily to deliver nuclear weapons, with verification safeguards satisfactory to both countries,” adopted J.R.H. 55 (1982 Acts and Resolves No. R-82) asking the Vermont Congressional Delegation to make this request of the President, and

Whereas, both these town meeting votes and the General Assembly’s adopting of the joint resolution were significant political statements in support of a verifiable nuclear freeze, and

Whereas, although a nuclear freeze did not occur, the broad political support for this proposal contributed to a major reduction in the world’s nuclear arsenals, and in 2022, many Vermonters again desire to lead the effort to prevent nuclear war, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress and the President to spearhead a global effort to prevent nuclear war by:

- (1) renouncing the option of using nuclear weapons first;
- (2) adding additional protections to ensure that the President does not have sole and unchecked authority to launch a nuclear attack;
- (3) taking U.S. nuclear weapons off hair-trigger alert;
- (4) encouraging the Biden Administration neither to upgrade nor replace nuclear-equipped intercontinental ballistic missiles, ballistic-missile submarines, and long-range strategic bombers, and
- (5) actively pursuing a verifiable agreement among nuclear-armed nations to eliminate their nuclear arsenals, and be it further

Resolved: That the General Assembly reaffirms its adoption of 1982 Acts and Resolves No. R-82 in opposition to the proliferation of nuclear weapons and opposes the basing of nuclear weapons in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Governor Philip B. Scott, President Joseph R. Biden, and the Vermont Congressional Delegation.

Was read by title, treated as bill, and referred to the Committee on General, Housing, and Military Affairs pursuant to House Rule 52.

Action on Bill Postponed

S. 247

Senate bill, entitled

An act relating to prohibiting discrimination based on genetic information

Was taken up and, pending the reading of the report of the Committee on Health Care, on motion of **Rep. Cordes of Lincoln**, action on the bill was postponed until April 27, 2022.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 206

Rep. Noyes of Wolcott, for the Committee on Human Services, to which had been referred Senate bill, entitled

An act relating to planning and support for individuals and families impacted by Alzheimer's Disease and related disorders

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

By inserting a new section with reader assistance heading to be Sec. 6a to read as follows:

* * * Missing Persons with Alzheimer's Disease;

Response Communications * * *

Sec. 6a. DEPARTMENT OF PUBLIC SAFETY; MISSING PERSONS

EMERGENCY RESPONSE AND COMMUNICATIONS; REPORT

On or before November 1, 2022, the Department of Public Safety shall submit a written report to the House Committee on Human Services, the Senate Committee on Health and Welfare, and the House and Senate Committees on Government Operations with its recommendations regarding broadcasting information on missing persons with Alzheimer's Disease or related disorders or cognitive disabilities to aid in locating those individuals, including any proposals for legislative action. In forming its recommendations, the Department shall consult with interested stakeholders, including the Vermont Chapter of the Alzheimer's Association, Vermont Care Partners, and the Vermont Association on Mental Health and Addiction Recovery, and shall notify the Chairs of the House Committee on Human Services, the Senate Committee on Health and Welfare, and the House and Senate Committees on Government Operations as to the date, time, and location of stakeholder meetings.

Rep. Yacovone of Morristown, for the Committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the Committee on Human Services and when further amended as follows:

By striking Sec. 5 in its entirety and inserting a new Sec. 5 to read as follows:

Sec. 5. ALZHEIMER'S DISEASE COORDINATOR

On or before December 15, 2022, the Agency of Human Services shall submit a plan to the Senate Committee on Health and Welfare and to the House Committee on Human Services to fund, within existing budgets, grants, or other external funding sources, a permanent Alzheimer's Disease Coordinator position to be shared between the Departments of Health and of Disabilities, Aging, and Independent Living for the purpose of planning,

public education, and coordination as informed by the recommendations of the Commission on Alzheimer's and Related Disorders established pursuant to 3 V.S.A. § 3085b, the State Plan on Aging required pursuant to 33 V.S.A. § 6206, and other relevant statewide plans on Alzheimer's disease and related disorders.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Human Services was agreed to. Thereafter, the report of the Committee on Appropriations was agreed to. Thereupon, third reading was ordered.

Action on Bill Postponed

S. 280

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles

Was taken up, and pending the reading of the report of the Committee on Transportation, on motion of **Rep. Shaw of Pittsford**, action on the bill was postponed until April 22, 2022.

Favorable Reports; Second Reading; Third Reading Ordered

S. 197

Rep. Austin of Colchester, for the Committee on Education, to which had been referred Senate bill, entitled

An act relating to the provision of mental health supports

Reported in favor of its passage in concurrence.

Rep. Scheu of Middlebury, for the Committee on Appropriations, 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.

**Rules Suspended; Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed; Rules Suspended;
Actions Messaged to Senate Forthwith**

H. 740

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

An act relating to making appropriations for the support of government

Was taken up for immediate consideration.

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

Sec. A.100 SHORT TITLE

This bill may be referred to as the BIG BILL – Fiscal Year 2023 Appropriations Act.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of State government during fiscal year 2023. It is the express intent of the General Assembly that activities of the various agencies, departments, divisions, boards, and commissions be limited to those that can be supported by funds appropriated in this act or other acts passed prior to June 30, 2022. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2023 to meet this condition unless otherwise directed by specific language in this act or other acts of the General Assembly.

Sec. A.102 APPROPRIATIONS

(a) It is the intent of the General Assembly that this act serves as the primary source and reference for appropriations for fiscal year 2023.

(b) The sums herein stated are appropriated for the purposes specified in the following sections of this act. When no time is expressly stated during which any of the appropriations are to continue, the appropriations are single-year appropriations and only for the purpose indicated and shall be paid from funds shown as the source of funds. If in this act there is an error in either addition or subtraction, the totals shall be adjusted accordingly. Apparent errors in referring to section numbers of statutory titles within this act may be disregarded by the Commissioner of Finance and Management.

(c) Unless codified or otherwise specified, all narrative portions of this act apply only to the fiscal year ending on June 30, 2023.

Sec. A.103 DEFINITIONS

(a) As used in this act:

(1) “Encumbrances” means a portion of an appropriation reserved for the subsequent payment of existing purchase orders or contracts. The Commissioner of Finance and Management shall make final decisions on the appropriateness of encumbrances.

(2) “Grants” means subsidies, aid, or payments to local governments, to

community and quasi-public agencies for providing local services, and to persons who are not wards of the State for services or supplies and means cash or other direct assistance, including pension contributions.

(3) “Operating expenses” means property management; repair and maintenance; rental expenses; insurance; postage; travel; energy and utilities; office and other supplies; equipment, including motor vehicles, highway materials, and construction; expenditures for the purchase of land and construction of new buildings and permanent improvements; and similar items.

(4) “Personal services” means wages and salaries, fringe benefits, per diems, contracted third-party services, and similar items.

Sec. A.104 RELATIONSHIP TO EXISTING LAWS

(a) Except as specifically provided, this act shall not be construed in any way to negate or impair the full force and effect of existing laws.

Sec. A.105 OFFSETTING APPROPRIATIONS

(a) In the absence of specific provisions to the contrary in this act, when total appropriations are offset by estimated receipts, the State appropriations shall control, notwithstanding receipts being greater or less than anticipated.

Sec. A.106 FEDERAL FUNDS

(a) In fiscal year 2023, the Governor, with the approval of the General Assembly or the Joint Fiscal Committee if the General Assembly is not in session, may accept federal funds available to the State of Vermont, including block grants in lieu of or in addition to funds herein designated as federal. The Governor, with the approval of the General Assembly or the Joint Fiscal Committee if the General Assembly is not in session, may allocate all or any portion of such federal funds for any purpose consistent with the purposes for which the basic appropriations in this act have been made.

(b) If, during fiscal year 2023, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2022 session of the Vermont General Assembly are converted into block grants or are abolished under their current title in federal law and reestablished under a new title in federal law, the Governor may continue to accept such federal funds for any purpose consistent with the purposes for which the federal funds were appropriated. The Governor may spend such funds for such purposes for not more than 45 days prior to Legislative or Joint Fiscal Committee approval. Notice shall be given to the Joint Fiscal Committee without delay if the Governor intends to use the authority granted by this section, and the Joint Fiscal Committee shall meet in an expedited manner to review the Governor’s request for approval.

Sec. A.107 NEW POSITIONS

(a) Notwithstanding any other provision of law, the total number of authorized State positions, both classified and exempt, excluding temporary positions as defined in 3 V.S.A. § 311(11), shall not be increased during fiscal year 2023 except for new positions authorized by the 2022 session. Limited-service positions approved pursuant to 32 V.S.A. § 5 shall not be subject to this restriction.

Sec. A.108 LEGEND

(a) The bill is organized by functions of government. The sections between B.100 and B.9999 contain appropriations of funds for the upcoming budget year. The sections between E.100 and E.9999 contain language that relates to specific appropriations or government functions, or both. The function areas by section numbers are as follows:

<u>B.100–B.199 and E.100–E.199</u>	<u>General Government</u>
<u>B.200–B.299 and E.200–E.299</u>	<u>Protection to Persons and Property</u>
<u>B.300–B.399 and E.300–E.399</u>	<u>Human Services</u>
<u>B.400–B.499 and E.400–E.499</u>	<u>Labor</u>
<u>B.500–B.599 and E.500–E.599</u>	<u>General Education</u>
<u>B.600–B.699 and E.600–E.699</u>	<u>Higher Education</u>
<u>B.700–B.799 and E.700–E.799</u>	<u>Natural Resources</u>
<u>B.800–B.899 and E.800–E.899</u>	<u>Commerce and Community Development</u>
<u>B.900–B.999 and E.900–E.999</u>	<u>Transportation</u>
<u>B.1000–B.1099 and E.1000–E.1099</u>	<u>Debt Service</u>
<u>B.1100–B.1199 and E.1100–E.1199</u>	<u>One-time and other appropriation actions</u>

(b) The C sections contain amendments to the current fiscal year, the D sections contain fund transfers and reserve allocations for the upcoming budget year, the F sections contain Pay Act appropriations, and the G sections contain provisions relating to the American Rescue Plan Act of 2021, Pub. L. No 117-2 (ARPA) – Coronavirus State Fiscal Recovery Fund expenditures and other related funding.

Sec. B.100 Secretary of administration - secretary's office

Personal services	1,652,252
Operating expenses	111,750

Grants	<u>25,000</u>
Total	1,789,002
Source of funds	
General fund	1,092,614
Special funds	25,000
Internal service funds	440,610
Interdepartmental transfers	<u>230,778</u>
Total	1,789,002
Sec. B.101 Secretary of administration - finance	
Personal services	1,256,805
Operating expenses	<u>113,453</u>
Total	1,370,258
Source of funds	
Interdepartmental transfers	<u>1,370,258</u>
Total	1,370,258
Sec. B.102 Secretary of administration - workers' compensation insurance	
Personal services	831,338
Operating expenses	<u>115,218</u>
Total	946,556
Source of funds	
Internal service funds	<u>946,556</u>
Total	946,556
Sec. B.103 Secretary of administration - general liability insurance	
Personal services	507,371
Operating expenses	<u>38,155</u>
Total	545,526
Source of funds	
Internal service funds	<u>545,526</u>
Total	545,526
Sec. B.104 Secretary of administration - all other insurance	
Personal services	192,702
Operating expenses	<u>17,643</u>
Total	210,345
Source of funds	
Internal service funds	<u>210,345</u>
Total	210,345
Sec. B.105 Agency of digital services - communications and information technology	

Personal services	99,364,395
Operating expenses	<u>34,833,539</u>
Total	134,197,934
Source of funds	
General fund	179,572
Special funds	17,159,341
Internal service funds	<u>116,859,021</u>
Total	134,197,934
Sec. B.106 Finance and management - budget and management	
Personal services	1,560,869
Operating expenses	<u>328,431</u>
Total	1,889,300
Source of funds	
General fund	1,287,210
Internal service funds	<u>602,090</u>
Total	1,889,300
Sec. B.107 Finance and management - financial operations	
Personal services	2,258,652
Operating expenses	<u>729,477</u>
Total	2,988,129
Source of funds	
Internal service funds	<u>2,988,129</u>
Total	2,988,129
Sec. B.108 Human resources - operations	
Personal services	9,623,786
Operating expenses	<u>1,337,649</u>
Total	10,961,435
Source of funds	
General fund	1,645,579
Special funds	263,589
Internal service funds	8,582,668
Interdepartmental transfers	<u>469,599</u>
Total	10,961,435
Sec. B.108.1 Human resources - VTHR operations	
Personal services	1,795,870
Operating expenses	<u>712,551</u>
Total	2,508,421
Source of funds	
Internal service funds	<u>2,508,421</u>

Total	2,508,421
Sec. B.109 Human resources - employee benefits & wellness	
Personal services	1,109,145
Operating expenses	<u>601,415</u>
Total	1,710,560
Source of funds	
Internal service funds	<u>1,710,560</u>
Total	1,710,560
Sec. B.110 Libraries	
Personal services	2,362,959
Operating expenses	892,587
Grants	<u>201,900</u>
Total	3,457,446
Source of funds	
General fund	2,004,119
Special funds	35,276
Federal funds	1,308,858
Interdepartmental transfers	<u>109,193</u>
Total	3,457,446
Sec. B.111 Tax - administration/collection	
Personal services	17,831,398
Operating expenses	<u>5,790,925</u>
Total	23,622,323
Source of funds	
General fund	21,409,826
Special funds	2,178,388
Interdepartmental transfers	<u>34,109</u>
Total	23,622,323
Sec. B.112 Buildings and general services - administration	
Personal services	1,080,924
Operating expenses	<u>153,965</u>
Total	1,234,889
Source of funds	
Interdepartmental transfers	<u>1,234,889</u>
Total	1,234,889
Sec. B.113 Buildings and general services - engineering	
Personal services	96,274
Operating expenses	<u>1,535,829</u>

Total	1,632,103
Source of funds	
General fund	1,132,103
Interdepartmental transfers	<u>500,000</u>
Total	1,632,103
Sec. B.113.1 Buildings and General Services Engineering - Capital Projects	
Personal services	<u>2,756,153</u>
Total	2,756,153
Source of funds	
General fund	<u>2,756,153</u>
Total	2,756,153
Sec. B.114 Buildings and general services - information centers	
Personal services	3,320,126
Operating expenses	<u>1,821,549</u>
Total	5,141,675
Source of funds	
General fund	649,572
Transportation fund	4,059,343
Special funds	<u>432,760</u>
Total	5,141,675
Sec. B.115 Buildings and general services - purchasing	
Personal services	1,134,262
Operating expenses	<u>222,957</u>
Total	1,357,219
Source of funds	
General fund	<u>1,357,219</u>
Total	1,357,219
Sec. B.116 Buildings and general services - postal services	
Personal services	757,054
Operating expenses	<u>249,683</u>
Total	1,006,737
Source of funds	
General fund	84,986
Internal service funds	<u>921,751</u>
Total	1,006,737
Sec. B.117 Buildings and general services - copy center	
Personal services	853,534
Operating expenses	<u>171,957</u>

Total	1,025,491
Source of funds	
Internal service funds	<u>1,025,491</u>
Total	1,025,491
Sec. B.118 Buildings and general services - fleet management services	
Personal services	777,083
Operating expenses	<u>250,909</u>
Total	1,027,992
Source of funds	
Internal service funds	<u>1,027,992</u>
Total	1,027,992
Sec. B.119 Buildings and general services - federal surplus property	
Operating expenses	<u>6,979</u>
Total	6,979
Source of funds	
Enterprise funds	<u>6,979</u>
Total	6,979
Sec. B.120 Buildings and general services - state surplus property	
Personal services	343,550
Operating expenses	<u>125,259</u>
Total	468,809
Source of funds	
Internal service funds	<u>468,809</u>
Total	468,809
Sec. B.121 Buildings and general services - property management	
Personal services	1,467,576
Operating expenses	<u>508,707</u>
Total	1,976,283
Source of funds	
Internal service funds	<u>1,976,283</u>
Total	1,976,283
Sec. B.122 Buildings and general services - fee for space	
Personal services	18,711,733
Operating expenses	<u>14,636,007</u>
Total	33,347,740
Source of funds	
Internal service funds	<u>33,347,740</u>
Total	33,347,740

Sec. B.124 Executive office - governor's office

Personal services	1,487,507
Operating expenses	<u>459,623</u>
Total	1,947,130
Source of funds	
General fund	1,716,379
Interdepartmental transfers	<u>230,751</u>
Total	1,947,130

Sec. B.125 Legislative counsel

Personal services	3,401,294
Operating expenses	<u>255,108</u>
Total	3,656,402
Source of funds	
General fund	<u>3,656,402</u>
Total	3,656,402

Sec. B.126 Legislature

Personal services	5,790,208
Operating expenses	<u>4,510,892</u>
Total	10,301,100
Source of funds	
General fund	<u>10,301,100</u>
Total	10,301,100

Sec. B.126.1 Legislative information technology

Personal services	1,141,119
Operating expenses	<u>564,119</u>
Total	1,705,238
Source of funds	
General fund	<u>1,705,238</u>
Total	1,705,238

Sec. B.127 Joint fiscal committee

Personal services	2,551,475
Operating expenses	<u>170,638</u>
Total	2,722,113
Source of funds	
General fund	<u>2,722,113</u>
Total	2,722,113

Sec. B.128 Sergeant at arms

Personal services	1,063,777
Operating expenses	<u>109,829</u>
Total	1,173,606
Source of funds	
General fund	<u>1,173,606</u>
Total	1,173,606
Sec. B.129 Lieutenant governor	
Personal services	206,253
Operating expenses	<u>42,999</u>
Total	249,252
Source of funds	
General fund	<u>249,252</u>
Total	249,252
Sec. B.130 Auditor of accounts	
Personal services	3,985,879
Operating expenses	<u>179,191</u>
Total	4,165,070
Source of funds	
General fund	357,074
Special funds	53,145
Internal service funds	<u>3,754,851</u>
Total	4,165,070
Sec. B.131 State treasurer	
Personal services	4,215,443
Operating expenses	<u>214,594</u>
Total	4,430,037
Source of funds	
General fund	1,409,658
Special funds	2,803,034
Interdepartmental transfers	<u>217,345</u>
Total	4,430,037
Sec. B.132 State treasurer - unclaimed property	
Personal services	829,638
Operating expenses	<u>326,937</u>
Total	1,156,575
Source of funds	
Private purpose trust funds	<u>1,156,575</u>
Total	1,156,575

Sec. B.133 Vermont state retirement system

Personal services	180,911
Operating expenses	<u>1,399,555</u>
Total	1,580,466
Source of funds	
Pension trust funds	<u>1,580,466</u>
Total	1,580,466

Sec. B.134 Municipal employees' retirement system

Personal services	198,399
Operating expenses	<u>890,207</u>
Total	1,088,606
Source of funds	
Pension trust funds	<u>1,088,606</u>
Total	1,088,606

Sec. B.134.1 Vermont Pension Investment Commission

Personal services	1,909,994
Operating expenses	<u>226,691</u>
Total	2,136,685
Source of funds	
Special funds	<u>2,136,685</u>
Total	2,136,685

Sec. B.135 State labor relations board

Personal services	236,763
Operating expenses	<u>58,324</u>
Total	295,087
Source of funds	
General fund	285,511
Special funds	6,788
Interdepartmental transfers	<u>2,788</u>
Total	295,087

Sec. B.136 VOSHA review board

Personal services	81,139
Operating expenses	<u>14,783</u>
Total	95,922
Source of funds	
General fund	47,961
Interdepartmental transfers	<u>47,961</u>
Total	95,922

Sec. B.136.1 Ethics Commission

Personal services	89,979
Operating expenses	<u>26,596</u>
Total	116,575
Source of funds	
Internal service funds	<u>116,575</u>
Total	116,575

Sec. B.137 Homeowner rebate

Grants	<u>16,500,000</u>
Total	16,500,000
Source of funds	
General fund	<u>16,500,000</u>
Total	16,500,000

Sec. B.138 Renter rebate

Grants	<u>9,500,000</u>
Total	9,500,000
Source of funds	
General fund	<u>9,500,000</u>
Total	9,500,000

Sec. B.139 Tax department - reappraisal and listing payments

Grants	<u>4,238,000</u>
Total	4,238,000
Source of funds	
General fund	<u>4,238,000</u>
Total	4,238,000

Sec. B.140 Municipal current use

Grants	<u>17,800,000</u>
Total	17,800,000
Source of funds	
General fund	<u>17,800,000</u>
Total	17,800,000

Sec. B.142 Payments in lieu of taxes

Grants	<u>10,575,000</u>
Total	10,575,000
Source of funds	
Special funds	<u>10,575,000</u>
Total	10,575,000

Sec. B.143 Payments in lieu of taxes - Montpelier

Grants	<u>184,000</u>
Total	184,000
Source of funds	
Special funds	<u>184,000</u>
Total	184,000

Sec. B.144 Payments in lieu of taxes - correctional facilities

Grants	<u>40,000</u>
Total	40,000
Source of funds	
Special funds	<u>40,000</u>
Total	40,000

Sec. B.145 Total general government

Source of funds	
General fund	105,261,247
Transportation fund	4,059,343
Special funds	35,893,006
Federal funds	1,308,858
Internal service funds	178,033,418
Interdepartmental transfers	4,447,671
Enterprise funds	6,979
Pension trust funds	2,669,072
Private purpose trust funds	<u>1,156,575</u>
Total	332,836,169

Sec. B.200 Attorney general

Personal services	12,222,872
Operating expenses	1,615,595
Grants	<u>20,000</u>
Total	13,858,467
Source of funds	
General fund	6,533,053
Special funds	2,030,838
Tobacco fund	348,000
Federal funds	1,490,970
Interdepartmental transfers	<u>3,455,606</u>
Total	13,858,467

Sec. B.201 Vermont court diversion

Personal services	1,250

Grants	<u>3,006,479</u>
Total	3,007,729
Source of funds	
General fund	2,749,732
Special funds	<u>257,997</u>
Total	3,007,729
Sec. B.202 Defender general - public defense	
Personal services	13,536,180
Operating expenses	<u>1,168,458</u>
Total	14,704,638
Source of funds	
General fund	14,114,985
Special funds	<u>589,653</u>
Total	14,704,638
Sec. B.203 Defender general - assigned counsel	
Personal services	6,337,191
Operating expenses	<u>49,500</u>
Total	6,386,691
Source of funds	
General fund	<u>6,386,691</u>
Total	6,386,691
Sec. B.204 Judiciary	
Personal services	47,987,874
Operating expenses	11,198,662
Grants	<u>121,030</u>
Total	59,307,566
Source of funds	
General fund	52,997,805
Special funds	3,260,434
Federal funds	953,928
Interdepartmental transfers	<u>2,095,399</u>
Total	59,307,566
Sec. B.205 State's attorneys	
Personal services	12,905,446
Operating expenses	<u>1,980,473</u>
Total	14,885,919
Source of funds	
General fund	14,358,352
Special funds	101,442

Federal funds	224,319
Interdepartmental transfers	<u>201,806</u>
Total	14,885,919
Sec. B.206 Special investigative unit	
Personal services	86,487
Grants	<u>2,077,230</u>
Total	2,163,717
Source of funds	
General fund	<u>2,163,717</u>
Total	2,163,717
Sec. B.206.1 Crime Victims Advocates	
Personal services	<u>2,562,572</u>
Total	2,562,572
Source of funds	
General fund	<u>2,562,572</u>
Total	2,562,572
Sec. B.207 Sheriffs	
Personal services	4,440,864
Operating expenses	<u>415,366</u>
Total	4,856,230
Source of funds	
General fund	<u>4,856,230</u>
Total	4,856,230
Sec. B.208 Public safety - administration	
Personal services	4,517,183
Operating expenses	<u>5,076,934</u>
Total	9,594,117
Source of funds	
General fund	5,743,935
Special funds	4,105
Federal funds	536,792
Interdepartmental transfers	<u>3,309,285</u>
Total	9,594,117
Sec. B.209 Public safety - state police	
Personal services	62,598,426
Operating expenses	12,660,950
Grants	<u>1,467,153</u>
Total	76,726,529

Source of funds	
General fund	46,676,421
Transportation fund	20,250,000
Special funds	3,116,711
Federal funds	4,820,645
Interdepartmental transfers	<u>1,862,752</u>
Total	76,726,529
Sec. B.210 Public safety - criminal justice services	
Personal services	5,055,792
Operating expenses	<u>1,448,367</u>
Total	6,504,159
Source of funds	
General fund	1,423,477
Special funds	4,646,634
Federal funds	<u>434,048</u>
Total	6,504,159
Sec. B.211 Public safety - emergency management	
Personal services	3,778,940
Operating expenses	1,213,431
Grants	<u>35,889,332</u>
Total	40,881,703
Source of funds	
General fund	627,088
Special funds	710,000
Federal funds	39,537,389
Interdepartmental transfers	<u>7,226</u>
Total	40,881,703
Sec. B.212 Public safety - fire safety	
Personal services	7,549,948
Operating expenses	2,677,499
Grants	<u>107,000</u>
Total	10,334,447
Source of funds	
General fund	740,787
Special funds	8,998,928
Federal funds	549,732
Interdepartmental transfers	<u>45,000</u>
Total	10,334,447
Sec. B.213 Public safety - Forensic Laboratory	

Personal services	3,219,911
Operating expenses	<u>938,253</u>
Total	4,158,164
Source of funds	
General fund	3,407,657
Special funds	62,782
Federal funds	320,000
Interdepartmental transfers	<u>367,725</u>
Total	4,158,164
Sec. B.215 Military - administration	
Personal services	887,895
Operating expenses	656,621
Grants	<u>1,319,834</u>
Total	2,864,350
Source of funds	
General fund	<u>2,864,350</u>
Total	2,864,350
Sec. B.216 Military - air service contract	
Personal services	7,981,247
Operating expenses	<u>1,200,811</u>
Total	9,182,058
Source of funds	
General fund	636,623
Federal funds	<u>8,545,435</u>
Total	9,182,058
Sec. B.217 Military - army service contract	
Personal services	40,946,121
Operating expenses	<u>7,301,437</u>
Total	48,247,558
Source of funds	
Federal funds	<u>48,247,558</u>
Total	48,247,558
Sec. B.218 Military - building maintenance	
Personal services	779,881
Operating expenses	<u>869,698</u>
Total	1,649,579
Source of funds	
General fund	1,587,079
Special funds	<u>62,500</u>

Total	1,649,579
Sec. B.219 Military - veterans' affairs	
Personal services	1,023,293
Operating expenses	154,362
Grants	<u>41,300</u>
Total	1,218,955
Source of funds	
General fund	956,280
Special funds	162,675
Federal funds	<u>100,000</u>
Total	1,218,955
Sec. B.220 Center for crime victim services	
Personal services	1,644,629
Operating expenses	386,431
Grants	<u>7,819,312</u>
Total	9,850,372
Source of funds	
General fund	1,382,712
Special funds	3,461,971
Federal funds	<u>5,005,689</u>
Total	9,850,372
Sec. B.221 Criminal justice council	
Personal services	1,980,066
Operating expenses	<u>1,480,716</u>
Total	3,460,782
Source of funds	
General fund	3,130,282
Interdepartmental transfers	<u>330,500</u>
Total	3,460,782
Sec. B.222 Agriculture, food and markets - administration	
Personal services	1,979,598
Operating expenses	537,899
Grants	<u>227,972</u>
Total	2,745,469
Source of funds	
General fund	1,234,172
Special funds	988,397
Federal funds	<u>522,900</u>
Total	2,745,469

Sec. B.223 Agriculture, food and markets - food safety and consumer protection

Personal services	4,459,775
Operating expenses	844,913
Grants	<u>2,780,000</u>
Total	8,084,688
Source of funds	
General fund	2,945,168
Special funds	3,765,425
Federal funds	1,362,095
Interdepartmental transfers	<u>12,000</u>
Total	8,084,688

Sec. B.224 Agriculture, food and markets - agricultural development

Personal services	5,521,540
Operating expenses	586,011
Grants	<u>5,042,425</u>
Total	11,149,976
Source of funds	
General fund	3,034,777
Special funds	545,738
Federal funds	<u>7,569,461</u>
Total	11,149,976

Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship

Personal services	2,830,318
Operating expenses	950,906
Grants	<u>295,334</u>
Total	4,076,558
Source of funds	
General fund	941,645
Special funds	2,325,153
Federal funds	472,695
Interdepartmental transfers	<u>337,065</u>
Total	4,076,558

Sec. B.225.1 Agriculture, food and markets - Vermont Agriculture and Environmental Lab

Personal services	1,622,126
Operating expenses	<u>1,237,280</u>
Total	2,859,406

Source of funds	
General fund	1,051,709
Special funds	1,732,793
Interdepartmental transfers	<u>74,904</u>
Total	2,859,406
Sec. B.225.2 Agriculture, Food and Markets - Clean Water	
Personal services	3,351,394
Operating expenses	518,202
Grants	<u>5,253,111</u>
Total	9,122,707
Source of funds	
General fund	1,100,802
Special funds	7,266,122
Federal funds	441,907
Interdepartmental transfers	<u>313,876</u>
Total	9,122,707
Sec. B.226 Financial regulation - administration	
Personal services	2,395,168
Operating expenses	<u>159,635</u>
Total	2,554,803
Source of funds	
Special funds	<u>2,554,803</u>
Total	2,554,803
Sec. B.227 Financial regulation - banking	
Personal services	2,099,711
Operating expenses	<u>481,536</u>
Total	2,581,247
Source of funds	
Special funds	<u>2,581,247</u>
Total	2,581,247
Sec. B.228 Financial regulation - insurance	
Personal services	4,586,782
Operating expenses	<u>678,282</u>
Total	5,265,064
Source of funds	
Special funds	<u>5,265,064</u>
Total	5,265,064
Sec. B.229 Financial regulation - captive insurance	

Personal services	4,748,621
Operating expenses	<u>693,529</u>
Total	5,442,150
Source of funds	
Special funds	<u>5,442,150</u>
Total	5,442,150
Sec. B.230 Financial regulation - securities	
Personal services	1,177,808
Operating expenses	<u>274,059</u>
Total	1,451,867
Source of funds	
Special funds	<u>1,451,867</u>
Total	1,451,867
Sec. B.232 Secretary of state	
Personal services	13,335,882
Operating expenses	<u>4,364,977</u>
Total	17,700,859
Source of funds	
Special funds	13,042,272
Federal funds	<u>4,658,587</u>
Total	17,700,859
Sec. B.233 Public service - regulation and energy	
Personal services	10,741,089
Operating expenses	1,153,898
Grants	<u>1,346,948</u>
Total	13,241,935
Source of funds	
Special funds	11,632,917
Federal funds	1,056,721
ARRA funds	510,535
Enterprise funds	<u>41,762</u>
Total	13,241,935
Sec. B.234 Public utility commission	
Personal services	3,597,784
Operating expenses	<u>501,906</u>
Total	4,099,690
Source of funds	
Special funds	<u>4,099,690</u>
Total	4,099,690

Sec. B.235 Enhanced 9-1-1 Board

Personal services	4,144,834
Operating expenses	<u>443,064</u>
Total	4,587,898
Source of funds	
General fund	0
Special funds	<u>4,587,898</u>
Total	4,587,898

Sec. B.236 Human rights commission

Personal services	691,710
Operating expenses	<u>88,837</u>
Total	780,547
Source of funds	
General fund	700,290
Federal funds	<u>80,257</u>
Total	780,547

Sec. B.236.1 Liquor & Lottery Comm. Office

Personal services	452,118
Operating expenses	<u>20,306</u>
Total	472,424
Source of funds	
Enterprise funds	<u>472,424</u>
Total	472,424

Sec. B.236.2 Lottery Operations

Personal services	2,325,309
Operating expenses	1,625,023
Grants	<u>250,000</u>
Total	4,200,332
Source of funds	
Enterprise funds	<u>4,200,332</u>
Total	4,200,332

Sec. B.237 Liquor control - administration

Personal services	3,894,882
Operating expenses	<u>1,386,666</u>
Total	5,281,548
Source of funds	
Tobacco fund	213,843
Enterprise funds	<u>5,067,705</u>

Total	5,281,548
Sec. B.238 Liquor control - enforcement and licensing	
Personal services	2,031,174
Operating expenses	<u>415,495</u>
Total	2,446,669
Source of funds	
Federal funds	184,484
Enterprise funds	<u>2,262,185</u>
Total	2,446,669
Sec. B.239 Liquor control - warehousing and distribution	
Personal services	1,076,103
Operating expenses	<u>498,696</u>
Total	1,574,799
Source of funds	
Enterprise funds	<u>1,574,799</u>
Total	1,574,799
Sec. B.240 Cannabis Control Board	
Personal services	3,211,914
Operating expenses	<u>278,608</u>
Total	3,490,522
Source of funds	
Special funds	<u>3,490,522</u>
Total	3,490,522
Sec. B.241 Total protection to persons and property	
Source of funds	
General fund	186,908,391
Transportation fund	20,250,000
Special funds	98,238,728
Tobacco fund	561,843
Federal funds	127,115,612
ARRA funds	510,535
Interdepartmental transfers	12,413,144
Enterprise funds	<u>13,619,207</u>
Total	459,617,460
Sec. B.300 Human services - agency of human services - secretary's office	
Personal services	12,157,314
Operating expenses	5,340,825
Grants	<u>2,895,202</u>

Total	20,393,341
Source of funds	
General fund	9,242,962
Special funds	135,517
Federal funds	10,233,551
Interdepartmental transfers	<u>781,311</u>
Total	20,393,341
Sec. B.301 Secretary's office - global commitment	
Grants	<u>1,833,642,970</u>
Total	1,833,642,970
Source of funds	
General fund	607,567,996
Special funds	33,384,536
Tobacco fund	21,049,373
State health care resources fund	17,078,501
Federal funds	1,150,528,394
Interdepartmental transfers	<u>4,034,170</u>
Total	1,833,642,970
Sec. B.303 Developmental disabilities council	
Personal services	424,008
Operating expenses	95,289
Grants	<u>191,595</u>
Total	710,892
Source of funds	
Special funds	12,000
Federal funds	<u>698,892</u>
Total	710,892
Sec. B.304 Human services board	
Personal services	766,312
Operating expenses	<u>89,396</u>
Total	855,708
Source of funds	
General fund	490,779
Federal funds	<u>364,929</u>
Total	855,708
Sec. B.305 AHS - administrative fund	
Personal services	330,000
Operating expenses	<u>13,170,000</u>
Total	13,500,000

Source of funds	
Interdepartmental transfers	<u>13,500,000</u>
Total	13,500,000
Sec. B.306 Department of Vermont health access - administration	
Personal services	133,258,216
Operating expenses	27,050,784
Grants	<u>2,912,301</u>
Total	163,221,301
Source of funds	
General fund	34,666,169
Special funds	4,738,197
Federal funds	114,997,590
Global Commitment fund	3,986,316
Interdepartmental transfers	<u>4,833,029</u>
Total	163,221,301
Sec. B.307 Department of Vermont health access - Medicaid program - global commitment	
Personal services	547,983
Grants	<u>836,337,225</u>
Total	836,885,208
Source of funds	
Global Commitment fund	<u>836,885,208</u>
Total	836,885,208
Sec. B.309 Department of Vermont health access - Medicaid program - state only	
Grants	<u>54,104,191</u>
Total	54,104,191
Source of funds	
General fund	44,533,864
Global Commitment fund	<u>9,570,327</u>
Total	54,104,191
Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched	
Grants	<u>35,125,592</u>
Total	35,125,592
Source of funds	
General fund	12,736,699
Federal funds	<u>22,388,893</u>
Total	35,125,592

Sec. B.311 Health - administration and support

Personal services	7,880,051
Operating expenses	7,161,896
Grants	<u>15,313,608</u>
Total	30,355,555
Source of funds	
General fund	3,017,738
Special funds	2,123,150
Federal funds	19,371,027
Global Commitment fund	5,779,334
Interdepartmental transfers	<u>64,306</u>
Total	30,355,555

Sec. B.312 Health - public health

Personal services	58,557,637
Operating expenses	10,504,324
Grants	<u>45,239,861</u>
Total	114,301,822
Source of funds	
General fund	12,220,271
Special funds	22,422,908
Tobacco fund	1,088,918
Federal funds	61,398,428
Global Commitment fund	16,159,672
Interdepartmental transfers	986,625
Permanent trust funds	<u>25,000</u>
Total	114,301,822

Sec. B.313 Health - alcohol and drug abuse programs

Personal services	5,533,379
Operating expenses	511,500
Grants	<u>55,313,374</u>
Total	61,358,253
Source of funds	
General fund	5,686,142
Special funds	1,392,101
Tobacco fund	949,917
Federal funds	21,131,903
Global Commitment fund	<u>32,198,190</u>
Total	61,358,253

Sec. B.314 Mental health - mental health

Personal services	37,550,464
Operating expenses	5,023,808
Grants	<u>251,958,650</u>
Total	294,532,922
Source of funds	
General fund	12,966,387
Special funds	1,690,187
Federal funds	10,279,911
Global Commitment fund	269,471,344
Interdepartmental transfers	<u>125,093</u>
Total	294,532,922

Sec. B.316 Department for children and families - administration & support services

Personal services	41,932,610
Operating expenses	17,284,575
Grants	<u>3,819,106</u>
Total	63,036,291
Source of funds	
General fund	36,020,845
Special funds	2,789,842
Federal funds	22,463,191
Global Commitment fund	1,409,481
Interdepartmental transfers	<u>352,932</u>
Total	63,036,291

Sec. B.317 Department for children and families - family services

Personal services	41,455,253
Operating expenses	5,392,584
Grants	<u>88,614,318</u>
Total	135,462,155
Source of funds	
General fund	55,778,109
Special funds	729,587
Federal funds	32,206,285
Global Commitment fund	46,710,437
Interdepartmental transfers	<u>37,737</u>
Total	135,462,155

Sec. B.318 Department for children and families - child development

Personal services	5,487,235
Operating expenses	860,622

Grants	<u>106,205,300</u>
Total	112,553,157
Source of funds	
General fund	33,449,566
Special funds	16,820,011
Federal funds	50,849,478
Global Commitment fund	11,434,061
Interdepartmental transfers	<u>41</u>
Total	112,553,157
Sec. B.319 Department for children and families - office of child support	
Personal services	11,906,476
Operating expenses	<u>3,745,167</u>
Total	15,651,643
Source of funds	
General fund	4,718,623
Special funds	455,719
Federal funds	10,089,701
Interdepartmental transfers	<u>387,600</u>
Total	15,651,643
Sec. B.320 Department for children and families - aid to aged, blind and disabled	
Personal services	2,252,206
Grants	<u>10,431,118</u>
Total	12,683,324
Source of funds	
General fund	7,533,333
Global Commitment fund	<u>5,149,991</u>
Total	12,683,324
Sec. B.321 Department for children and families - general assistance	
Personal services	15,000
Grants	<u>2,823,574</u>
Total	2,838,574
Source of funds	
General fund	2,541,239
Federal funds	11,320
Global Commitment fund	<u>286,015</u>
Total	2,838,574
Sec. B.322 Department for children and families - 3SquaresVT	
Grants	<u>44,377,812</u>

Total	44,377,812
Source of funds	
Federal funds	<u>44,377,812</u>
Total	44,377,812
Sec. B.323 Department for children and families - reach up	
Operating expenses	30,633
Grants	<u>27,235,606</u>
Total	27,266,239
Source of funds	
General fund	15,097,457
Special funds	5,955,834
Federal funds	3,531,330
Global Commitment fund	<u>2,681,618</u>
Total	27,266,239
Sec. B.324 Department for children and families - home heating fuel assistance/LIHEAP	
Grants	<u>16,019,953</u>
Total	16,019,953
Source of funds	
Special funds	1,480,395
Federal funds	<u>14,539,558</u>
Total	16,019,953
Sec. B.325 Department for children and families - office of economic opportunity	
Personal services	707,738
Operating expenses	80,979
Grants	<u>19,896,892</u>
Total	20,685,609
Source of funds	
General fund	14,328,930
Special funds	58,135
Federal funds	4,942,559
Global Commitment fund	<u>1,355,985</u>
Total	20,685,609
Sec. B.326 Department for children and families - OEO - weatherization assistance	
Personal services	376,286
Operating expenses	47,090
Grants	<u>12,038,018</u>

Total	12,461,394
Source of funds	
Special funds	7,643,920
Federal funds	<u>4,817,474</u>
Total	12,461,394
Sec. B.327 Department for Children and Families - Secure Residential Treatment	
Personal services	258,100
Operating expenses	441,999
Grants	<u>3,476,862</u>
Total	4,176,961
Source of funds	
General fund	4,146,961
Global Commitment fund	<u>30,000</u>
Total	4,176,961
Sec. B.328 Department for children and families - disability determination services	
Personal services	7,271,721
Operating expenses	<u>472,446</u>
Total	7,744,167
Source of funds	
General fund	115,885
Federal funds	<u>7,628,282</u>
Total	7,744,167
Sec. B.329 Disabilities, aging, and independent living - administration & support	
Personal services	37,398,355
Operating expenses	<u>6,178,888</u>
Total	43,577,243
Source of funds	
General fund	19,725,270
Special funds	1,390,457
Federal funds	21,360,232
Global Commitment fund	35,000
Interdepartmental transfers	<u>1,066,284</u>
Total	43,577,243
Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants	
Grants	<u>19,709,925</u>

Total	19,709,925
Source of funds	
General fund	7,754,865
Federal funds	7,148,466
Global Commitment fund	<u>4,806,594</u>
Total	19,709,925
Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired	
Grants	<u>1,761,457</u>
Total	1,761,457
Source of funds	
General fund	489,154
Special funds	223,450
Federal funds	743,853
Global Commitment fund	<u>305,000</u>
Total	1,761,457
Sec. B.332 Disabilities, aging, and independent living - vocational rehabilitation	
Grants	<u>7,024,368</u>
Total	7,024,368
Source of funds	
General fund	1,371,845
Federal funds	4,402,523
Interdepartmental transfers	<u>1,250,000</u>
Total	7,024,368
Sec. B.333 Disabilities, aging, and independent living - developmental services	
Grants	<u>282,169,830</u>
Total	282,169,830
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	359,857
Global Commitment fund	281,589,385
Interdepartmental transfers	<u>50,000</u>
Total	282,169,830
Sec. B.334 Disabilities, aging, and independent living - Brain injury home and community based waiver	
Grants	<u>6,163,669</u>
Total	6,163,669

Source of funds	
Global Commitment fund	<u>6,163,669</u>
Total	6,163,669

Sec. B.334.1 Disabilities, aging and independent living - Long Term Care

Grants	<u>247,242,665</u>
Total	247,242,665

Source of funds	
General fund	498,579
Federal funds	2,083,333
Global Commitment fund	<u>244,660,753</u>
Total	247,242,665

Sec. B.335 Corrections - administration

Personal services	3,370,381
Operating expenses	<u>238,644</u>
Total	3,609,025
Source of funds	
General fund	<u>3,609,025</u>
Total	3,609,025

Sec. B.336 Corrections - parole board

Personal services	385,959
Operating expenses	<u>59,216</u>
Total	445,175
Source of funds	
General fund	<u>445,175</u>
Total	445,175

Sec. B.337 Corrections - correctional education

Personal services	3,504,641
Operating expenses	<u>244,932</u>
Total	3,749,573
Source of funds	
General fund	3,600,789
Education fund	0
Interdepartmental transfers	<u>148,784</u>
Total	3,749,573

Sec. B.338 Corrections - correctional services

Personal services	125,443,984
Operating expenses	24,337,405
Grants	<u>9,558,427</u>

Total	159,339,816
Source of funds	
General fund	152,223,219
Special funds	935,963
Federal funds	473,523
Global Commitment fund	5,310,796
Interdepartmental transfers	<u>396,315</u>
Total	159,339,816
Sec. B.339 Corrections - Correctional services-out of state beds	
Personal services	<u>4,490,518</u>
Total	4,490,518
Source of funds	
General fund	<u>4,490,518</u>
Total	4,490,518
Sec. B.340 Corrections - correctional facilities - recreation	
Personal services	549,029
Operating expenses	<u>455,845</u>
Total	1,004,874
Source of funds	
Special funds	<u>1,004,874</u>
Total	1,004,874
Sec. B.341 Corrections - Vermont offender work program	
Personal services	1,173,281
Operating expenses	<u>525,784</u>
Total	1,699,065
Source of funds	
Internal service funds	<u>1,699,065</u>
Total	1,699,065
Sec. B.342 Vermont veterans' home - care and support services	
Personal services	18,693,897
Operating expenses	<u>4,698,211</u>
Total	23,392,108
Source of funds	
General fund	4,068,733
Special funds	11,892,624
Federal funds	<u>7,430,751</u>
Total	23,392,108
Sec. B.343 Commission on women	

Personal services	364,225
Operating expenses	<u>70,416</u>
Total	434,641
Source of funds	
General fund	430,793
Special funds	<u>3,848</u>
Total	434,641
Sec. B.344 Retired senior volunteer program	
Grants	<u>150,961</u>
Total	150,961
Source of funds	
General fund	<u>150,961</u>
Total	150,961
Sec. B.345 Green Mountain Care Board	
Personal services	7,816,704
Operating expenses	<u>395,026</u>
Total	8,211,730
Source of funds	
General fund	3,261,362
Special funds	<u>4,950,368</u>
Total	8,211,730
Sec. B.346 Total human services	
Source of funds	
General fund	1,119,135,368
Special funds	122,249,086
Tobacco fund	23,088,208
State health care resources fund	17,078,501
Education fund	0
Federal funds	1,650,772,929
Global Commitment fund	1,786,024,401
Internal service funds	1,699,065
Interdepartmental transfers	28,014,227
Permanent trust funds	<u>25,000</u>
Total	4,748,086,785
Sec. B.400 Labor - programs	
Personal services	40,893,754
Operating expenses	5,784,394
Grants	<u>15,432,900</u>
Total	62,111,048

Source of funds	
General fund	10,449,258
Special funds	10,772,259
Federal funds	40,639,531
Interdepartmental transfers	<u>250,000</u>
Total	62,111,048
Sec. B.401 Total labor	
Source of funds	
General fund	10,449,258
Special funds	10,772,259
Federal funds	40,639,531
Interdepartmental transfers	<u>250,000</u>
Total	62,111,048
Sec. B.500 Education - finance and administration	
Personal services	16,916,498
Operating expenses	4,121,123
Grants	<u>14,770,700</u>
Total	35,808,321
Source of funds	
General fund	6,044,058
Special funds	16,441,181
Education fund	3,444,471
Federal funds	9,253,287
Global Commitment fund	260,000
Interdepartmental transfers	<u>365,324</u>
Total	35,808,321
Sec. B.501 Education - education services	
Personal services	28,826,010
Operating expenses	1,073,385
Grants	<u>481,143,571</u>
Total	511,042,966
Source of funds	
General fund	4,880,340
Special funds	3,009,310
Tobacco fund	750,388
Federal funds	<u>502,402,928</u>
Total	511,042,966
Sec. B.502 Education - special education: formula grants	
Grants	<u>208,073,400</u>

Total	208,073,400
Source of funds	
Education fund	<u>208,073,400</u>
Total	208,073,400
Sec. B.503 Education - state-placed students	
Grants	<u>17,500,000</u>
Total	17,500,000
Source of funds	
Education fund	<u>17,500,000</u>
Total	17,500,000
Sec. B.504 Education - adult education and literacy	
Grants	<u>4,412,900</u>
Total	4,412,900
Source of funds	
General fund	3,496,850
Federal funds	<u>916,050</u>
Total	4,412,900
Sec. B.504.1 Education - Flexible Pathways	
Grants	<u>9,293,000</u>
Total	9,293,000
Source of funds	
General fund	996,500
Education fund	<u>8,296,500</u>
Total	9,293,000
Sec. B.505 Education - adjusted education payment	
Grants	<u>1,561,661,000</u>
Total	1,561,661,000
Source of funds	
Education fund	<u>1,561,661,000</u>
Total	1,561,661,000
Sec. B.506 Education - transportation	
Grants	<u>21,786,000</u>
Total	21,786,000
Source of funds	
Education fund	<u>21,786,000</u>
Total	21,786,000
Sec. B.507 Education - small school grants	

Grants	<u>8,200,000</u>
Total	8,200,000
Source of funds	
Education fund	<u>8,200,000</u>
Total	8,200,000
Sec. B.510 Education - essential early education grant	
Grants	<u>7,511,638</u>
Total	7,511,638
Source of funds	
Education fund	<u>7,511,638</u>
Total	7,511,638
Sec. B.511 Education - technical education	
Grants	<u>16,253,900</u>
Total	16,253,900
Source of funds	
Education fund	<u>16,253,900</u>
Total	16,253,900
Sec. B.511.1 State Board of Education	
Personal services	38,905
Operating expenses	<u>31,803</u>
Total	70,708
Source of funds	
General fund	<u>70,708</u>
Total	70,708
Sec. B.514 State teachers' retirement system	
Grants	<u>187,273,782</u>
Total	187,273,782
Source of funds	
General fund	154,345,678
Education fund	<u>32,928,104</u>
Total	187,273,782
Sec. B.514.1 State teachers' retirement system administration	
Personal services	236,503
Operating expenses	<u>1,609,560</u>
Total	1,846,063
Source of funds	
Pension trust funds	<u>1,846,063</u>
Total	1,846,063

 Sec. B.515 Retired teachers' health care and medical benefits

Grants	<u>44,706,128</u>
Total	44,706,128
Source of funds	
General fund	29,606,128
Education fund	<u>15,100,000</u>
Total	44,706,128

Sec. B.516 Total general education

Source of funds	
General fund	199,440,262
Special funds	19,450,491
Tobacco fund	750,388
Education fund	1,900,755,013
Federal funds	512,572,265
Global Commitment fund	260,000
Interdepartmental transfers	365,324
Pension trust funds	<u>1,846,063</u>
Total	2,635,439,806

Sec. B.600 University of Vermont

Grants	<u>52,509,093</u>
Total	52,509,093
Source of funds	
General fund	<u>52,509,093</u>
Total	52,509,093

Sec. B.602 Vermont state colleges

Grants	<u>30,500,464</u>
Total	30,500,464
Source of funds	
General fund	<u>30,500,464</u>
Total	30,500,464

Sec. B.602.2 Vermont state colleges - Transformation funding

Grants	<u>15,000,000</u>
Total	15,000,000
Source of funds	
General fund	<u>15,000,000</u>
Total	15,000,000

Sec. B.603 Vermont state colleges - allied health

Grants	<u>1,157,775</u>
Total	1,157,775
Source of funds	
General fund	748,314
Global Commitment fund	<u>409,461</u>
Total	1,157,775
Sec. B.605 Vermont student assistance corporation	
Grants	<u>20,978,588</u>
Total	20,978,588
Source of funds	
General fund	<u>20,978,588</u>
Total	20,978,588
Sec. B.605.1 VSAC - Flexible Pathways Stipend	
Grants	<u>82,450</u>
Total	82,450
Source of funds	
General fund	41,225
Education fund	<u>41,225</u>
Total	82,450
Sec. B.606 New England higher education compact	
Grants	<u>84,000</u>
Total	84,000
Source of funds	
General fund	<u>84,000</u>
Total	84,000
Sec. B.607 University of Vermont - Morgan Horse Farm	
Grants	<u>1</u>
Total	1
Source of funds	
General fund	<u>1</u>
Total	1
Sec. B.608 Total higher education	
Source of funds	
General fund	119,861,685
Education fund	41,225
Global Commitment fund	<u>409,461</u>
Total	120,312,371

 Sec. B.700 Natural resources - agency of natural resources - administration

Personal services	4,896,594
Operating expenses	<u>1,329,284</u>
Total	6,225,878
Source of funds	
General fund	4,188,563
Special funds	680,985
Interdepartmental transfers	<u>1,356,330</u>
Total	6,225,878

Sec. B.701 Natural resources - state land local property tax assessment

Operating expenses	<u>2,661,618</u>
Total	2,661,618
Source of funds	
General fund	2,240,118
Interdepartmental transfers	<u>421,500</u>
Total	2,661,618

Sec. B.702 Fish and wildlife - support and field services

Personal services	20,034,378
Operating expenses	8,439,670
Grants	<u>923,524</u>
Total	29,397,572
Source of funds	
General fund	6,883,540
Special funds	701,314
Fish and wildlife fund	10,600,911
Federal funds	9,667,795
Interdepartmental transfers	<u>1,544,012</u>
Total	29,397,572

Sec. B.703 Forests, parks and recreation - administration

Personal services	923,670
Operating expenses	<u>1,544,702</u>
Total	2,468,372
Source of funds	
General fund	<u>2,468,372</u>
Total	2,468,372

Sec. B.704 Forests, parks and recreation - forestry

Personal services	6,710,849
Operating expenses	872,648

Grants	<u>1,160,000</u>
Total	8,743,497
Source of funds	
General fund	5,624,772
Special funds	511,000
Federal funds	2,280,669
Interdepartmental transfers	<u>327,056</u>
Total	8,743,497
Sec. B.705 Forests, parks and recreation - state parks	
Personal services	10,725,136
Operating expenses	3,273,814
Grants	<u>120,000</u>
Total	14,118,950
Source of funds	
General fund	641,157
Special funds	<u>13,477,793</u>
Total	14,118,950
Sec. B.706 Forests, parks and recreation - lands administration and recreation	
Personal services	2,284,177
Operating expenses	1,408,591
Grants	<u>2,827,589</u>
Total	6,520,357
Source of funds	
General fund	1,025,494
Special funds	2,190,151
Federal funds	3,082,575
Interdepartmental transfers	<u>222,137</u>
Total	6,520,357
Sec. B.708 Forests, parks and recreation - forest and parks access roads	
Personal services	130,000
Operating expenses	<u>99,925</u>
Total	229,925
Source of funds	
General fund	<u>229,925</u>
Total	229,925
Sec. B.709 Environmental conservation - management and support services	
Personal services	7,618,171
Operating expenses	4,543,203
Grants	<u>158,279</u>

Total	12,319,653
Source of funds	
General fund	2,248,161
Special funds	597,172
Federal funds	1,444,364
Interdepartmental transfers	<u>8,029,956</u>
Total	12,319,653
Sec. B.710 Environmental conservation - air and waste management	
Personal services	16,109,934
Operating expenses	10,203,296
Grants	<u>7,163,707</u>
Total	33,476,937
Source of funds	
General fund	301,826
Special funds	28,941,896
Federal funds	4,047,690
Interdepartmental transfers	<u>185,525</u>
Total	33,476,937
Sec. B.711 Environmental conservation - office of water programs	
Personal services	28,912,366
Operating expenses	7,706,054
Grants	<u>34,868,553</u>
Total	71,486,973
Source of funds	
General fund	8,429,243
Special funds	26,283,274
Federal funds	36,032,470
Interdepartmental transfers	<u>741,986</u>
Total	71,486,973
Sec. B.713 Natural resources board	
Personal services	2,929,837
Operating expenses	<u>352,482</u>
Total	3,282,319
Source of funds	
General fund	673,554
Special funds	<u>2,608,765</u>
Total	3,282,319
Sec. B.714 Total natural resources	
Source of funds	

General fund	34,954,725
Special funds	75,992,350
Fish and wildlife fund	10,600,911
Federal funds	56,555,563
Interdepartmental transfers	<u>12,828,502</u>
Total	190,932,051

Sec. B.800 Commerce and community development - agency of commerce
and community development - administration

Personal services	2,392,723
Operating expenses	939,863
Grants	<u>539,820</u>
Total	3,872,406
Source of funds	
General fund	3,406,417
Federal funds	351,000
Interdepartmental transfers	<u>114,989</u>
Total	3,872,406

Sec. B.801 Economic development

Personal services	4,678,628
Operating expenses	1,055,724
Grants	<u>8,638,149</u>
Total	14,372,501
Source of funds	
General fund	5,065,846
Special funds	2,905,350
Federal funds	3,932,132
Interdepartmental transfers	<u>2,469,173</u>
Total	14,372,501

Sec. B.802 Housing and community development

Personal services	5,321,306
Operating expenses	673,807
Grants	<u>76,513,512</u>
Total	82,508,625
Source of funds	
General fund	4,065,708
Special funds	7,204,966
Federal funds	68,364,457
Interdepartmental transfers	<u>2,873,494</u>
Total	82,508,625

Sec. B.806 Tourism and marketing

Personal services	2,097,922
Operating expenses	11,900,488
Grants	<u>50,000</u>
Total	14,048,410
Source of funds	
General fund	3,490,357
Federal funds	10,483,053
Interdepartmental transfers	<u>75,000</u>
Total	14,048,410

Sec. B.808 Vermont council on the arts

Grants	<u>859,445</u>
Total	859,445
Source of funds	
General fund	<u>859,445</u>
Total	859,445

Sec. B.809 Vermont symphony orchestra

Grants	<u>141,087</u>
Total	141,087
Source of funds	
General fund	<u>141,087</u>
Total	141,087

Sec. B.810 Vermont historical society

Grants	<u>1,015,470</u>
Total	1,015,470
Source of funds	
General fund	<u>1,015,470</u>
Total	1,015,470

Sec. B.811 Vermont housing and conservation board

Grants	<u>99,461,424</u>
Total	99,461,424
Source of funds	
Special funds	22,473,849
Federal funds	<u>76,987,575</u>
Total	99,461,424

Sec. B.812 Vermont humanities council

Grants	<u>234,829</u>

Total	234,829
Source of funds	
General fund	<u>234,829</u>
Total	234,829
Sec. B.813 Total commerce and community development	
Source of funds	
General fund	18,279,159
Special funds	32,584,165
Federal funds	160,118,217
Interdepartmental transfers	<u>5,532,656</u>
Total	216,514,197
Sec. B.900 Transportation - finance and administration	
Personal services	14,996,787
Operating expenses	4,843,354
Grants	<u>50,000</u>
Total	19,890,141
Source of funds	
Transportation fund	18,569,701
Federal funds	<u>1,320,440</u>
Total	19,890,141
Sec. B.901 Transportation - aviation	
Personal services	3,795,770
Operating expenses	5,346,224
Grants	<u>222,000</u>
Total	9,363,994
Source of funds	
Transportation fund	5,693,133
Federal funds	<u>3,670,861</u>
Total	9,363,994
Sec. B.902 Transportation - buildings	
Operating expenses	<u>2,050,000</u>
Total	2,050,000
Source of funds	
Transportation fund	850,000
TIB fund	<u>1,200,000</u>
Total	2,050,000
Sec. B.903 Transportation - program development	
Personal services	67,084,877

Operating expenses	317,718,748
Grants	<u>28,106,566</u>
Total	412,910,191
Source of funds	
Transportation fund	63,006,826
TIB fund	16,199,908
Federal funds	330,355,267
Interdepartmental transfers	75,000
Local match	<u>3,273,190</u>
Total	412,910,191
Sec. B.904 Transportation - rest areas construction	
Personal services	150,000
Operating expenses	<u>268,416</u>
Total	418,416
Source of funds	
Transportation fund	41,842
Federal funds	<u>376,574</u>
Total	418,416
Sec. B.905 Transportation - maintenance state system	
Personal services	44,709,478
Operating expenses	<u>61,554,303</u>
Total	106,263,781
Source of funds	
Transportation fund	105,517,966
Federal funds	645,815
Interdepartmental transfers	<u>100,000</u>
Total	106,263,781
Sec. B.906 Transportation - policy and planning	
Personal services	4,767,663
Operating expenses	1,035,700
Grants	<u>10,784,247</u>
Total	16,587,610
Source of funds	
Transportation fund	3,217,573
Federal funds	13,314,762
Interdepartmental transfers	<u>55,275</u>
Total	16,587,610
Sec. B.907 Transportation - rail	
Personal services	4,662,380

Operating expenses	30,650,803
Grants	<u>50,000</u>
Total	35,363,183
Source of funds	
Transportation fund	14,201,368
Federal funds	18,015,401
Interdepartmental transfers	2,985,206
Local match	<u>161,208</u>
Total	35,363,183
Sec. B.908 Transportation - public transit	
Personal services	5,369,937
Operating expenses	103,704
Grants	<u>39,065,637</u>
Total	44,539,278
Source of funds	
Transportation fund	4,108,577
Federal funds	40,390,701
Interdepartmental transfers	<u>40,000</u>
Total	44,539,278
Sec. B.909 Transportation - central garage	
Personal services	4,847,286
Operating expenses	<u>17,906,809</u>
Total	22,754,095
Source of funds	
Internal service funds	<u>22,754,095</u>
Total	22,754,095
Sec. B.910 Department of motor vehicles	
Personal services	27,635,785
Operating expenses	<u>12,106,049</u>
Total	39,741,834
Source of funds	
Transportation fund	37,942,872
Federal funds	1,657,266
Interdepartmental transfers	<u>141,696</u>
Total	39,741,834
Sec. B.911 Transportation - town highway structures	
Grants	<u>6,333,500</u>
Total	6,333,500
Source of funds	

Transportation fund	<u>6,333,500</u>
Total	6,333,500
Sec. B.912 Transportation - town highway local technical assistance program	
Personal services	371,731
Operating expenses	<u>42,750</u>
Total	414,481
Source of funds	
Transportation fund	114,481
Federal funds	<u>300,000</u>
Total	414,481
Sec. B.913 Transportation - town highway class 2 roadway	
Grants	<u>7,648,750</u>
Total	7,648,750
Source of funds	
Transportation fund	<u>7,648,750</u>
Total	7,648,750
Sec. B.914 Transportation - town highway bridges	
Personal services	15,948,483
Operating expenses	<u>14,365,704</u>
Total	30,314,187
Source of funds	
Transportation fund	1,230,817
TIB fund	2,402,455
Federal funds	25,529,514
Local match	<u>1,151,401</u>
Total	30,314,187
Sec. B.915 Transportation - town highway aid program	
Grants	<u>27,837,624</u>
Total	27,837,624
Source of funds	
Transportation fund	<u>27,837,624</u>
Total	27,837,624
Sec. B.916 Transportation - town highway class 1 supplemental grants	
Grants	<u>128,750</u>
Total	128,750
Source of funds	
Transportation fund	<u>128,750</u>
Total	128,750

Sec. B.917 Transportation - town highway: state aid for nonfederal disasters

Grants	<u>1,150,000</u>
Total	1,150,000
Source of funds	
Transportation fund	<u>1,150,000</u>
Total	1,150,000

Sec. B.918 Transportation - town highway: state aid for federal disasters

Grants	<u>180,000</u>
Total	180,000
Source of funds	
Transportation fund	20,000
Federal funds	<u>160,000</u>
Total	180,000

Sec. B.919 Transportation - municipal mitigation assistance program

Operating expenses	265,000
Grants	<u>6,185,498</u>
Total	6,450,498
Source of funds	
Transportation fund	705,000
Special funds	4,317,498
Federal funds	<u>1,428,000</u>
Total	6,450,498

Sec. B.920 Transportation - public assistance grant program

Operating expenses	200,000
Grants	<u>1,050,000</u>
Total	1,250,000
Source of funds	
Special funds	50,000
Federal funds	1,000,000
Interdepartmental transfers	<u>200,000</u>
Total	1,250,000

Sec. B.921 Transportation board

Personal services	169,595
Operating expenses	<u>21,367</u>
Total	190,962
Source of funds	
Transportation fund	<u>190,962</u>
Total	190,962

Sec. B.922 Total transportation

Source of funds	
Transportation fund	298,509,742
TIB fund	19,802,363
Special funds	4,367,498
Federal funds	438,164,601
Internal service funds	22,754,095
Interdepartmental transfers	3,597,177
Local match	4,585,799
Total	791,781,275

Sec. B.1000 Debt service

Operating expenses	76,877,244
Total	76,877,244
Source of funds	
General fund	76,375,109
Transportation fund	502,135
TIB debt service fund	0
Total	76,877,244

Sec. B.1001 Total debt service

Source of funds	
General fund	76,375,109
Transportation fund	502,135
TIB debt service fund	0
Total	76,877,244

Sec. B.1100 FISCAL YEAR 2023 ONE-TIME GENERAL FUND
APPROPRIATIONS

(a) In fiscal year 2023, funds are appropriated from the General Fund for new and ongoing initiatives as follows:

(1) \$220,000 to the Agency of Administration for the Inclusion, Diversity, Equity, Action, Leadership (IDEAL) VT initiative to support municipalities in promoting these values within their communities.

(2) \$37,000 to the Ethics Commission to support the cost of one half-time position.

(3) \$205,000 to the Sergeant at Arms to support the costs associated with transitioning positions in the Capitol Police Department.

(4) \$75,000 to the General Assembly to provide funding for the Pension Oversight Committee to assist the Vermont Pension Investment Committee

(VPIC) analysis of the decarbonization of investments. Funds may be transferred to VPIC if the Pension Oversight Committee determines it necessary to accomplish the analysis.

(5) \$120,000 to the Judiciary for Sustaining Language Access Program improvements.

(6) \$1,283,400 to the Office of the Defender General to support costs associated with the reopening of the courts.

(7) \$700,000 to the Secretary of State as follows:

(A) \$450,000 for election support.

(B) \$250,000 to support operational expenditures not covered by revenue resulting from telehealth.

(8) \$2,010,000 to the Agency of Agriculture, Food and Markets, as follows:

(A) \$1,000,000 for the development of an agricultural Payment for Ecosystems Services Program to support the work of the Payment for Ecosystem Services and Soil Health Working Group (PES WG) – as authorized by 2019 Acts and Resolves No. 83, amended by 2020 Acts and Resolves No. 129 and 2021 Acts and Resolves No. 47 – to enable Payment for Ecosystem Services Program development to retain facilitation services, contract identified research needs, fund pilot program development, and deliver payments to farmers for quantified ecosystem services.

(B) \$200,000 to fund programs to assist individuals with low-income to access local, fresh or whole food at farmers' markets and through Community Supported Agriculture (CSA) shares. This one-time appropriation will respond to the record demand in these fresh food access programs due to increased food insecurity experienced by Vermonters during the pandemic.

(C) \$420,000 for the purchase of laboratory equipment to test for per- and Polyfluoroalkyl Substances (PFAS) in drinking water to support public health testing requirements of the Agencies of Natural Resources, Transportation and Agriculture, Food and Markets.

(D) \$90,000 for grants to State fairs and field days organizations.

(E) \$300,000 of which \$200,000 is to establish a grant program for organic milk farmers that are transitioning to a new buyer to assist with the costs of modifications needed to accommodate the new buyer and \$100,000 to the Produce Safety Improvement grant program.

(9) \$1,512,636 to the Center for Crime Victims Services as follows:

(A) \$660,000 to replace shortfall in special fund revenue relating to fines and fees from the courts and traffic tickets.

(B) \$519,600 to replace declining federal Victims of Crime Act (VOCA) funds.

(C) \$308,036 for a grant to the Vermont Network Against Domestic and Sexual Violence.

(D) \$25,000 for a grant to the Kurn Hattin Survivors Support Group.

(10) \$150,000 to the Criminal Justice Council for the following:

(A) \$100,000 for an incident simulator to enable de-escalation training.

(B) \$50,000 for the development of a new entrance exam.

(11) \$8,000,000 to the Department of Public Safety- Emergency Management to provide state match for FEMA funds to purchase properties identified for high flood risk.

(12) \$1,180,000 to the Department for Children and Families for the following:

(A) \$50,000 for a grant to the Vermont Donor Milk Center for statewide activities.

(B) \$750,000 to the Parent Child Centers for upgrades to facilities, systems, or new equipment.

(C) \$180,000 to be granted to the Vermont Food Bank for statewide provision of diapers to families in need.

(D) \$200,000 to be granted to the five youth service provider organizations that currently have contracts with the Department of Health and the Department for Children and Families. Each organization shall receive a grant of \$20,000 and the remaining funds shall be granted to each organization in an equitable manner after consultation with the organizations and consideration of the scope of services by each organization.

(13) \$3,370,250 to the Department of Health, Office of Alcohol and Drug Abuse Programs for the following:

(A) \$3,000,000 for a grant to the Substance Misuse Prevention Coalitions. It is the intent of the General Assembly that this funding for the coalitions be continued with funds from cannabis revenues or opioid settlement funds, or both.

(B) \$100,000 for Mobile Medication-Assisted Treatment (MAT).

(C) \$270,250 that shall be transferred to the Department of Disabilities, Aging, and Independent Living – Vocational Rehabilitation, to establish one new employment center to provide services to clients of Recovery Centers. It is the intent of the General Assembly that funding for the new employment center be continued with funds from cannabis revenues or opioid settlement funds, or both.

(14) \$1,215,860 to the Agency of Education as follows:

(A) \$500,000 for Child Nutrition Grants to school districts to purchase local foods.

(B) \$15,860 to the Vermont Ethnic and Social Equity Standards Advisory Working Group to cover per diem and reimbursement of expenses.

(C) \$700,000 to Adult Education and Literacy to provide grants to the Adult Learning Centers.

(15) \$67,000 to the Attorney General for the Court Diversion program to replace special fund shortfall.

(16) \$573,000 to the Agency of Natural Resources for the following:

(A) \$75,000 to the Central Office for contractual support to complete work associated with implementing the Global Warming Solutions Act of 2020.

(B) \$250,000 to the Department of Environmental Conservation to complete statewide wetland mapping updates and to update the Vermont Significant Wetland Inventory maps.

(C) \$248,000 to the Department of Environmental Conservation for a grant to the Conservation Districts for equipment and capital improvements.

(17) \$130,000 to the Agency of Commerce and Community Development for a grant to the Vermont Adaptive Ski and Sport program.

(18) \$500,000 to the Agency of Human Services, Central Office for the Vermont Refugee Resettlement program to provide assistance to refugees from Afghanistan.

(19) \$1,500,000 to the Department of Disabilities, Aging, and Independent Living (DAIL) to be used for grants to adult day service providers to support operating costs and program infrastructure. The funds shall be allocated on an equitable basis per a methodology developed by DAIL. On or before the first day of each quarter of fiscal year 2023 (July 1, 2022, October 1, 2022, January 1, 2023, and April 1, 2023), the Vermont Association of Adult Day Services shall provide a spreadsheet to the Department detailing quarterly expenditures versus the annual budget. DAIL shall work with

community partners to seek organizations interested in opening an adult day center in the underserved regions where adult day centers closed during the COVID-19 pandemic. Up to \$50,000 of these funds may be used to support the start-up costs of a new adult day center. Any amount of this appropriation remaining at the end of fiscal year 2023 shall be carried forward and shall be used to support operating costs, and program infrastructure.

(20) \$250,000 to the Agency of Commerce and Community Development for a grant to the Vermont League of Cities and Towns to provide technical assistance to towns related to seeking or expending federal funds.

(21) \$267,364 to the Department of Taxes for appraisal and litigation costs associated with the Sheldon Springs Hydroelectric Dam.

(22) \$600,000 to the Department of Public Service for Public Access, Education, and Government Media to fund the 24 media centers.

(23) \$450,000 to the Vermont Historical Society for HVAC systems.

(b) \$11,000,000 is appropriated from the General Fund to the Department of Public Safety. Up to \$6,500,000 of this appropriation may be used to provide grants for establishing new regional dispatch facilities and grants to existing regional dispatch facilities. The Commissioner of Public Safety shall report to the Joint Fiscal Committee in September and November 2022 on the status of grants made under this provision. The remaining amount shall be held in reserve until further approval by the General Assembly is provided subsequent to the report required by Sec. E.209.1 of this act.

(c) The following General Fund appropriations are to provide transition funding in fiscal year 2023 for changes to State Employees and Teachers Pensions systems and prefunding of other post-employment benefits.

(1) State Employees fiscal year 2023 transitional employer contribution. \$10,000,000 is appropriated to the Agency of Administration for distribution as needed to departments and agencies if approved by the Commissioner of Finance and Management to fund the fiscal year 2023 payroll assessment necessary to meet the State-employees' pension and other post-employment benefits resulting from any changes to these programs enacted in the 2022 legislative session. The Commissioner shall report to the Joint Fiscal Committee at its November 2022 meeting on the status of this appropriation.

(2) Teachers' other post-employment benefits. \$5,500,000 is appropriated to the Retired Teachers' Health and Medical Benefits Fund, established in 16 V.S.A. § 1944b to meet the fiscal year 2023 Actuarial Determined Employer Contribution (ADEC) consistent with system prefunding changes enacted in the 2022 legislative session.

* * * Fiscal Year 2022 Adjustments, Appropriations, and Amendments * * *

Sec. C.100 2021 Acts and Resolves No. 74, Sec. D.101(b)(2) is amended to read:

(b)(2) The following estimated amounts, which may be all or a portion of unencumbered fund balances, shall be transferred from the following funds to the General Fund. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at its July meeting the final amounts transferred from each fund and certify that such transfers will not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

* * *

62100	Unclaimed Property Fund	\$3,027,750.00	<u>\$4,106,300.00</u>

Sec. C.101 2021 Acts and Resolves No. 74, Sec. E.602.2 is amended to read:

Sec. E.602.2 VERMONT STATE COLLEGES

(a) The Vermont State College (VSC) system shall transform itself into a fully integrated system that achieves financial stability in a responsible and sustainable way in order to meet each of these strategic priorities:

(1) Affordability. Ensure that student costs and debt obligations are not barriers to student access.

(2) Accessibility. Ensure that each VSC student, regardless of where the student's home campus is located, has increased access to academic opportunities, majors and courses across the statewide system.

(3) Equitability. Determine the extent to which gaps in educational access and success are being reduced for students from economically deprived backgrounds, first-generation students, students of color, and other marginalized groups.

~~(3)~~(4) Relevance.

(A) Ensure that each VSC student is prepared for a lifelong career and personal success in the globally competitive 21st century.

(B) Ensure that VSC offers educational programs that are:

(i) aligned with State workforce needs;

(ii) offered in a fiscally responsible manner; and

(iii) delivered in a manner that is relevant to current student and employer needs.

(b) VSC shall meet the following requirements during the transformation

of its system required under subsection (a) of this section and shall accommodate the oversight of the General Assembly in so doing.

(1) VSC shall reduce its structural deficit by \$5,000,000.00 per year for five years through a combination of annual operating expense reductions and increased enrollment revenues, for a total of \$25,000,000.00 by the end of fiscal year 2026. These reductions shall be structural in nature and shall not be met by use of one-time funds. The VSC Board of Trustees, through the Chancellor or designee, shall report the results of these structural reductions to the House and Senate Committees on Education and on Appropriations annually during the Chancellor's budget presentation.

(2) The VSC Board of Trustees shall develop and implement a 10-year strategic plan for managing its physical assets that is fiscally sustainable, maintains reasonable net asset value, and meets the needs of Vermont learners. ~~On or before March 1, 2022, the Chancellor shall present this Board approved plan~~ Updates to the plan and an annual report on its implementation shall be presented to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

(3) VSC shall maintain its present campus locations as educational and student-support centers, recognizing that overall campus size, governance and operational structures as well as program and service offerings may change as circumstances require.

(4) Beginning in fiscal year 2022 and through 2031, the VSC Board of Trustees, acting through the Chancellor or designee, shall brief, as part of the Chancellor's annual budget proposal, the House and Senate Committees on Education and Committees on Appropriations:

(A) enrollment levels in courses offered by VSC, reported on the basis of courses with fewer than five students, courses with five to nine students, courses with 10 to 14 students, and courses with 15 or more students, along with relevant information about these enrollment data;

(B) in order to demonstrate accessibility, the percentage of courses and programs offered by VSC on a statewide basis and on the formats in which they are offered;

(C) an assessment of affordability and accessibility within VSC and recommendations on how to improve them;

(D) retention statistics with corresponding trend lines and benchmarks;

(E) enrollment statistics with methods of comparison using readily available metrics that pertain to the student enrollment efforts authorized by

the current fiscal year 2022 Vermont budget bill with the net student revenue generated and discount rate applied in order to enroll the students, aggregated by cohort; and

* * *

Sec. C.102 2022 Acts and Resolves No. 83, Sec. 53(c) is added to read:

(c) After meeting the requirements of subsections (a) and (b) of this section, but prior to satisfying the requirements of 32 V.S.A. § 308c, the remaining unreserved and undesignated funds at the close of fiscal year 2022 shall remain in the General Fund and be carried forward to fiscal year 2023.

Sec. C.102.1 2022 Acts and Resolves No. 83, Sec. 53(b)(5) is amended to read:

(5) \$25,000,000 is ~~reserved and~~ carried forward into fiscal year 2023 to improve the debt position of the State. ~~This may include the redemption of general obligation bonds, reducing the amount of new debt to be issued or to address negative internal fund balances. To the extent funds are available they shall be applied and shall be allocated as follows:~~

(A) \$5,000,000 shall be transferred to the Property Management Fund (58700) established by 29 V.S.A. § 160.

(B) \$20,000,000 shall be appropriated to the State Treasurer's Office and used for redeeming State of Vermont general obligation bonds prior to maturity. In fiscal year 2024, to the extent bonds are redeemed, an amount equal to the reduction in payments for debt service required resulting from any redemption shall be reserved in the Capital Expenditure Cash Fund, as established in 32 V.S.A. § 1001b.

Sec. C.103 2021 Acts and Resolves No. 74, Sec G.300(a)(8)(C) as amended by 2022 Acts and Resolves No. 83, Sec. 68 is further amended to read:

(C) \$14,700,000 to provide free last dollar tuition for one year of undergraduate studies for critical occupation careers, including bookkeeping certificate, IT service desk specialist certificate, certified production technician, graphic design certificate, software and web development program, electrical and plumbing apprenticeships, dental hygiene, certificate in accounting, small business management, radiologic science, and respiratory therapy. \$540,000 of these funds shall be allocated for paramedic/EMS programs and any unexpended amount of this allocation shall be available for the broader purpose in this subdivision (C). Funds may be used for practical nursing, ~~child care~~ child care, nursing, ~~and~~ mental health counseling, ~~and~~ psychology and social work programs only after available federal and State financial aid is applied to ensure no cost to the student. Of this amount,

\$7,350,000 shall be carried forward for the 2022–2023 school year. If demand from undergraduates is met, then funds may be used to pay for tuition for the following graduate programs:

- (i) ~~Master~~ Master's in Education (all programs);
- (ii) ~~Master~~ Master's in Educational Leadership;
- (iii) ~~Master~~ Master's of Arts and ~~Certificate~~ of Advanced Graduate Studies in ~~School~~ Psychology;
- (iv) ~~Masters~~ Master's in Counseling; and
- (v) ~~Masters~~ Master's in Clinical Mental Health Counseling; and
- (vi) Master's in Clinical Social Work.

Sec. C.104 FISCAL YEAR 2022 AND FISCAL YEAR 2023; OUT-OF-STATE BEDS SAVINGS; APPROPRIATION

(a) In fiscal year 2022, \$360,140 of the amount appropriated in 2021 Acts and Resolves No. 74, Sec. B.339 (correctional services for out-of-state beds) shall be allocated as follows:

(1) \$300,000 to the Department of Corrections to expand and eliminate participant fees for community-based domestic violence intervention programming and to create domestic violence intervention programming and curricula for lesbian, gay, bisexual, transgender, queer, or questioning (LGBTQ) individuals; and

(2) \$60,140 for Offender Management System/data system improvements.

(b) In fiscal year 2022, \$417,030 of the amount appropriated in 2021 Acts and Resolves No. 74, Sec. B.338 (correctional services) shall be used for community justice centers.

Sec. C.105 2022 Acts and Resolves No. 83, Sec. 72a is amended to read:

Sec. 72a. MEDICAID HOME- AND COMMUNITY-BASED SERVICES (HCBS) PLAN

(a) Pursuant to Sec. 9817 of the American Rescue Plan Act (ARPA), in ~~October 2021~~ February 2022, the State submitted a home- and community-based services (HCBS) spending plan to the Centers for Medicare and Medicaid Services. This plan currently totals ~~\$146,600,000~~ \$149,550,122, consisting of the following major components:

- (1) ~~\$77,800,000~~ \$77,839,612 allocated to improve services;
- (2) ~~\$25,000,000~~ \$20,258,042 allocated to promote a high-performing

and stable HCBS workforce; and

(3) \$43,800,000 \$51,452,468 allocated to improve HCBS care through data systems, value-based payment models, and oversight.

* * *

(e) In fiscal year 2023, a total of \$71,239,891 is appropriated from the Global Commitment Fund to AHS to meet the objectives of the HCBS plan. This appropriation consists of \$17,136,654 as appropriated in 2021 Acts and Resolves No. 74 for a three percent rate increase to HCBS providers, including the assistive community care rates and children integrated services rates, and the following appropriations in distinct one-time departmental IDs:

(1) \$23,510,987 is appropriated to the Agency of Human Services – Secretary’s Office.

(2) \$10,500,000 is appropriated to the Department of Disabilities, Aging, and Independent Living.

(3) \$1,500,000 is appropriated to the Department of Mental Health.

(4) \$17,000,000 is appropriated to the Department of Vermont Health Access.

(5) \$1,500,000 is appropriated to the Department of Health.

(6) \$92,250 is appropriated to the Department for Children and Families.

(f) The Global Commitment Fund appropriated in subsection (e) of this section may be obligated in fiscal year 2023 for the purposes of bringing HCBS plan spending authority forward into fiscal year 2024. The funds appropriated in subsections (b), (c), and (e) of this section may be transferred on a net-neutral basis in fiscal year 2023 in the same manner as the Global Commitment appropriations in Sec. E.301 of this act. The Agency shall report to the Joint Fiscal Committee in September 2023 on transfers of appropriations made and final amounts expended by each department in fiscal year 2023 and any obligated funds carried forward to be expended in fiscal year 2024.

Sec. C.106 CANNABIS CONTROL BOARD; PHASE I SYSTEM

(a) In fiscal year 2022, the amount of \$760,000 is transferred from the General Fund to the Cannabis Regulation Fund (21998) to support phase one of the online registration, licensing, and business application portal.

Sec. C.107 [Deleted.]

Sec. C.108 DEPARTMENT OF LABOR; TRADE APPRENTICESHIP EXPENSE REIMBURSEMENT; PROGRAM EXPANSION

(a) Up to \$1,000,000 of the funds appropriated in 2021 Acts and Resolves No. 74, Sec. G.300(a)(6) may be carried forward by the Vermont Department of Labor and used to reimburse Vermont employers for costs incurred for work tools and personal protective equipment for new apprentices and for expansion of registered apprenticeship programs and participants. Employers may be reimbursed up to \$300 for tools per apprentice.

Sec. C.109 16 V.S.A. § 944 is amended to read:

§ 944. DUAL ENROLLMENT PROGRAM

* * *

(b) Students.

(1) A Vermont resident who has completed grade 10 but has not received a high school diploma is eligible to participate in the Program if:

~~(A) the student:~~

~~(i) is enrolled in:~~

~~(I) a Vermont public school, including a Vermont career technical center;~~

~~(II) a public school in another state or an approved independent school that is designated as the public secondary school for the student's district of residence; or~~

~~(III) an approved independent school in Vermont to which the student's district of residence pays publicly funded tuition on behalf of the student;~~

~~(ii) is assigned to a public school through the High School Completion Program; or~~

~~(iii) is a home study student; none of the payment to the accredited postsecondary institution will be used to support religious instruction, religious indoctrination (where "indoctrination" means to instruct in a body of doctrine or principles), as defined in section 820 of this title, religious worship, or the propagation of religious views, except for religious instruction that is designed to provide an overview of religious history and teachings and does not support religious instruction, religious indoctrination, religious worship, or the propagation of religious views of any one religion or theology over others; and~~

(B) the student is not enrolled in a recognized independent school or a school or program that is not recognized for attendance purposes under section 1121 of this title;

~~(B)~~(C) dual enrollment is an element included within the student's personalized learning plan; and

~~(C)~~(D) the secondary school and the postsecondary institution have determined that the student is sufficiently prepared to succeed in a dual enrollment course, which can be determined in part by the assessment tool or tools identified by the participating postsecondary institution.

Sec. C. 110 TOBACCO FUNDS; APPROPRIATION

(a) The amount of \$1,000,000 in tobacco funds are appropriated in fiscal year 2022 to the Department of Health, Public Health, and carried forward to fiscal year 2023 for tobacco prevention and cessation programs developed in coordination with the Chief Prevention Officer in the Agency of Administration.

Sec. C.111 2021 Acts and Resolves No. 74, Sec. E.335 as amended by 2022 Acts and Resolves No. 83, Sec. 62, is further amended by adding a subsection (c) to read:

(c) Any funds expended on community-based service programs pursuant to subsection (b) of this section shall be included in the subsequent year Department of Corrections budget for the same purpose at the same amount.

* * * Fiscal Year 2023 Fund Transfers and Reserve Allocations * * *

Sec. D.100 APPROPRIATIONS; PROPERTY TRANSFER TAX

(a) This act contains the following amounts appropriated from special funds that receive revenue from the property transfer tax. Expenditures from these appropriations shall not exceed available revenues.

(1) The sum of \$428,933 is appropriated from the Current Use Administration Special Fund to the Department of Taxes for administration of the Use Tax Reimbursement Program. Notwithstanding 32 V.S.A. § 9610(c), amounts above \$428,933 from the property transfer tax that are deposited into the Current Use Administration Special Fund shall be transferred into the General Fund.

(2) The sum of \$21,128,985 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Board. Notwithstanding 10 V.S.A. § 312, amounts above \$21,128,985 from the property transfer tax and surcharge established by 32 V.S.A. § 9602a that are deposited into the Vermont Housing and Conservation Trust Fund shall be transferred into the General Fund.

(A) The dedication of \$2,500,000 in revenue from the property transfer tax pursuant to 32 V.S.A. § 9610(d) for the debt payments on the

affordable housing bond, 10 V.S.A. § 314, is to be offset by the reduction of \$1,500,000 in the appropriation to the Vermont Housing and Conservation Board and \$1,000,000 from the surcharge established by 32 V.S.A. § 9602a. The fiscal year 2023 appropriation of \$21,128,985 to VHCB reflects the \$1,500,000 reduction. The affordable housing bond and related property transfer tax and surcharge provisions are repealed after the life of the bond on July 1, 2039. Once the bond is retired, the \$1,500,000 reduction in the appropriation to VHCB is intended to be restored.

(3) The sum of \$5,882,597 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above \$5,882,597 from the property transfer tax that are deposited into the Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$5,882,597 shall be allocated as follows:

(A) \$4,574,417 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$872,120 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b); and

(C) \$436,060 to the Agency of Digital Services for the Vermont Center for Geographic Information.

Sec. D.101 FUND TRANSFERS, REVERSIONS, AND RESERVES

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

(1) From the General Fund to the All Other Insurance Fund (56300): \$1,000,000.

(2) From the General Fund to the Workers' Compensation Fund (56100): \$2,000,000.

(3) From the General Fund to the Enhanced 911 Special Fund (21711): \$1,300,000.

(4) From the General Fund to the Technology Modernization Special Fund created in Sec. E.105.1 of this act: \$16,760,000.

(5) From the Clean Water Fund (21932) established by 10 V.S.A. § 1388 to the Agricultural Water Quality Special Fund (21933) created under 6 V.S.A. § 4803: \$5,816,111.

(6) From the Clean Water Fund established by 10 V.S.A. § 1388 to the Lake in Crisis Response Program Special Fund (21938) created under 10 V.S.A. § 1315: \$50,000.

(7) From the Transportation Fund to the Downtown Transportation and Related Capital Improvement Fund (21575) established by 24 V.S.A. § 2796 to be used by the Vermont Downtown Development Board for the purposes of the Fund: \$523,966.

(b) Notwithstanding any provisions of law to the contrary, in fiscal year 2023:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

<u>22005</u>	<u>AHS Central Office earned federal receipts</u>	<u>\$4,641,960</u>
<u>50300</u>	<u>Liquor Control Fund</u>	<u>\$20,400,000</u>
	<u>Caledonia Fair</u>	<u>\$5,000</u>
	<u>North Country Hospital Loan</u>	<u>\$24,047</u>
	<u>Springfield Hospital promissory note repayment</u>	<u>\$121,416</u>

(2) The following estimated amounts, which may be all or a portion of unencumbered fund balances, shall be transferred from the following funds to the General Fund. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at its July meeting the final amounts transferred from each fund and certify that such transfers will not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

<u>21638</u>	<u>AG-Fees & reimbursement – Court order</u>	<u>\$2,000,000</u>
<u>21928</u>	<u>Secretary of State Services Funds</u>	<u>\$1,200,000</u>
<u>62100</u>	<u>Unclaimed Property Fund</u>	<u>\$1,773,425</u>
<u>21998</u>	<u>Cannabis Regulation Fund</u>	<u>\$3,059,478</u>

(3) Notwithstanding 2016 Acts and Resolves No. 172, Sec. E. 228, \$45,664,476 of the unencumbered balances in the Insurance Regulatory and Supervision Fund (21075), the Captive Insurance Regulatory and Supervision Fund (21085), and the Securities Regulatory and Supervision Fund (21080) shall be transferred to the General Fund.

(4) Notwithstanding any provision of law to the contrary, in fiscal year 2023, the following amounts shall revert to the General Fund from the accounts indicated:

<u>1210002000</u>	<u>Legislature</u>	<u>\$205,000</u>

(c) Notwithstanding any provisions of law to the contrary, in fiscal year

2023 the following estimated General Fund reserves shall be made:

(1) Pursuant to 32 V.S.A. § 308, an estimated amount of \$18,629,568 shall be reserved in the General Fund Budget Stabilization Reserve.

Sec. D.102 27/53 RESERVE

(a) \$3,020,000 from the General Fund shall be reserved in the 27/53 reserve in fiscal year 2022. This action is the fiscal year 2023 contribution to the reserve for the 53rd week of Medicaid as required by 32 V.S.A. § 308e and the 27th payroll reserve as required by 32 V.S.A. § 308e.

Sec. D.103 [Deleted.]

* * * General Government * * *

Sec. E.100 EXECUTIVE BRANCH POSITIONS

(a) The establishment of the following new positions is authorized in fiscal year 2023:

(1) Permanent classified positions:

(A) Agency of Agriculture, Food and Markets - Vermont Agriculture and Environmental Lab: one new VAEL Scientist IV; Chemistry.

(B) Department of Buildings and General Services – Fee for Space:

(i) one BGS Utility Mechanic;

(ii) three BGS Institutional Custodians; and

(iii) one BGS Maintenance Mechanic II.

(C) Department of Disabilities, Aging, and Independent Living's Administration and Support division:

(i) one Survey and Certification Non-clinical Manager;

(ii) three Nurse Surveyors;

(iii) one Administrative Assistant; and

(iv) one Office of Public Guardian Community Financial Specialist.

(D) Department of Mental Health:

(i) one Suicide Prevention Director;

(ii) one Quality Control Specialist III;

(iii) one Staffing Office Manager;

(iv) five Mental Health Scheduling Coordinators;

- (v) one DMH Psychologist;
- (vi) one DMH Activity Therapist;
- (vii) one Psychiatric Social Worker II;
- (viii) two Food Service Workers;
- (ix) two Cook Cs; and
- (x) one Supervising Chef.

(E) Agency of Education:

- (i) one School Facility Coordinator; and
- (ii) one Communication Coordinator.

(F) Cannabis Control Board:

- (i) two enforcement officers; and
- (ii) one data analyst.

(G) State Treasurer: one Retirement Program Technician.

(H) Agency of Natural Resources Central Office:

- (i) one Environmental Analyst VII; and
- (ii) two Environmental Analyst V.

(2) Permanent Exempt Positions:

(A) Vermont Pension Investment Commission: one Principal Assistant.

(b) The conversion of the following limited-service positions to classified permanent status is authorized in fiscal year 2023 as follows:

(1) Department of Vermont Health Access:

(A) DVHA, Business Office Unit – one Financial Manager III;

(B) DVHA, Business Office Unit – one Grants Management Specialist;

(C) DVHA, Contracts & Grants Unit – two Contracts & Grants Administrators;

(D) DVHA, Contracts & Grants Unit – one Financial Manager I;

(E) DVHA, HAEEU – one Assister Program Manager;

(F) DVHA, HAEEU – seven Benefits Program Mentors;

(G) DVHA, HAEEU – two Business Analysts;

(H) DVHA, HAEEU – one Communications & Outreach Coordinator;

(I) DVHA, HAEEU – one Health Care Training/Community Manager;

(J) DVHA, HAEEU – seven Health Program Administrators;

(K) DVHA, HAEEU – three Healthcare Assistant Admin Is;

(L) DVHA, HAEEU – five Healthcare Assistant Admin IIs;

(M) DVHA, HAEEU – one VHC Business Process Coordinator;

(N) DVHA, HAEEU – one VHC Education & Outreach Coordinator;

(O) DVHA, HAEEU – five VHC Support Services Specialists;

(P) DVHA, HAEEU – 16 VT Healthcare Service Specialist Is;

(Q) DVHA, HAEEU – 25 VT Healthcare Service Specialist IIs;

(R) DVHA, HAEEU – five VT Healthcare Service Specialist IIIs;

(S) DVHA, Health Care Appeals Unit – five Fair Hearing Specialists;

(T) DVHA, Health Care Appeals Unit – one Program Technician I;

(U) DVHA, Legal Unit – one Staff Attorney II; and

(V) DVHA, Long Term Care Unit – three Long Term Care Specialist Is.

(2) Department of Forests, Parks and Recreation – Forestry: one Forester III.

(3) State Treasurer: one Financial Manager.

(c) The establishment of the following new classified limited-service positions are authorized in fiscal year 2023 as follows:

(1) Department of Labor: three positions to assist with the UI Modernization project.

(2) Agency of Education:

(A) one Grants Manager; and

(B) three Monitoring Coordinators.

(3) Department of Environmental Conservation:

(A) one Environmental Analyst V.

(4) Department of Motor Vehicles – to support DMV Core

Modernization Phase II:

(A) one Purchasing/Inventory & Facilities Specialist III,

(B) two Direct Client Service Specialist I,

(C) one Financial Specialist III, and

(D) one Direct Customer Service Specialist I.

(d) The establishment of the following new classified limited-service positions are authorized in fiscal year July 1, 2022 through December 31, 2024 as follows:

(1) Department of State's Attorneys and Sheriffs:

(A) ten Deputy State's Attorneys; and

(B) two Administrative Assistants.

(e) The transfer of the following exempt position is authorized in fiscal year 2023 as follows:

(1) From the Agency of Administration to the Office of the Attorney General:

(A) one Staff Attorney III.

(f) The establishment of two additional classified permanent Tax Examiner positions is authorized in the Department of Taxes beginning in fiscal year 2023.

(1) Department of Taxes:

(A) two Tax Examiners.

Sec. E.100.1 2014 Acts and Resolves No. 179, Sec. E.100(d), as amended by 2015 Acts and Resolves No. 4, Sec. 74; 2016 Acts and Resolves No. 172, Sec. E.100.2; 2017 Acts and Resolves No. 85, Sec. E.100.1; 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.100.1; 2020 Acts and Resolves No. 120, Sec. A.7; 2020 Act and Resolves No. 154, Sec. E.100.2; and by 2021 Acts and Resolves No. 74, Sec. E.100.1, is further amended to read:

(d) Position Pilot Program. A Position Pilot is hereby created to assist participating departments in more effectively managing costs of overtime, compensatory time, temporary employees, and contractual work by removing the position cap with the goal of maximizing resources to the greatest benefit of Vermont taxpayers.

(1) Notwithstanding Sec. A.107 of this act, the Agency of Transportation, the Department for Children and Families, the Agency of Natural Resources, the Department of Buildings and General Services, the

Department of Labor, the Department of Corrections, ~~and~~ the Department of Public Safety, the Department of State's Attorneys and Sheriffs, and the Vermont Veterans' Home shall not be subject to the cap on positions for the duration of the Pilot.

(A) The Department of Corrections is authorized to add only Correctional Officer I and II positions.

(B) The Department of State's Attorneys and Sheriffs is authorized to add only State's Attorney positions.

(C) The Vermont Veterans' Home is authorized to add direct care positions, including part-time positions. Prior to authorizing positions under subdivision (d)(2) of this section, the Secretary of Administration shall be provided the financial analysis from the Vermont Veterans' Home reviewed by the Commissioner of Finance and Management which demonstrates reduction in the cost of overtime expenses or other expenses equal to or greater than the projected cost of the positions for the current and successive fiscal year of operations.

* * *

(7) This Pilot shall sunset on ~~July 1, 2023~~ July 1, 2025, unless extended or modified by the General Assembly.

(8) ~~On or before January 15, 2019~~ Annually on or before January 15, the Commissioner of Human Resources, in coordination with the Vermont State Employees' Association (VSEA), shall provide a report on the total number of positions created under the authority of this section to the House and Senate Committees on Appropriations. The report shall include a recommendation on whether this program should be expanded and continue and, if so, should it be extended but remain in session law or be made permanent by codification in statute.

Sec. E.100.2 CHIEF PREVENTION OFFICER

(a) The Office of the Chief Prevention Officer shall coordinate all budget and policy initiatives across the full spectrum of the prevention continuum.

Sec. E.105 3 V.S.A. § 3303 is amended to read:

§ 3303. REPORTING, RECORDS, AND REVIEW REQUIREMENTS

(a) Annual report and budget. The Secretary shall submit to the General Assembly, concurrent with the Governor's annual budget request required under 32 V.S.A. § 306, an annual report for information technology and cybersecurity. The report shall reflect the priorities of the Agency and shall include:

- (1) performance metrics and trends, including baseline and annual

measurements, for each division of the Agency;

(2) a financial report of revenues and expenditures to date for the current fiscal year;

(3) costs avoided or saved as a result of technology optimization for the previous fiscal year;

(4) an outline summary of information, including scope, schedule, budget, and status for information technology projects with total costs of \$500,000.00 or greater;

(5) an annual update to the strategic plan prepared pursuant to subsection (c) of this section;

(6) a summary of independent reviews as required by subsection (d) of this section; and

(7) the Agency budget submission; and

(8) a report on the expenditures of the Technology Modernization Special Fund, a list of projects receiving funding from the Fund in the prior fiscal year, and a list of prioritized recommendations for projects to be funded from the Fund in the next fiscal year.

* * *

Sec. E.105.1 3 V.S.A. § 3305 is added to read:

§ 3305. TECHNOLOGY MODERNIZATION SPECIAL FUND

(a) Creation. There is created the Technology Modernization Special Fund, to be administered by the Agency of Digital Services. Monies in the Fund shall be used to purchase, implement, and upgrade technology platforms, systems, and cybersecurity services used by State agencies and departments to carry out their statutory functions.

(b) Funds. The Fund shall consist of:

(1) any amounts transferred or appropriated to it by the General Assembly; and

(2) any interest earned by the Fund.

(c) Fund balance. Any balance remaining at the end of the fiscal year shall remain in the Fund.

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

(e) Priorities. The General Assembly shall prioritize projects to receive monies from the Fund based on recommendations from the Chief Information

Officer submitted pursuant to subsection 3303(a) of this title.

Sec. E.105.2 FISCAL YEAR 2023; TECHNOLOGY MODERNIZATION
SPECIAL FUND; AUTHORIZATIONS

(a) In fiscal 2023, the following expenditures are authorized from the Technology Modernization Special Fund to the projects described in this section:

(1) the sum of \$11,800,000 for Enterprise Resource Planning (ERP) system upgrade of core statewide financial accounting system and integration with the Vermont Department of Labor and the Agency of Transportation financial systems;

(2) the sum of \$1,800,000 for continued implementation of the Workplace Information Management System for property management at the Department of Buildings and General Services;

(3) the sum of \$960,000 for the Fire Safety System Modernization to replace the current technology with a modern platform to improve records management and public interaction functionalities related to permitting and licensing; and

(4) the sum of \$2,200,000 for a case management system at the Office of the Attorney General.

(b) The expenditures authorized in subdivision (a)(1) of this section shall only be released following approval by the Joint Information Technology Oversight Committee upon a review of the following documentation as provided by the Agency of Digital Services, the Agency of Administration, and the Joint Fiscal Office's IT consultant:

(1) adequacy of departmental readiness;

(2) the responsiveness of requests for proposals; and

(3) results of the independent review.

Sec. E.106 EXECUTIVE BRANCH FEES AND FUND DEFICITS;
PROPOSED INCREASES AND FOREGONE REVENUE;
REPORT

(a) According to the report submitted by the Commissioner of Finance and Management pursuant to 2021 Acts and Resolves No. 74, Sec. E.106, \$22,000,000 in revenue was foregone in one fiscal year due to lack of inflationary increases in certain fees, including Agency of Transportation fees.

(b) On or before November 15, 2022, the Commissioner of Finance and Management shall submit an inventory of all existing fees within State

government to the Joint Fiscal Committee in Excel format. This inventory shall include all fees collected by the Executive Branch, the Attorney General, and the State Treasurer, as well as fees collected by the Judicial Branch. For fees within the Judicial Branch, the Commissioner shall have the assistance of the State Court Administrator. The fee inventory shall contain the following information for each fee in existence on the preceding July 1:

- (1) the statutory authorization and termination date if any;
- (2) its current rate or amount and the date this was last set or adjusted by the General Assembly or by the Joint Fiscal Committee;
- (3) the fund into which its revenues are deposited;
- (4) the revenues derived from it in each of the two previous fiscal years and an estimate of what will be collected in the current fiscal year; and
- (5) in the case of licensing and registration fees, whether the fee is collected annually, biennially, or on some other set time frame.

(c) On or before November 15, 2022, the Secretary of State shall submit an inventory of its existing fees to the Joint Fiscal Committee in Excel format. The fee inventory shall contain the following information for each fee in existence on the preceding July 1:

- (1) the statutory authorization and termination date if any;
- (2) its current rate or amount and the date this was last set or adjusted by the General Assembly or by the Joint Fiscal Committee;
- (3) the fund into which its revenues are deposited;
- (4) the revenues derived from it in each of the two previous fiscal years and an estimate of what will be collected in the current fiscal year; and
- (5) in the case of licensing and registration fees, whether the fee is collected annually, biennially, or on some other set time frame.

(d) On or before November 15, 2022, the Commissioner of Finance and Management shall provide a list of all funds to the Joint Fiscal Committee for which one or both of the following conditions are true:

(A) the fund was in a deficit at the end of the most recent fiscal year or is expected to be in a deficit at the end of the current fiscal year; or

(B) general funds were needed in any of the last three years to address a fund deficit or to support the related operating costs of programs supported by the fund.

(e) On or before January 15, 2023, the Commissioner of Finance and Management shall submit a report to the General Assembly that provides a list

of programs by department where the fees do not fully cover the cost of providing the service or regulatory function.

Sec. E.106.1 32 V.S.A. § 1001b is added to read:

§ 1001b. CAPITAL EXPENDITURE CASH FUND

(a) Creation. There is hereby created the Capital Expenditure Cash Fund to be administered by the Commissioner of Finance and Management, in consultation with the State Treasurer, for the purpose of using general funds to defray the costs of future capital expenditures that would otherwise be paid for using the State's general obligation bonding authority and debt service obligations.

(b) Fund. The Fund may consist of:

(1) any appropriations or transfers made by the General Assembly; and

(2) any interest earned by the Fund.

(c) Use of funds. Monies in the Fund shall only be used for:

(1) costs associated with a proposed capital project that occur prior to the construction phase of that project, including feasibility, planning, design, and engineering and architectural costs;

(2) projects with an anticipated lifespan of less than 20 years;

(3) costs associated with the early redemption of general obligation bonds; and

(4) other eligible capital projects receiving an appropriation from the General Assembly.

(d) Fund balance. All balances in the Fund at the end of any fiscal year shall be carried forward and remain part of the Fund.

(e) Early redemption transfer. If any expenditures are made from the Fund or the General Assembly appropriates general funds to pay for the early redemption of general obligation bonds pursuant to subdivision (c)(3) of this section, then an amount equal to the reduction in debt service required in any fiscal year resulting from that redemption shall be transferred to the Fund.

Sec. E.106.2 CAPITAL EXPENDITURE CASH FUND; ANALYSIS

(a) The Commissioner of Finance and Management, in consultation with the Joint Fiscal Office and the State Treasurer, shall analyze and make recommendations on:

(1) a dedicated revenue source or State fiscal capacity to fund the Capital Expenditure Cash Fund; and

(2) for any revenue source or State fiscal capacity identified in subdivision (1) of this subsection, an analysis of the benefits and costs of dedicating this revenue source to the Capital Expenditure Cash Fund in comparison to other identified unfunded State fiscal pressures.

(b) On or before January 15, 2023, the Commissioner of Finance and Management shall submit any recommendations to the House Committees on Appropriations and on Corrections and Institutions and the Senate Committees on Appropriations and on Institutions.

Sec. E.107 CORONAVIRUS RELIEF FUND APPROPRIATIONS;
REVERSION AND REALLOCATION; REPORTS

(a) From July 1, 2022 through September 30, 2022, the Commissioner of Finance and Management is authorized to revert all unobligated Coronavirus Relief Fund (CRF) appropriations and allocate the monies for expenditure pursuant to 32 V.S.A. § 511 to any agency or department for CRF-eligible costs incurred from March 1, 2020 through December 31, 2021.

(b) The Commissioner of Finance and Management shall report at the September meeting of the Joint Fiscal Committee on final CRF activity and if any monies will be returned to the federal government.

Sec. E.126 TRANSFER OF FUNDS WITHIN LEGISLATIVE BRANCH

(a) Notwithstanding 32 V.S.A. § 706, in fiscal year 2023, appropriations within the Legislative Branch may be transferred between respective offices to ensure a balanced close-out in the fiscal year.

Sec. E.126.1 DECARBONIZATION OF PUBLIC PENSION FUNDS; JOINT
PUBLIC PENSION OVERSIGHT COMMITTEE; REPORT

(a) Study. The Joint Public Pension Oversight Committee shall, in consultation with the State Treasurer, the Chair of the Vermont Pension Investment Commission, and any interested stakeholders with investment and environmental expertise, develop a strategy and timeline for the policies of the State to decarbonize the investments of the Vermont State Employees' Retirement System, the State Teachers' Retirement System, and the Municipal Employees' Retirement System. The strategy and timeline developed by the Committee shall be in accordance with sound investment criteria and consistent with the fiduciary obligations of the Retirement Board for the Vermont State Employees' Retirement System, the Board of Trustees for the Vermont Teachers' Retirement System, and the Retirement Board of the Municipal Employees' Retirement System. In developing the strategy and plan, the Committee shall consider the feasibility of different decarbonization strategies, including divestment to the fullest extent possible, and review models used in New York and in other states for decarbonization.

(b) Assistance. The Committee shall have the fiscal assistance of the Vermont Pension Investment Commission to conduct the work described in subsection (a) of this section.

(c) Report. On or before January 15, 2023, the Committee shall submit a report on the strategy and timeline described in subsection (a) of this section to the House and Senate Committees on Government Operations.

Sec. E.128 [Deleted.]

Sec. E.128.1 FARMERS' NIGHT CONCERT SERIES APPROPRIATION

(a) The Office of the Sergeant at Arms is authorized to use not more than \$10,000 from resources available within the General Assembly's budget to provide honoraria to speakers and performing groups who are invited to participate in the 2023 Farmers' Night Concert Series and who are not otherwise sponsored or compensated for their participation.

Sec. E.134 VERMONT MUNICIPAL EMPLOYEES' RETIREMENT
SYSTEM; FISCAL YEARS 2023–2026; RATES

(a) Notwithstanding the provisions of 24 V.S.A. § 5064(b), for the period from July 1, 2022 through June 30, 2023, contributions shall be made by:

(1) Group A members at the rate of 3.5 percent of earnable compensation;

(2) Group B members at the rate of 5.875 percent of earnable compensation;

(3) Group C members at the rate of 11 percent of earnable compensation; and

(4) Group D members at the rate of 12.35 percent of earnable compensation.

(b) Notwithstanding the provisions of 24 V.S.A. § 5064(b), for the period from July 1, 2023 through June 30, 2024, contributions shall be made by:

(1) Group A members at the rate of 3.75 percent of earnable compensation;

(2) Group B members at the rate of 6.125 percent of earnable compensation;

(3) Group C members at the rate of 11.25 percent of earnable compensation; and

(4) Group D members at the rate of 12.6 percent of earnable compensation.

(c) Notwithstanding the provisions of 24 V.S.A. § 5064(b), for the period from July 1, 2024 through June 30, 2025, contributions shall be made by:

- (1) Group A members at the rate of 4 percent of earnable compensation;
- (2) Group B members at the rate of 6.375 percent of earnable compensation;
- (3) Group C members at the rate of 11.5 percent of earnable compensation; and
- (4) Group D members at the rate of 12.85 percent of earnable compensation.

(d) Notwithstanding the provisions of 24 V.S.A. § 5064(b), for the period from July 1, 2025 through June 30, 2026, contributions shall be made by:

- (1) Group A members at the rate of 4.25 percent of earnable compensation;
- (2) Group B members at the rate of 6.625 percent of earnable compensation;
- (3) Group C members at the rate of 11.75 percent of earnable compensation; and
- (4) Group D members at the rate of 13.1 percent of earnable compensation.

Sec. E.134.1 3 V.S.A. § 522 is amended to read:

§ 522. VERMONT PENSION INVESTMENT COMMISSION

* * *

(i) Assistance and expenses.

~~(1) The Commission shall have the administrative and technical support of the Office of the State Treasurer.~~

(2) The Commission may collect proportionally from the funds of the three retirement systems and any individual municipalities that have been allowed to invest their retirement funds pursuant to subsection 523(a) of this title, any expenses incurred that are associated with carrying out its duties, and any expenses incurred by the Treasurer's office in support of the Commission.

~~(3)(2)~~ The Attorney General shall serve as legal advisor to the Commission.

Sec. E. 134.2 3 V.S.A. § 524 is added to read:

§ 524. VERMONT PENSION INVESTMENT COMMISSION SPECIAL FUND

(a) Creation. There is hereby created the Vermont Pension Investment Commission Special Fund, administered by the Vermont Pension Investment Commission, for the purpose of receiving funds transferred to the Commission pursuant to subsection 523(i) of this title. Monies in the Fund shall be used to pay expenses associated with carrying out the Commission's duties.

(b) Funds. The Fund shall consist of:

(1) any amounts collected and transferred by the three retirement systems and any individual municipalities that have been allowed to invest their retirement funds pursuant to subsection 523(a) of this title;

(2) any amounts transferred or appropriated to it by the General Assembly; and

(3) any interest earned by the Fund.

Sec. E.134.3 VERMONT PENSION INVESTMENT COMMISSION;
SOURCE OF FUNDS

(a) The funds appropriated in Sec. B.134.1 of this act are costs to the State's pension funds and have been considered in each pension systems' actuarial valuations but have not been included in the funds appropriated in Secs. B.133, B.134, and B.514.1 of this act.

(b) The funds appropriated from the pension systems for administrative costs in Secs. B.133, B.134, and B.514.1 of this act are intended to provide spending authority needed to transfer funds from the State's pension systems to the Treasurers Retirement Admin Costs fund (21520) to cover the portion of the Treasurer's budget attributable to the State's pension systems.

Sec. E.134.4 MEMBERSHIP TRANSFER OF CERTAIN SHERIFF
DEPARTMENT EMPLOYEES; COSTS; MUNICIPAL
EMPLOYEES' RETIREMENT SYSTEM; STATE
TREASURER; REPORT

(a) The State Treasurer, in consultation with the Joint Pension Oversight Committee shall, with assistance of actuarial analysis, determine the costs associated with transferring the membership of:

(1) certified law enforcement officials employed by county sheriff departments from Group F in the Vermont State Employees' Retirement System to a Group D membership in the Vermont Municipal Employees' Retirement System; and

(2) support staff employed by county sheriff departments from Group F in the Vermont State Employees' Retirement System to Group A, B, or C in the Vermont Municipal Employees' Retirement System.

(b) On or before October 1, 2022, the State Treasurer shall submit a report to the House Committees on Appropriations and on Government Operations and the Senate Committees on Appropriations and on Government Operations that includes the results of the study described in subsection (a) of this section. The report shall include an inventory of all employees, as of a specified date, for each county sheriff department with the current enrollment status of each employee in a State or municipal pension system by group; or if the employee is not enrolled in a State or municipal pension system; or is enrolled in another retirement system.

Sec. E.136.1 2017 Acts and Resolves No. 79, Sec. 13, as amended by 2020 Acts and Resolves No. 120, Sec. A.8, and 2021 Acts and Resolves No. 44, Sec. 2, is further amended to read:

Sec. 13. STATE ETHICS COMMISSION FUNDING SOURCE
SURCHARGE; REPEAL

(a) Surcharge.

(1) Notwithstanding the provisions of 3 V.S.A. § 2283(c) setting forth the purpose and rate of charges collected in the Human Resource Services Internal Service Fund, in fiscal year 2018 and thereafter, a surcharge of up to 2.3 percent, but no greater than the cost of the activities of the State Ethics Commission set forth in Sec. 7 of this act, on the per-position portion of the charges authorized in 3 V.S.A. § 2283(c)(2) shall be assessed to all Executive Branch agencies, departments, and offices and shall be paid by all assessed entities solely with State funds.

(2) The amount collected shall be accounted for within the Human Resource Services Internal Service Fund and used solely for the purposes of funding the activities of the State Ethics Commission set forth in Sec. 7 of this act.

(b) Repeal. This section shall be repealed on ~~July 1, 2022~~ July 1, 2025.

Sec. E.139 GRAND LIST LITIGATION ASSISTANCE

(a) Of the funds appropriated in Sec. B.139 of this act, \$9,000 shall be transferred to the Attorney General and \$70,000 shall be transferred to the Department of Taxes, Division of Property Valuation and Review and reserved and used with any remaining funds from the amount previously transferred for final payment of expenses incurred by the Department or towns in defense of grand list appeals regarding the reappraisals of the hydroelectric plants and

expenses incurred to undertake complex commercial and utility property appraisals conducted by the Department to aid town valuations.

Sec. E.142 PAYMENTS IN LIEU OF TAXES

(a) This appropriation is for State payments in lieu of property taxes under 32 V.S.A. chapter 123, subchapter 4, and the payments shall be calculated in addition to and without regard to the appropriations for PILOT for Montpelier and for correctional facilities elsewhere in this act. Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

(b) Notwithstanding subsection (a) of this section, the payments under this section shall be adjusted so that the total payments made under Secs. E.142, E.143, and E.144 do not exceed 100 percent of the assessed value of State buildings defined by 32 V.S.A. § 3701(2).

Sec. E.143 PAYMENTS IN LIEU OF TAXES – MONTPELIER

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E.144 PAYMENTS IN LIEU OF TAXES – CORRECTIONAL FACILITIES

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

* * * Protection to Persons and Property * * *

Sec. E.200 ATTORNEY GENERAL

(a) Notwithstanding any other provisions of law, the Office of the Attorney General, Medicaid Fraud and Residential Abuse Unit, is authorized to retain, subject to appropriation, one-half of the State share of any recoveries from Medicaid fraud settlements, excluding interest, that exceed the State share of restitution to the Medicaid Program. All such designated additional recoveries retained shall be used to finance Medicaid Fraud and Residential Abuse Unit activities.

(b) Of the revenue available to the Attorney General under 9 V.S.A. § 2458(b)(4), \$1,545,393 is appropriated in Sec. B.200 of this act.

Sec. E.203 [Deleted.]

Sec. E.205 24 V.S.A. § 290 is amended to read:

§ 290. COUNTY SHERIFF'S DEPARTMENT

* * *

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

* * *

Sec. E.205.1 32 V.S.A. § 1591(2) is amended to read:

(2) For the transportation and care of prisoners, juveniles, and patients with a mental condition or psychiatric disability:

(A) For necessary assistance in arresting or transporting prisoners, juveniles, or persons with mental illness, ~~the sum of \$18.00 per hour~~ State's Attorneys and Sheriffs Executive Director shall annually set the per hour chargeable rate for each deputy sheriff or assistant so required if the to assist in the transport. The Executive Director shall consult with the Sheriffs Association before setting the per hour chargeable rate. The sheriff or constable makes oath that the deputy sheriff, assistant, or assistants were required, giving the name of the assistant or assistants if there were more than one; provided, however, a full-time law enforcement officer shall provide the documentation required by the Department. The deputy sheriff or assistant shall not receive compensation under this subsection if otherwise compensated from any other funding source for the same hours during which such

~~transportation is performed. In addition to the rate established the sheriffs' department shall be reimbursed for the costs of the employers' contribution to Social Security and workers' compensation insurance attributable to services provided under this section. Reimbursement shall be calculated on an hourly basis; the sheriff's department shall also be reimbursed for the costs of employer contributions for unemployment compensation, when a claim is filed and the percentage owed from the sheriff's department to the State can be accounted for under this section.~~

* * *

Sec. E.208 PUBLIC SAFETY – ADMINISTRATION

(a) The Commissioner of Public Safety is authorized to enter into a performance-based contract with the Essex County Sheriff's Department to provide law enforcement service activities agreed upon by both the Commissioner of Public Safety and the Sheriff.

Sec. E.209 PUBLIC SAFETY – STATE POLICE

(a) Of the General Fund appropriation in Sec. B.209, \$35,000 shall be available to the Southern Vermont Wilderness Search and Rescue Team, which comprises State Police, the Department of Fish and Wildlife, county sheriffs, and local law enforcement personnel in Bennington, Windham, and Windsor Counties, for snowmobile enforcement.

(b) Of the General Fund appropriation in Sec. B.209, \$405,000 is allocated for grants in support of the Drug Task Force. Of this amount, \$190,000 shall be used by the Vermont Drug Task Force to fund three town task force officers. These town task force officers shall be dedicated to enforcement efforts with respect to both regulated drugs as defined in 18 V.S.A. § 4201(29) and the diversion of legal prescription drugs. Any unobligated funds may be allocated by the Commissioner to fund the work of the Drug Task Force or carried forward.

Sec. E.209.1 PUBLIC SAFETY – VERMONT STATE POLICE; DISPATCH WORKING GROUP; TRANSITION PROPOSAL; REPORT

(a) Creation. The Commissioner of the Department of Public Safety shall convene a working group on the new regional dispatch model. The task force shall provide a written report to the Governor and the General Assembly on or before December 1, 2022. The report shall include recommendations on:

(1) The long-term funding model for regional dispatch that fairly assesses costs statewide; and

(2) The estimated timeline and transition funding needed as new regional dispatch centers come on line and local dispatch services are

transitioned away from state operated facilities.

(b) Membership. The working group shall be composed of the following members:

(1) one representative of the Vermont State Police, selected by the Commissioner of Public Safety;

(2) two representatives of local legislative bodies, selected by the Vermont League of Cities and Towns, one of which utilizes a State-dispatch center and one of which utilizes an existing regional or local dispatch center;

(3) one representative of an existing local or regional dispatch center, selected by the Vermont League of Cities and Towns;

(4) two police chiefs, selected by the Vermont Police Chiefs Association, one of whom utilizes a State-dispatch center and one of whom utilizes an existing regional or local dispatch center;

(5) one emergency medical responder, selected by the Vermont EMS Advisory Committee;

(6) one firefighter, selected by the Vermont State Firefighters Association;

(7) one sheriff, selected by the Vermont Sheriffs Association; and

(8) one representative of the Enhanced 911 Board, selected by the Board Chair.

(c) Powers and Duties. The working group shall:

(1) Consider and document how current dispatch services are provided statewide and the various methods of funding that exist to cover the cost of dispatch services. This shall include detail by town and or by emergency service provider. This analysis shall identify any funding inequities that exist in the current system between those entities paying for services using local funds and those entities receiving dispatch services provide by the State without cost. The analysis of current costs and payments flows for dispatch services shall be compared to the projected costs and payment flows under the new regional dispatch model. This analysis shall also estimate how first responder entities dispatched though the new regional system may be financially impacted in the transition to the new regional system.

(2) Identify a transitional timeline and the tasks to be completed within that timeline for transitioning to the new regional dispatch model.

(3) Identify any State resources that may become available once the new dispatch system is fully operational and recommend if and how such resources

should be distributed to equitably reduce local costs.

(4) Identify any other ongoing sources of statewide revenue to be dedicated to statewide emergency response communications to equitably reduce local costs.

(d) Meetings.

(1) The Commissioner of Public Safety or designee shall call the first meeting of the working group.

(2) The working group shall determine its chair from among the members of the working group.

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

(e) Assistance. The working group shall have the administrative, technical, and legal assistance of the Department of Public Safety.

Sec. E.212 PUBLIC SAFETY – FIRE SAFETY

(a) Of the funds appropriated in Sec. B.212 of this act, \$55,000 shall be granted to the Vermont Rural Fire Protection Task Force for the purpose of designing dry hydrants.

Sec. E.215 MILITARY – ADMINISTRATION

(a) The amount of \$1,319,834 shall be disbursed to the Vermont Student Assistance Corporation for the National Guard Tuition Benefit Program established in 16 V.S.A. § 2857.

Sec. E.219 MILITARY – VETERANS' AFFAIRS

(a) Of the funds appropriated in Sec. B.219 of this act, \$1,000 shall be used for continuation of the Vermont Medal Program, \$4,800 shall be used for the expenses of the Governor's Veterans' Advisory Council, \$7,500 shall be used for the Veterans' Day parade, and \$10,000 shall be granted to the American Legion for the Boys' State and Girls' State programs.

Sec. E.222 NEW FARMER PROGRAM COORDINATION

(a) The Secretary of Agriculture shall, in consultation with the Vermont Housing Conservation Board, inventory the programs available to assist new farmers beginning operations in the State. On or before January 15, 2023, the Secretary shall provide a report to the House and Senate Committees on Agriculture on the degree of coordination across these programs. This shall include recommendations for improvement or change in operations and coordination that would benefit new farmers experience in seeking assistance.

Sec. E.232 [Deleted.]

Sec. E.233 30 V.S.A. § 8083(b)(6) is amended to read:

(6) upon approval by the General Assembly, up to \$1,500,000.00 annually to fund the operational expenses of the Board and the Department to the extent the Department's expenses support the work of the Board.

Sec. E.233.1 VERMONT COMMUNITY BROADBAND BOARD;
OPERATIONAL EXPENSES; ANNUAL BUDGET

(a) On or before December 1, 2022, the Vermont Community Broadband Board shall submit to the Governor and the General Assembly a proposed budget for its operational expenses for fiscal year 2023 for inclusion in the fiscal year 2023 budget adjustment act.

(b) On or before January 15, 2023, the Vermont Community Broadband Board shall submit to the Governor and the General Assembly a proposed budget for its operational expenses in fiscal year 2024 for inclusion in the Governor's recommended fiscal year 2024 appropriations for the support of government.

(c) In preparing a proposed budget for its operational expenses, the Vermont Community Broadband Board shall maximize first the use of any federal funds in the Vermont Community Broadband Fund that are available for administrative costs, and then shall draw upon monies transferred to the Vermont Community Broadband Fund pursuant to 30 V.S.A. § 7523(b).

Sec. E.233.2 VERMONT COMMUNITY BROADBAND BOARD

(a) In fiscal year 2023 there is appropriated to the Vermont Community Broadband Board a total of \$1,500,000 from special funds to operate the Board. The intent of this section is to provide the necessary spending authority to the Board to operate in fiscal year 2023 until a new line-item budget is included in the budget adjustment for fiscal year 2023 pursuant to Sec. 233.1. of this act.

Sec. E.233.3 MUNICIPAL FUNDS FOR BROADBAND

(a) Notwithstanding any other provision of law to the contrary, a municipality may accept and finance broadband projects with funds received from the American Rescue Plan Act of 2021, Pub. L. 117-2, including funds received as lost revenue.

Sec. E.240 CANNABIS CONTROL BOARD

(a) The funds appropriated for the Cannabis Control Board in Sec. B.240 of this act include one-time special funds of \$703,432 to support phase two of the license application and seed to sale tracking information technology system.

* * * Cannabis Regulation Fund;
Cannabis Excise Tax Revenue in Fiscal Years 2023–2025 * * *

Sec. E.240.1 7 V.S.A. § 845 is amended to read:

§ 845. CANNABIS REGULATION FUND

(a) There is established the Cannabis Regulation Fund, which shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. The Fund shall be maintained by the Cannabis Control Board.

(b) The Fund shall be composed of:

(1) all State application fees, annual license fees, renewal fees, and civil penalties collected by the Board pursuant to chapters 33 (cannabis establishments) and 37 (medical cannabis dispensaries) of this title; ~~and~~

(2) all annual and renewal fees collected by the Board pursuant to chapter 35 (medical cannabis registry) of this title; and

(3) all cannabis excise tax revenue raised pursuant to 32 V.S.A. § 7902.

(c) Monies from the Fund shall only be appropriated for the purposes of implementation, administration, and enforcement of this chapter and chapter 33 of this title.

(d) The Commissioner of Finance and Management shall do the following not later than July 31 each year:

(1) transfer the unexpended and unobligated balance of the Cannabis Regulation Fund to the General Fund at the close of the prior fiscal year; and

(2) report the amount of the transfer made pursuant to subdivision (1) of this subsection to the Joint Fiscal Committee.

Sec. E.240.2 32 V.S.A. § 7909 is amended to read:

§ 7909. SUBSTANCE MISUSE PREVENTION FUNDING

(a) ~~Thirty percent of the revenues raised by the cannabis excise tax imposed by section 7902 of this title~~ unexpended and unobligated balance of the Cannabis Regulation Fund that is transferred to the General Fund pursuant to 7 V.S.A. § 845(d)(1), not to exceed \$10,000,000.00 per fiscal year, shall be used to fund substance misuse prevention programming in the subsequent fiscal year.

* * *

Sec. E.240.3. REPEAL

(a) 2020 Acts and Resolves No. 164, Sec. 6c (contingent Cannabis Regulation Fund deficit offset) is repealed.

Sec. E.240.4 2020 Acts and Resolves No. 164, Sec. 33(h) is amended to read:

(h) ~~Sec. 6e (contingent Cannabis Regulation Fund deficit offset) shall take effect on July 1, 2024. [Repealed.]~~

* * * Cannabis Excise Tax Revenue Starting in Fiscal Year 2025 * * *

Sec. E.240.5. 7 V.S.A. § 845 is amended to read:

§ 845. CANNABIS REGULATION FUND

(a) There is established the Cannabis Regulation Fund, which shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. The Fund shall be maintained by the Cannabis Control Board.

(b) The Fund shall be composed of:

(1) all State application fees, annual license fees, renewal fees, and civil penalties collected by the Board pursuant to chapters 33 (cannabis establishments) and 37 (medical cannabis dispensaries) of this title; and

(2) all annual and renewal fees collected by the Board pursuant to chapter 35 (medical cannabis registry) of this title; and.

(3) ~~all cannabis excise tax revenue raised pursuant to 32 V.S.A. § 7902. [Repealed.]~~

(c) Monies from the Fund shall only be appropriated for the purposes of implementation, administration, and enforcement of this chapter and chapter 33 of this title.

(d) ~~The Commissioner of Finance and Management shall do the following not later than July 31 each year:~~

~~(1) transfer the unexpended and unobligated balance of the Cannabis Regulation Fund to the General Fund at the close of the prior fiscal year; and~~

~~(2) report the amount of the transfer made pursuant to subdivision (1) of this subsection to the Joint Fiscal Committee. [Repealed.]~~

Sec. E.240.6. 32 V.S.A. § 7909(a) is amended to read:

(a) Thirty percent of the revenues raised by the cannabis excise tax imposed by section 7902 of this title ~~unexpended and unobligated balance of the Cannabis Regulation Fund that is transferred to the General Fund pursuant to 7 V.S.A. § 845(d)(1),~~ not to exceed \$10,000,000.00 per fiscal year, shall be used to fund substance misuse prevention programming in the subsequent fiscal year.

Sec. E.240.7 TRANSFER IN JULY 2025

(a) Notwithstanding any provision of law to the contrary, the

Commissioner of Finance and Management shall do the following not later than July 31, 2025:

(1) transfer the unexpended and unobligated balance of the Cannabis Regulation Fund to the General Fund at the close of the 2024 fiscal year; and

(2) report the amount of the transfer made pursuant to subdivision (1) of this section to the Joint Fiscal Committee.

* * * Human Services * * *

Sec. E.300 FUNDING FOR THE OFFICE OF THE HEALTH CARE
ADVOCATE

(a) Of the funds appropriated in Sec. B.300 of this act, \$1,847,406 shall be used for the contract with the Office of the Health Care Advocate.

Sec. E.300.1 PRIVATE NONMEDICAL INSTITUTIONS; COSTS

(a) On or before September 1, 2022, the Agency of Human Services shall report to Joint Fiscal Committee on a plan to address costs associated with contract staffing for private Nonmedical institutions. The plan shall include a timeline to address the rate setting process for future ongoing base costs starting in State fiscal year 2023.

Sec. E.301 SECRETARY'S OFFICE – GLOBAL COMMITMENT:

(a) The Agency of Human Services (AHS) shall use the funds appropriated in this section for payment of the actuarially certified premium required under the intergovernmental agreement between the Agency of Human Services and the managed care entity, the Department of Vermont Health Access, as provided for in the Global Commitment for Health Waiver (Global Commitment) approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

(b) In addition to the State funds appropriated in this section, a total estimated sum of \$25,231,644 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) \$22,230,100 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with \$28,269,900 of federal funds appropriated in Sec. B.301 of this act equals a total estimated expenditure of \$50,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be transferred from the Global Commitment Fund to the Medicaid Reimbursement Special Fund created in 16 V.S.A. § 2959a.

(2) \$3,001,544 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

(c) Up to \$4,034,170 is transferred from the AHS Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with the amount appropriated in Sec. B.301 – Secretary’s Office – Global Commitment of this act.

Sec. E.301.1 GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER; REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2023, the Secretary of Human Services, with approval from the Secretary of Administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside the Agency of Human Services. At least three business days prior to any transfer, the Agency shall submit to the Joint Fiscal Office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the Joint Fiscal Committee for review at the September 2023 meeting. The purpose of this section is to provide the Agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

Sec. E.301.2 GLOBAL COMMITMENT WAIVER AMENDMENT

(a) The Secretary of Human Services is authorized to seek to extend or renew Vermont’s Global Commitment to Health Section 1115 Demonstration Waiver, which is currently set to expire on June 30, 2022. The Agency of Human Services shall strive to maintain or increase the State’s flexibility to use Global Commitment investment dollars to increase access to care and coverage, improve health outcomes, strengthen health care delivery, and promote transformation to value-based and integrated models of care.

Sec. E.301.3 PROVIDER RATE INCREASES

(a) Recipients of any increased rates under Secs.B.314 and B.333 of this act shall be transparent in the use of these funds through timely and accurate reporting as defined by the State, including complying with specific performance measures using existing data collected by providers to assure accountability to the clients and the system of care.

Sec. E.306 VERMONT HEALTH BENEFIT EXCHANGE RULES

(a) The Agency of Human Services may adopt rules pursuant to 3 V.S.A.

chapter 25 to conform Vermont's rules regarding health care eligibility and enrollment and the operation of the Vermont Health Benefit Exchange to state and federal law and guidance. The Agency may use the emergency rules process pursuant to 3 V.S.A. § 844 prior to June 30, 2023, but only in the event that new state or federal law or guidance require Vermont to amend or adopt its rules in a time frame that cannot be accomplished under the traditional rulemaking process. An emergency rule adopted under these exigent circumstances shall be deemed to meet the standard for the adoption of emergency rules required pursuant to 3 V.S.A. § 844(a).

Sec. E.306.1 [Deleted.]

Sec. E.312 HEALTH – PUBLIC HEALTH

(a) AIDS/HIV funding.

(1) In fiscal year 2023 and as provided in this section, the Department of Health shall provide grants in the amount of \$475,000 in AIDS Medication Rebates special funds to the Vermont AIDS service and peer-support organizations for client-based support services. The Department of Health AIDS Program shall meet at least quarterly with the Community Advisory Group (CAG) with current information and data relating to service initiatives. The funds shall be allocated according to an RFP process.

(2) In fiscal year 2023 and as provided in this section, the Department of Health shall provide grants in the amount of \$295,000 to the following organizations:

(A) Vermont CARES - \$140,000;

(B) AIDS Project of Southern Vermont - \$100,000; and

(C) HIV/HCV Resource Center - \$55,000.

(3) Ryan White Title II funds for AIDS services and the Vermont Medication Assistance Program (VMAP) shall be distributed in accordance with federal guidelines. The federal guidelines shall not apply to programs or services funded solely by State general funds.

(A) The Secretary of Human Services shall immediately notify the Joint Fiscal Committee if at any time there are insufficient funds in VMAP to assist all eligible individuals. The Secretary shall work in collaboration with persons living with HIV/AIDS to develop a plan to continue access to VMAP medications until such time as the General Assembly can take action.

(B) As provided in this section, the Secretary of Human Services shall work in collaboration with the VMAP Advisory Committee, which shall be composed of not less than 50 percent of members who are living with

HIV/AIDS. If a modification to the program's eligibility requirements or benefit coverage is considered, the Committee shall make recommendations regarding the program's formulary of approved medication, related laboratory testing, nutritional supplements, and eligibility for the program.

(4) In fiscal year 2023, the Department of Health shall provide grants in the amount of \$100,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for community-based HIV prevention programs and services. These funds shall be used for HIV/AIDS prevention purposes, including syringe exchange programs; improving the availability of confidential and anonymous HIV testing; prevention work with at-risk groups such as women, intravenous drug users, and people of color; and anti-stigma campaigns. Not more than 15 percent of the funds may be used for the administration of such services by the recipients of these funds. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health and the Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers.

(5) In fiscal year 2023, the Department of Health shall provide grants in the amount of \$150,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for syringe exchange programs. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health, the Vermont AIDS service organizations, and other Vermont HIV/AIDS prevention providers. The performance period for these grants will be State fiscal year 2023. Grant reporting shall include outcomes and results.

(6) In fiscal year 2023, the Department of Health shall not reduce any grants to the Vermont AIDS service and peer-support organizations or syringe service programs without receiving prior approval from the Joint Fiscal Committee.

Sec. E.313 REPORT, PUBLIC INEBRIATE AND SOBER BED PROGRAMMING

(a) The new alcohol and drug abuse program beds funded through Sec. B.313 of this act shall be used to treat public inebriates instead of having these individuals held by the Department of Corrections. On or before January 15, 2023, the Department of Health, in consultation with the Chief Prevention Officer, Vermont Care Partners, the Vermont Association for Mental Health and Addiction Recovery, and the Vermont Alliance for Recovery Residences, shall submit a written report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare examining whether there is excess bed capacity among

those programs designated for use by public inebriates. If the Department determines that there is excess capacity, the report shall include a plan to make efficient use of the excess capacity, including possibly redesignating beds for alternative purposes.

Sec. E.314 DEPARTMENT OF MENTAL HEALTH; MOBILE CRISIS
OUTREACH SERVICES

(a) The Department of Mental Health shall build an urgent care model for mental health by expanding mobile outreach services based on the Department's analysis of statewide mobile crisis services and gaps pursuant to its State Planning Grant from the Centers for Medicare and Medicaid Services. The urgent care model shall address geographic gaps and the regions of the State in which the lack of mobile outreach is most directly driving unnecessary emergency department visits or unnecessary law enforcement responses.

(b) The new mobile outreach services shall:

(1) be based on evidence-based and trauma-informed practices, including using peer support staff;

(2) be developed in conjunction with the continuum of urgent care response related to the new 9-8-8 suicide prevention line; and

(3) comply with federal requirements as needed to qualify for three years of federal financial participation at an enhanced 85 percent federal match rate.

(c) The Department, in coordination with the Agency of Human Services Secretary's Office, Department of Vermont Health Access and the Department of Financial Regulation, shall develop a sustainability plan to ensure that the services will continue to be available after expiration of the enhanced federal match rate.

(d) On or before January 15, 2023, the Department shall provide a status report on:

(1) the experience of the Rutland pilot project which includes the number of Vermonters served by this pilot through 2022, as well as a description of the evaluation of the operating model of the pilot since it was launched to date; and

(2) the status of expansion of the urgent care model for mental health by expanding mobile outreach services funded in fiscal year 2023, including grants issued to date, operating status of the programs provided funding, and number of Vermonters served in 2022.

Sec. E.314.1 DEPARTMENT OF MENTAL HEALTH; EMERGENCY
DEPARTMENTS; PATIENT EXPERIENCE OF CARE;
REPORT

(a) On or before January 15, 2023, the Department of Mental Health shall report to the House Committee on Health Care and the Senate Committee on Health and Welfare regarding the progress of the health care system in improving the patient experience of care for individuals encountering lengthy emergency departments waits for admission for inpatient psychiatric treatment. The report shall include an assessment of the services offered to these patients in emergency departments and the extent to which stakeholder input is included in decisions about services and patient care. The report shall include the most recent data pertaining to patient length of stay in emergency departments due to a lack of appropriate alternative mental health level 1 or step-down bed placements, and any changes anticipated in the inventory of level 1 or step-down beds system wide.

Sec. E.314.2 29 V.S.A. § 821 is amended to read:

§ 821. STATE FACILITIES

(a) State buildings.

* * *

(15) “River Valley Therapeutic Residence” shall be the name of the secure residential recovery facility in Essex.

* * *

Sec. E.316 PARENT CHILD CENTER GRANT

(a) The Department for Children and Families shall, within the administration of the grant for parent child centers and in consultation with the parent child centers, seek to ensure that services are targeted to families most at risk of having young children come into State custody. The shared goal of preventing that outcome, and bringing Vermont’s rate of young children coming into State custody down to a level more consistent with other states experience, shall be reflected in the grant agreement.

Sec. E.317 33 V.S.A. § 5126 is added to read:

§ 5126. PLACEMENT OF A CHILD INTO A QUALIFIED RESIDENTIAL
TREATMENT PROGRAM

(a) Within 60 days of the start of a placement of a child into a qualified residential treatment program by the Commissioner, the Family Division of the Superior Court or the Judicial Master shall review the assessment, determination, and documentation provided by the qualified individual

conducting the assessment required pursuant to 42 U.S.C. § 675a. The court or Judicial Master shall determine whether the needs of the child can be met through placement with family members, in a foster family home, or in another approved setting designed to meet specialized needs. If placement in a setting described above is not appropriate, the court or Judicial Master shall consider whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and whether such a placement is consistent with the short- and long-term goals for the child, as specified in the case plan for the child.

(b) The court or Judicial Master shall approve or disapprove the placement in a qualified residential treatment program based on the factors considered in subsection (a) of this section and make written findings as to the basis for the determination. The decision and findings shall be submitted to the parties.

(c) Nothing in this section shall be construed to limit the Commissioner's authority to place a child who is in the Commissioner's legal custody in a family home or a treatment, rehabilitative, detention, or educational facility or institution as provided in subdivision 5106(4) of this title.

(d) This section shall not apply to children placed in a setting that is intended for the detention of minors.

Sec. E.318 REPEAL

2019 Acts and Resolves No. 72, Sec. E.138.7 is repealed.

Sec. E.318.1 CHILD CARE CAPACITY-BUILDING GRANTS

(a) Of the funds appropriated in Sec. B.318 of this act, \$800,000 is allocated for the purpose of expanding infant and toddler child care capacity.

(b) The Child Development Division shall award grants to eligible applicants. An eligible applicant shall:

(1) be a new or existing regulated, privately owned center-based child care program or family child care home in good regulatory standings;

(2) participate in Child Care Financial Assistance Program (CCFAP);

(3) provide year-round, full day child care and early learning services;

(4) provide child care and early learning services for infants and toddlers; and

(5) participate in the Step Ahead Recognition System (STARS).

(c) Center-based child care program or family child care homes receiving a grant pursuant to this section shall remain in compliance with the Division's

rules, continue participation in STARS, and maintain enrollment of children supported by CCFAP.

Sec. E.318.2 PRE-APPRENTICESHIP PROGRAM IN EARLY
CHILDHOOD EDUCATION: APPROPRIATION

(a) Of the federal funds appropriated in Sec. B.318 of this act to the Department for Children and Families Division of Child Development, \$100,000 shall be transferred to Vermont Department of Labor for the pre-apprenticeship program in Early Childhood Education provided by Vermont Career and Technical Education centers.

(2) \$125,000 shall be sugranted to the Vermont Association for the Education of Young Children to provide grants to students to pursue early childhood educator careers.

Sec. E. 318.3 CHILD DEVELOPMENT DIVISION; STEP AHEAD
RECOGNITION SYSTEM

As part of its fiscal year 2023 budget adjustment presentation to the General Assembly, the Department for Children and Families shall present its proposed policy changes to the Step Ahead Recognition System (STARS) to the House Committee on Human Services and the Senate Committee on Health and Welfare. The Division's presentation shall summarize its proposed changes to STARS, including any anticipated impacts on child care providers and families. Any requested policy changes to STARS and related appropriations requests shall require legislative approval through the budget process pursuant to 32 V.S.A. chapter 7, subchapter 3.

Sec. E.318.4 BRIGHT FUTURES INFORMATION SYSTEM;
MODERNIZATION; CHILD CARE FINANCIAL
ASSISTANCE PROGRAM

(a) On or before January 1, 2024, or six months after both the modernization of the Bright Futures Information System (BFIS) pursuant to 2021 Acts and Resolves No. 45, Sec. 5 and the implementation of the corresponding eligibility changes to the Child Care Financial Assistance Program (CCFAP) pursuant to 2021 Acts and Resolves No. 45, Sec. 2 have taken effect, whichever is first occurring, the Department for Children and Families shall submit a written report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare evaluating the effectiveness of the BFIS modernization project and the CCFAP eligibility changes. The report shall address how implementation of BFIS and CCFAP changes impact the availability and affordability of child care throughout Vermont.

Sec. E.321 [Deleted.]

Sec. E.321.1 [Deleted.]

Sec. E.324 EXPEDITED CRISIS FUEL ASSISTANCE

(a) The Commissioner for Children and Families or designee may authorize crisis fuel assistance to those income-eligible households that have applied for an expedited seasonal fuel benefit but have not yet received it if the benefit cannot be executed in time to prevent them from running out of fuel. The crisis fuel grants authorized pursuant to this section count toward the one crisis fuel grant allowed per household for the winter heating season pursuant to 33 V.S.A. § 2609(b).

Sec. E.325 DEPARTMENT FOR CHILDREN AND FAMILIES – OFFICE
OF ECONOMIC OPPORTUNITY

(a) Of the funds appropriated in Sec. B.325 of this act, \$12,699,440 shall be granted to community agencies for homeless assistance by preserving existing services, increasing services, or increasing resources available statewide. These funds may be granted alone or in conjunction with federal Emergency Solutions Grants funds. Funds shall be administered in consultation with the Vermont Coalition to End Homelessness.

Sec. E. 326 DEPARTMENT FOR CHILDREN AND FAMILIES – OFFICE
OF ECONOMIC OPPORTUNITY – WEATHERIZATION
ASSISTANCE

(a) Of the Special Fund appropriation in Sec. B.326 of this act, \$750,000 is for the replacement and repair of home heating equipment.

Sec. E.329 [Deleted.]

Sec. E.334 ADULT DAY PAYMENT REFORM – ALTERNATIVE
PAYMENT METHODOLOGY – REPORT

(a) On or before January 15, 2023, the Commissioner for Vermont Health Access and the Commissioner of Disabilities, Aging, and Independent Living shall submit a report to the House Committee on Appropriations and the Senate Committee on Appropriations on the status of implementing an alternative payment model for the Adult Day providers. This new payment model should be designed to stabilize the financial well-being of the Adult Day providers.

Sec. E.335 CORRECTIONS APPROPRIATIONS; UNEXPENDED FUNDS
TRANSFER; REPORT

(a) In fiscal year 2023, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer unexpended

funds between the respective appropriations for correctional services; provided, however, that no transfer shall be made from correctional services out-of-state beds. At least three days prior to any such transfer being made, the Secretary of Administration shall report the intended transfer to the Joint Fiscal Office and shall report any completed transfers to the Joint Fiscal Committee at its next scheduled meeting.

(b) In fiscal year 2023, any unexpended funds for correctional services out-of-state beds shall be carried forward to fiscal year 2023, and the amount reported to the Joint Legislative Justice Oversight Committee in September 2022, to support community-based service programs. Funds may only be expended on community-based service programs upon approval of the Joint Legislative Justice Oversight Committee.

(c) Any funds expended on community-based service programs pursuant to subsection (b) of this section shall be included in the subsequent year Department of Corrections budget for the same purpose at the same amount.

Sec. E.335.1 [Deleted]

Sec. E.335.2 28 V.S.A. § 125 is added to read:

§ 125. JUSTICE REINVESTMENT II INITIATIVES; REPORT

(a) On or before January 15 each year, the Commissioner of Corrections shall submit a report to the House Committees on Appropriations and on Corrections and Institutions and the Senate Committees on Appropriations and on Judiciary with:

(1) a breakdown and description of General Fund expenditures for the following Justice Reinvestment II initiatives to date:

(A) Department of Corrections funding for domestic violence intervention programming;

(B) Department of Corrections funding for transitional housing capacity;

(C) funding for the Department of Correction's data collection Offender Management System;

(D) any funding in the Department of Mental Health for community-based mental health and substance use services for individuals under Department of Corrections supervision; and

(E) any funding provided to court diversion and restorative justice programs, and any Justice Reinvestment II funding, shall be reported in context of other baseline funding sources provided to these programs.

(2) A description of any other General Fund expenditures for Justice Reinvestment II initiatives not described in subdivision (1) of this subsection to date.

(3) The annual budget shall include the total amount requested for any proposed expenditures by the Department of Corrections for Justice Reinvestment II initiatives supporting community-based programs.

(b) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. E.338 CORRECTIONS – CORRECTIONAL SERVICES

(a) Notwithstanding 32 V.S.A. § 3709(a), the special funds appropriation of \$152,000 for the supplemental facility payments to Newport and Springfield shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E.345 [Deleted.]

* * * Labor * * *

Sec. E.400 [Deleted.]

Sec. E.400.1 [Deleted.]

* * * K–12 Education * * *

Sec. E.500 EDUCATION – FINANCE AND ADMINISTRATION

(a) The Global Commitment funds appropriated in this section shall be used for physician claims for determining medical necessity of Individualized Education Programs (IEPs). These services are intended to increase access to quality health care for uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.500.1 2021 Acts and Resolves No. 66, Sec. 14 is amended to read:

Sec. 14. FINDINGS AND PURPOSE

(a) Sec. E.500.1 of 2018 (Sp. Sess.) Acts and Resolves No. 11, as amended, requires that not later than July 1, 2022 all Vermont supervisory unions, supervisory districts, school districts, and independent technical center districts utilize the same ~~shared school district data management system~~ Shared School District Data Management System (eFinancePlus) (SSDDMS), which shall be selected by the Agency of Education per State procurement guidelines.

(b) The purpose of Secs. 15–17 of this act is to:

(1) extend the deadline to December 31, ~~2022~~ 2024 for statewide adoption of ~~eFinancePlus~~ SSDDMS;

(2) pause until ~~January 1, 2022~~ July 1, 2023 the further implementation of ~~eFinancePlus~~ SSDDMS to provide time for further evaluation of the system, provided that:

(A) the Agency of Education and its contractor for implementation of the system shall continue to support users of the system; and

(B) a supervisory union, supervisory district, school district, or independent technical center district ~~that does not use the system may join an implementation round offered by the Agency of Education~~ implement or leave SSDDMS during the pause period after consultation with the Agency of Education and upon approval by its governing body; and

* * *

Sec. E.500.2 2021 Acts and Resolves No. 66, Sec. 15 is amended to read:

Sec. 15. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.500.1, as amended by 2019 Acts and Resolves No. 72, Sec. E.500.5, is further amended to read:

Sec. E.500.1. SHARED SCHOOL DISTRICT FINANCIAL DATA
MANAGEMENT SYSTEM

(a) Not later than December 31, ~~2022~~ 2024, all Vermont supervisory unions, supervisory districts, school districts, and independent technical center districts shall utilize the same school finance and financial data management system. The system shall be selected by the Agency of Education per State procurement guidelines.

* * *

Sec. E.500.3 2021 Acts and Resolves No. 66, Sec. 16 is amended to read:

Sec. 16. PAUSE OF IMPLEMENTATION OF SHARED SCHOOL
DISTRICT FINANCIAL DATA MANAGEMENT SYSTEM

Notwithstanding Sec. E.500.1 of 2018 (Sp. Sess.) Acts and Resolves No. 11, as amended, the implementation of the Shared School District Data Management System (SSDDMS) shall be paused until ~~January 1, 2022~~ July 1, 2023, provided that:

(1) the Agency of Education and its contractor for implementation of the system shall continue to support users, as of the date of enactment of this act, of the system; and

(2) a supervisory union, supervisory district, school district, or independent technical center district ~~that does not use the system may join an implementation round offered by the Agency of Education~~ implement or leave SSDDMS during the pause period after consultation with the Agency of

Education and upon approval by its governing body.

Sec. E.500.4 2021 Acts and Resolves No. 66, Sec. 17 is amended to read:

Sec. 17. AGENCY OF EDUCATION; REPORTS

(a) On or before June 30, 2021 and quarterly thereafter until March 31, 2023 2025, the Agency of Education shall provide a written report to the General Assembly and the Vermont Association of School Business Officials on the status of improving and implementing the Shared School District Data Management System, including the status of:

* * *

Sec. E.500.5 AGENCIES OF EDUCATION AND OF DIGITAL SERVICES;
JOINT REPORT ON THE SHARED SCHOOL DISTRICT
DATA MANAGEMENT SYSTEM

(a) On or before December 15, 2022, the Agencies of Education and of Digital Services shall jointly submit a report to the House and Senate Committees on Education on the status of improving and implementing the Shared School District Data Management System (SSDDMS) and a recommendation on whether to continue, discontinue, suspend, or delay implementation of SSDDMS and the reasons for their recommendation. In preparing their report, the Agencies of Education and of Digital Services shall solicit feedback from the Vermont Association of School Business Officials, school business managers and users and nonusers of SSDDMS around the State, the Vermont chapter of the American Association of School Personnel Administrators, and school human resources managers around the State.

Sec. E.500.6 2019 Acts and Resolves No. 1, Sec. 1, as amended by 2021 Acts and Resolves No. 66, Sec. 12, is further amended to read:

Sec. 1. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY
WORKING GROUP

* * *

(d) Appointment and operation.

* * *

(D) The Working Group shall cease to exist on ~~July 1, 2022~~
July 1, 2023.

* * *

(g) Duties of the Working Group.

(1) The Working Group shall review standards for student performance adopted by the State Board of Education under 16 V.S.A. § 164(9) and, on or

before December 31, ~~2021~~ 2022, recommend to the State Board updates and additional standards to recognize fully the history, contributions, and perspectives of ethnic groups and social groups. These recommended additional standards shall be designed to:

* * *

(h) Reports.

* * *

(3) The Working Group shall, on or before ~~December 31, 2022~~ June 30, 2023, submit a report to the General Assembly that includes:

* * *

(i) Duties of the State Board of Education. The Board of Education shall, on or before ~~December 31, 2022~~ June 30, 2023, consider adopting ethnic and social equity studies standards into standards for student performance adopted by the State Board under 16 V.S.A. § 164(9) for students in prekindergarten through grade 12, taking into account the report submitted by the Working Group under subdivision (g)(1) of this section.

Sec. E. 500.7 2021 Acts and Resolves No. 66, Sec. 13 is amended to read:

* * *

(c) Any unused portion of these appropriations shall, as of July 1, 2022 2023, revert to the General Fund.

Sec. E.501 AGENCY OF EDUCATION; ESSER III FUND PLAN

(a) The following sums are appropriated from the ESSER III funds provided to the State pursuant to Sec. 2001(f) of the American Rescue Plan Act of 2021 to the Agency of Education in fiscal year 2023:

(A) \$2,852,234 for Evidence-Based Summer Programming for the implementation of evidence-based summer enrichment programs and to ensure such programs respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on the student populations described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)), students experiencing homelessness, and children and youth in foster care.

(B) \$2,852,234 for Evidence-Based Afterschool Programming for the implementation of evidence-based comprehensive afterschool programs, and to ensure such programs respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on the student populations described in section 1111(b)(2)(B)(xi) of the

Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)), students experiencing homelessness, and children and youth in foster care.

(C) \$1,352,170 to address lost instructional time due to COVID-19 in accordance with 2021 Acts and Resolves No. 28 to support literacy with a specific prioritization for the implementation of 2018 Acts and Resolves No. 173.

(D) \$1,130,586 for meeting other needs as determined by the State educational agency (AOE) to address issues in responding to COVID-19. This may include the implementation of a facilities planning grant program per 2021 Acts and Resolves No. 72.

Sec. E.502 EDUCATION – SPECIAL EDUCATION: FORMULA GRANTS

(a) Of the appropriation authorized in Sec. B.502 of this act, and notwithstanding any other provision of law, an amount not to exceed \$4,073,400 shall be used by the Agency of Education in fiscal year 2023 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the Secretary shall not be limited by the restrictions contained within 16 V.S.A. § 2969(c) and (d).

Sec. E.504.1 EDUCATION – FLEXIBLE PATHWAYS

(a) Of the appropriation in Sec. B.504 of this act, \$2,100,000 from the Education Fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 943(c).

(b) Notwithstanding 16 V.S.A. § 4025(b), of this Education Fund appropriation, the amount of:

(1) \$996,500 is available for dual enrollment programs notwithstanding 16 V.S.A. § 944(f)(2);

(2) \$1,800,000 is available to support the Vermont Virtual High School;

(3) \$400,000 is available for secondary school reform grants; and

(4) \$3,000,000 is available for Early College pursuant to 16 V.S.A. § 4011(e).

(c) Of the appropriation in Sec. B.504 of this act, \$996,500 from the General Fund is available for dual enrollment programs.

Sec. E.514 STATE TEACHERS' RETIREMENT SYSTEM

(a) In accordance with 16 V.S.A. § 1944(g)(2), and consistent with system changes enacted for fiscal year 2023 in the 2022 session, the annual contribution to the State Teachers' Retirement System (STRS) shall be

\$194,161,651 of which \$187,273,782 shall be the State's contribution and \$6,887,869 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944c.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$34,342,965 is the "normal contribution," and \$159,818,686 is the "accrued liability contribution."

Sec. E.515 RETIRED TEACHERS' HEALTH CARE AND MEDICAL BENEFITS

(a) In accordance with 16 V.S.A. § 1944b(b)(2), and consistent with system changes enacted for fiscal year 2023 in the 2022 session, the annual contribution to the Retired Teachers' Health and Medical Benefits plan shall be \$50,206,128 consisting of the funds appropriated in Sec. B.515 and Sec. B.1100(c)(2) of this act.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$15,100,000 is the "normal contribution," and \$35,106,128 is the "accrued liability contribution."

* * * Higher Education * * *

Sec. E.600 UNIVERSITY OF VERMONT

(a) The Commissioner of Finance and Management shall issue warrants to pay 1/12 of the appropriation in Sec. B.600 of this act to the University of Vermont on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$380,326 shall be transferred to the Experimental Program to Stimulate Competitive Research (EPSCoR) for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

Sec. E.602 VERMONT STATE COLLEGES

(a) The Commissioner of Finance and Management shall issue warrants to pay 1/12 of the appropriation in Sec. B.602 of this act to the Vermont State Colleges on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$427,898 shall be transferred to the Vermont Manufacturing Extension Center for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

Sec. E.603 VERMONT STATE COLLEGES – ALLIED HEALTH

(a) If Global Commitment fund monies are unavailable, the total grant funding for the Vermont State Colleges shall be maintained through the

General Fund or other State funding sources.

(b) The Vermont State Colleges shall use the Global Commitment funds appropriated in Sec. B.603 of this act to support the dental hygiene, respiratory therapy, and nursing programs that graduate approximately 315 health care providers annually. These graduates deliver direct, high-quality health care services to Medicaid beneficiaries or uninsured or underinsured persons.

Sec. E.605 VERMONT STUDENT ASSISTANCE CORPORATION

(a) Of the appropriation in Sec. B.605 of this act, \$25,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation (VSAC) to be deposited into the Trust Fund established in 16 V.S.A. § 2845.

(b) Of the appropriated amount remaining after accounting for subsection (a) of this section, not less than 93 percent of this appropriation shall be used for direct student aid.

(c) Of the total one-time funds appropriated in this act to VSAC, an amount up to six percent, but not to exceed \$100,000 in a fiscal year, may be used for staff expenses associated with administering the funds. Funds shall not be used for indirect costs.

Sec. E.605.1 NEED-BASED STIPEND FOR DUAL ENROLLMENT AND
EARLY COLLEGE STUDENTS

(a) Notwithstanding 16 V.S.A. § 4025(b), the sum of \$41,225 in education funds and \$41,225 in general funds is appropriated to the Vermont Student Assistance Corporation (VSAC) for dual enrollment and need-based stipend purposes to fund a flat-rate, need-based stipend or voucher program for financially needy students enrolled in a dual enrollment course pursuant to 16 V.S.A. § 944 or in early college pursuant to 16 V.S.A. § 946 to be used for the purchase of books, cost of transportation, and payment of fees. VSAC shall establish the criteria for program eligibility. Funds shall be granted to eligible students on a first-come, first-served basis until funds are depleted.

(b) VSAC shall report on the program to the House Committees on Appropriations and on Commerce and Economic Development and to the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs on or before January 15, 2023.

Sec. E.700 10 V.S.A. § 1389(d)(3) is amended to read:

(3) The Clean Water Board shall:

* * *

(E) solicit, consult with, and accept public comment from organizations interested in improving water quality in Vermont regarding

recommendations under this subsection (d) for the allocation of funds from the Clean Water Fund; and

(F) recommend capital appropriations for the permanent protection of land and waters from future development through conservation and water quality projects; and

(G) recommend that at least \$1,000,000.00 is annually appropriated to the Vermont Natural Resources Conservation Council from the Clean Water Fund for distribution on an equitable basis to the Natural Resources Conservation Districts to conduct water quality programs or projects; annual outreach, education, monitoring and assessment; and technical assistance, planning and design, and implementation of local projects related to agricultural improvements and natural resources restoration and conservation.

Sec. E.702 23 V.S.A. § 3513 is amended to read:

§ 3513. LIABILITY INSURANCE; AUTHORITY TO CONTRACT FOR
LAW ENFORCEMENT SERVICES

(a) The amount of 85 percent of the fees and penalties collected under this chapter, except interest, is allocated to the Agency of Natural Resources for use by the Vermont ATV Sportsman's Association (VASA) for development and maintenance of a Statewide ATV Trail Program, for trail liability insurance, and to contract for law enforcement services with any constable, sheriff's department, municipal police department, the Department of Public Safety, and the Department of Fish and Wildlife for purposes of trail compliance pursuant to this chapter. The Departments of Public Safety and of Fish and Wildlife are authorized to contract with VASA to provide these law enforcement services. The Agency of Natural Resources shall retain for its use up to \$7,000.00 during each fiscal year to be used for administration of this Program.

* * *

Sec. E.709 10 V.S.A. § 1283(g)(3) is amended to read:

(3) "Release" means any intentional or unintentional action or omission resulting in the spilling, leaking, pumping, pouring, emitting, emptying, dumping, or disposing of hazardous materials into the surface or groundwaters, or onto the lands in the State, or into waters outside the jurisdiction of the State when damage may result to the public health, lands, waters, or natural resources within the jurisdiction of the State. "Release" also means the intentional or unintentional action or omission resulting in the spilling, leaking, emission, or disposal of polychlorinated biphenyls (PCBs) from building materials in a building or structure public schools and approved and recognized independent schools, as those terms are defined in 16 V.S.A.

§ 11, that were constructed or renovated before 1980.

Sec. E.709.1 10 V.S.A. § 6602(17) is amended to read:

(17) “Release” means any intentional or unintentional action or omission resulting in the spilling, leaking, pumping, pouring, emitting, emptying, dumping, or disposing of hazardous materials into the surface or groundwaters, or onto the lands in the State, or into waters outside the jurisdiction of the State when damage may result to the public health, lands, waters, or natural resources within the jurisdiction of the State. “Release” also means the intentional or unintentional action or omission resulting in the spilling, leaking, emission, or disposal of polychlorinated biphenyls (PCBs) from building materials in a building or structure public schools and approved and recognized independent schools, as those terms are defined in 16 V.S.A. § 11, that were constructed or renovated before 1980.

Sec. E.709.2 REPORT ON REGULATION OF PCB RELEASES FROM
BUILDING MATERIALS IN NONSCHOOL BUILDINGS

On or before January 15, 2023, the Secretary of Natural Resources shall submit to the Senate Committees on Appropriations and on Natural Resources and Energy and the House Committees on Appropriations and on Natural Resources, Fish, and Wildlife a report regarding the indoor air quality testing of buildings for releases of polychlorinated biphenyls (PCBs) from building materials. The report shall include:

(1) a proposal for the best method for regulating releases of PCBs from PCB-containing building materials in nonschool buildings;

(2) a proposal of who will be required to test for a release or potential release of PCBs from building materials, including whether and how testing will be required under the Brownfields Reuse and Environmental Liability Limitation Program or as part of an environmental assessment for a property transaction;

(3) a summary of when during a corrective action or property transaction testing would be required and why it would be required;

(4) the standard or standards that would be utilized to determine if a release occurred;

(5) the action or remediation that would be required if PCBs are identified in excess of the proposed standard;

(6) how responsive action or remediation would be funded, including potential federal or State sources of funding; and

(7) how the requirement to test may affect investment in the

redevelopment of historic downtowns or similar areas.

* * * Transportation * * *

Sec. E.903 MULTI-AGENCY INVESTMENTS IN ELECTRIC VEHICLE
SUPPLY EQUIPMENT INFRASTRUCTURE

(a) Definitions. As used in this section:

(1) “Area median income” means the county or Metropolitan Statistical Area median income published by the federal Department of Housing and Urban Development.

(2) “Electric vehicle supply equipment (EVSE)” has the same meaning as in 30 V.S.A. § 201.

(3) “Level 1 charger” or “level 1 EVSE” means EVSE that plugs directly into a standard 120-volt AC outlet and supplies an average output of 1.3 to 2.4 kilowatts.

(4) “Level 2 charger” or “level 2 EVSE” means galvanically connected EVSE with a single-phase input voltage range from 208 to 240 volts AC and a maximum output current less than or equal to 80 amperes AC.

(5) “Level 3 charger,” “level 3 EVSE,” or “direct-current fast charger (DCFC),” means EVSE that uses dedicated direct current (DC) to provide energy to a plug-in electric vehicle.

(6) “Multiunit affordable housing” means a multiunit dwelling where:

(A) at least 50 percent of the units are or will be occupied by households whose income does not exceed 100 percent of the greater of the State or area median income; or

(B) all units are affordable to households earning between 60 and 120 percent of area median income.

(7) “Multiunit dwelling” means a housing project, such as cooperatives, condominiums, dwellings, or mobile home parks, with three or more units constructed or maintained on a tract or tracts of land.

(8) “Workplace” means a place where an individual works.

(b) Housing, employers, and public venues and attractions.

(1) In fiscal year 2023, \$10,000,000 is appropriated in Sec. G.600 (b) of this act to the Agency of Commerce and Community Development to support the following:

(A) one or more grant programs, which may build upon the existing EVSE Grant Program, to support the continued buildout of level 1 and 2

EVSE at multiunit dwellings, including multiunit affordable housing, with less than 20 units prioritized and not less than 30 percent of the total appropriation, less the administration expenses allowed under subsection (d c) of this section, allocated to this purpose;

(B) one or more grant programs, which may build upon the existing EVSE Grant Program, to support the continued buildout of level 1 and 2 EVSE at private workplaces, with the workplaces of employers with fewer than 100 employees prioritized;

(C) one or more grant programs, which may build upon the existing EVSE Grant Program, to support the continued buildout of level 1, 2, and 3 EVSE at public venues and attractions, such as parks, State parks and access areas, downtowns, museums, and ski mountains, that are available to any member of the public; and

(D) the purchase and installation of level 1 and 2 EVSE that is available to the public at State workplaces or to provide grants to persons for the purchase and installation of level 1 and 2 EVSE that is available to the public at State workplaces, or both.

(2) If the Agency of Commerce and Community Development, in consultation with the EVSE Interagency Workgroup, determines that programmatic funding remains available following the first round of grant awards made under subdivision (1) of this subsection, then the balance of the \$10,000,000 shall be awarded in grants that prioritize placing EVSE at multiunit affordable housing and workplaces of employers with fewer than 100 employees.

(c) Administration costs. The Agency of Commerce and Community Development may use up to 15 percent of the appropriation in subsection (b) of this section for administrative costs associated with installing EVSE at multiunit housing, workplaces, and public venues and attractions.

(d) Carryforward; deployment in fiscal year 2023.

(1) Notwithstanding any other provision of law and subject to the approval of the Secretary of Administration, appropriations to support the expenditures under this section remaining unexpended on June 30, 2023 shall be carried forward and designated for the same expenditures in the subsequent fiscal year.

(2) Every reasonable effort shall be made to obligate and deploy the monies appropriated for expenditure under this section in fiscal year 2023 in order to achieve a pace of EVSE deployment necessary to meet the emissions reduction requirements of 10 V.S.A. § 578(a) and the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

(e) Outreach and marketing. The Agency of Commerce and Community Development shall ensure that there is sufficient outreach and marketing, including the use of translation and interpretation services, of the EVSE grant programs implemented pursuant to subsection (b) of this section and such costs shall be considered administrative costs for purposes of subsection (c) of this section.

* * * Pay Act * * *

Sec. F.100 APPROVAL OF FISCAL YEAR 2023 COMPENSATION
INCREASES

(a) Funding of fiscal year 2023 collective bargaining agreement provisions.

(1) This act funds in fiscal year 2023 the provisions of the collective bargaining agreements between the State and the Vermont State Employees' Association for the Defender General, Non-Management, Supervisory, and Corrections bargaining units; for the State's Attorneys' offices bargaining unit; and for the Judicial bargaining unit, and between the State and the Vermont Troopers' Association, that apply during the period of July 1, 2022 through June 30, 2023.

(2) These collective bargaining agreements provide during that fiscal year 2023 period a cost-of-living adjustment of three percent, an average 1.9 percent step increase, and a \$1,500 one-time payment to individuals employed as of January 1, 2023.

(b) Other permitted fiscal year 2023 increases. In fiscal year 2021, the Executive, Judicial, and Legislative Branches may extend the fiscal year 2023 provisions of the collective bargaining agreements that are funded by this act to employees not covered by the bargaining agreements as they determine to be appropriate and in accordance with the appropriations provided to each branch.

Sec. F.200 FISCAL YEAR 2023 PAY ACT APPROPRIATIONS

(a) Executive Branch. In fiscal year 2023, the fiscal year 2023 provisions of the collective bargaining agreements between the State of Vermont and the Vermont State Employees' Association for the Defender General, Non-Management, Supervisory, and Corrections bargaining units, and, for the purpose of appropriation, the State's Attorneys' offices bargaining unit, for the period of July 1, 2022 through June 30, 2023; the collective bargaining agreement with the Vermont Troopers' Association, for the period of July 1, 2022 through June 30, 2023; and salary increases for employees in the Executive Branch not covered by the bargaining agreements shall be funded as follows:

(1) General Fund. The amount of \$22,847,453 is appropriated from the General Fund to the Secretary of Administration for distribution to departments to fund the fiscal year 2023 compensation increases permitted by this act.

(2) Transportation Fund. The amount of \$1,502,420 is appropriated from the Transportation Fund to the Secretary of Administration for distribution to the Agency of Transportation and the Department of Public Safety to fund the fiscal year 2023 compensation increases permitted by this act.

(3) Other funds. The Administration shall provide additional spending authority to departments through the existing process of excess receipts to fund the fiscal year 2023 compensation increases permitted by this act. The estimated amounts are \$35,494,376 from special fund, federal, and other sources.

(4) Transfers. With due regard to the possible availability of other funds, for fiscal year 2023, the Secretary of Administration may transfer from the various appropriations and various funds and from the receipts of the Liquor Control Board such sums as the Secretary may determine to be necessary to carry out the purposes of this act to the various agencies supported by State funds.

(b) Judicial Branch. In fiscal year 2023, the amount of \$2,342,075 is appropriated from the General Fund to the Judiciary to fund the fiscal year 2021 provisions of the collective bargaining agreement between the State of Vermont and the Vermont State Employees' Association for the Judicial bargaining unit for the period of July 1, 2022 through June 30, 2023 and salary increases for employees in the Judicial Branch not covered by the bargaining agreement.

(c) Legislative Branch. In fiscal year 2023, the amount of \$985,111 is appropriated from the General Fund to the Legislative Branch for the period of July 1, 2022 through June 30, 2023.

* * * American Rescue Plan Act Appropriations * * *

* * * Intent and Other Funding * * *

Sec. G.100 MULTIYEAR FUNDING PRIORITIES INTENT

(a) The appropriations of ARPA – Coronavirus State Fiscal Recovery Funds in made in Secs. G.300–G.700 of this act by categorical areas are made consistent with the intent expressed in Sec. G.100 of 2021 Acts and Resolves No. 74 (the Big Bill), and reiterated in 2022 Acts and Resolves No. 83, Sec. 67a. In some cases, other funding sources are included or are referenced

for specific programs or projects providing comprehensive funding by category. All appropriations of ARPA funds in this act are made only to the extent permitted by federal law and guidance. Appropriations not expended in fiscal year 2023 shall carry forward.

Sec. G.200 AMERICAN RESCUE PLAN ACT (ARPA) - CORONAVIRUS
STATE FISCAL RECOVERY FUND (SFR)
APPROPRIATIONS; REVERSION AND REALLOCATION;
REPORTS

(a) On or before September 15, 2022 and annually thereafter until September 15, 2026, the Commissioner of Finance and Management shall submit a report to the Joint Fiscal Committee on the status of all appropriations made from the Coronavirus State and Local Fiscal Recovery Fund (SLFR) provided to the State from the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA). The report shall include updates on project eligibility, obligated funds, actual expenditures, and any compliance or reporting issues.

(b) On or before January 15, 2023, the Commissioner of Finance and Management shall provide an update to the September 15, 2022 ARPA report described in subsection (a) of this section to the House and Senate Committees on Appropriations, including recommendations, if any, for reallocation of ARPA SLFR funds in the fiscal year 2023 budget adjustment act.

* * * Economy, Workforce, and Communities * * *

Sec. G.300 INVESTMENTS IN VERMONT'S ECONOMY,
WORKFORCE, AND COMMUNITIES

(a) \$28,251,052 in fiscal year 2023 is appropriated from the American Rescue Plan Act (ARPA) - Coronavirus State Fiscal Recovery Funds as follows:

(1) \$1,050,000 to the Natural Resources Board, to be used as needed to prioritize and expedite permitting of ARPA-funded projects, including the costs of three exempt limited-service positions.

(2) \$9,601,052 to the Judiciary as follows:

(A) \$3,881,500 for the safe reopening of courts; and

(B) \$5,719,552 for HVAC systems at county courthouses.

(3) \$750,000 to the Secretary of State for expenses related to telehealth.

(4) \$14,900,000 to the Vermont State Colleges for bridge funding to transform the system. This includes offsets to continuing costs and impacts from COVID-19 pandemic.

(5) \$2,000,000 to the Department for Children and Families' Economic Services Division to grant to the Vermont Foodbank to support access to food for Vermonters with low income.

(b) General Fund Workforce Appropriations: In fiscal year 2023, \$1,500,000 is appropriated from the General Fund to Vermont Student Assistance Corp (VSAC) 802 Opportunity Program for increasing the household income eligibility limit from \$50,000 to \$75,000.

(1) It is the intent of the General Assembly to provide \$26,900,000 from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds and the State General Fund to be allocated for workforce, including investment initiatives to address critical needs in nursing and the skilled trades and to provide training opportunities for young adult Vermonters seeking to acquire skills. The specific programs to be funded shall be included in H.703 or other legislation passed in the 2022 legislative session.

(c) Community Economic Development. \$11,800,000 is appropriated in fiscal year 2023 from the General Fund for community base economic development initiatives as follows:

(1) \$5,000,000 to the Department of Forests, Parks and Recreation for the Vermont Outdoor Recreation Economic Collaborative (VOREC) Community Grant Program.

(2) \$6,000,000 to the Department of Economic Development for the remediation and redevelopment of brownfield sites.

(3) \$800,000 to the Department of Motor Vehicles to grant to the Vermont Association of Snow Travelers (VAST) as follows:

(A) \$50,000 for the VAST for the Law Enforcement and Safety Program.

(B) \$750,000 for the VAST Equipment Grant-in-Aid Program.

(4) Other Economic Development initiatives are included in H.159, which provides funding from the General Fund and ARPA sources totaling \$84,500,000, and includes funding initiatives related to wage replacement for COVID-impacted employers, supplemental unemployment funding, assistance programs for businesses and arts and culture organizations that demonstrate pandemic losses, and a time-limited increase in a downtown development tax credit.

(d) \$16,400,000 to the Department of Libraries from the Coronavirus Capital Projects Fund provided to the State from the American Rescue Plan Act of 2021, Pub. L. No. 117-217 (ARPA), for the Libraries Capital Project for capital improvements to libraries, including Americans with Disabilities Act

compliance, space renovations for improved Internet access for telehealth appointments and job interviews, and general building renovations.

* * * Addressing Homelessness, Housing Insecurity and Increasing the Stock of Low- and Moderate-Income Housing * * *

Sec. G.400 HOUSING AND HOMELESSNESS INVESTMENTS

(a) \$40,000,000 to the Vermont Housing and Conservation Board (VHCB) in fiscal year 2023 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Fund to the to provide affordable mixed-income rental housing and homeownership units, improvements to manufactured homes and communities, recovery residences and, if determined eligible, housing available to farm workers and refugees. VHCB shall also use the funds for shelter and permanent homes for those experiencing homelessness in consultation with the Secretary of Human Services. These funds shall carry forward into fiscal year 2024.

(b) Additional funding of \$20,000,000 is included in S.226 through the Department of Housing and Community Development for affordable rental unit development and for program to reduce single-family housing costs for middle-income families.

* * * Broadband Connectivity and Technology
Modernization Investments * * *

Sec. G.500 BROADBAND CONNECTIVITY INVESTMENTS

(a) \$95,000,000 is appropriated in fiscal year 2023 to the Department of Public Service, Vermont Community Broadband Board from the American Rescue Plan Act - Coronavirus Capital Projects Fund in order to support the State's goal of achieving universal access to reliable, high-quality, affordable broadband. This appropriation shall be transferred to the Vermont Community Broadband Fund to make grants through the Broadband Construction Grant Program. To the greatest extent possible and for the purpose of maximizing the availability of federal funds for State broadband projects, the ARPA monies appropriated in this subsection shall be used first to fund any match requirements applicable to broadband grants funded by the Infrastructure Investment and Jobs Act of 2021.

(b) \$1,600,000 to the Department of Forests, Parks and Recreation from the Coronavirus Capital Projects Fund provided to the State from the American Rescue Plan Act of 2021, Pub. L. No. 117-217 (ARPA), for the Parks Connectivity Project to improve reliability, performance, and support Internet connectivity services to all State parks.

Sec. G.501 STATE TECHNOLOGY MODERNIZATION INVESTMENTS

(a) \$25,250,000 is appropriated in fiscal year 2023 from American Rescue Plan Act - Coronavirus State Fiscal Recovery Funds as follows:

(1) \$20,250,000 to the Department of Motor Vehicles (DMV) Core System Modernization Phase II.

(2) \$5,000,000 to the Department of Labor Unemployment Insurance modernization project.

(b) To the extent that American Rescue Plan Act (ARPA) - Coronavirus State Fiscal Recovery Funds are available as a result of the provision specified in 2022 Acts and Resolves No. 83, Sec. 53(b)(6), \$25,000,000 shall be appropriated to the Department of Labor for the completion of the Department of Labor Unemployment Insurance modernization project.

* * * Weatherization and Other Climate Change Mitigation Investments * * *

Sec. G.600 CLIMATE ACTION INVESTMENTS

(a) In fiscal year 2023, \$129,760,000 is appropriated from the American Rescue Plan Act - Coronavirus State Fiscal Recovery Funds for climate change mitigation initiatives as follows:

(1) \$45,000,000 to the Department for Children and Families, Office of Economic Opportunity, Home Weatherization Assistance Program to be used in fiscal years 2023 and 2024. Households approved for assistance in this section will also be offered services outlined in subdivision (4) of this subsection.

(2) \$35,000,000 to the Department of Public Service to grant to Efficiency Vermont for the purpose of weatherization incentives to Vermonters with a moderate income. These funds shall be deposited in the Electric Efficiency Fund established under 30 V.S.A. § 209(d)(3) and shall be available for use by Efficiency Vermont through December 31, 2024. Households approved for assistance in this section will also be offered services outlined in subdivision (4) of this subsection.

(3) \$2,000,000 to the Agency of Transportation to support the continued build-out of public electric vehicle charging infrastructure along highway networks.

(4) \$25,000,000 to the Department of Public Service, of which \$20,000,000 is to provide financial and technical assistance for Vermonters with low- and moderate-income to upgrade home electrical systems to enable installation of energy saving technologies, and \$5,000,000 is to establish a "Switch and Save" program to provide financial and technical assistance for Vermonters with low and moderate income to install, at low-or no-cost, heat pump water heaters, with a focus on replacing water heaters near the end of

their useful life and serving households participating in the electrical system upgrades described in this subsection.

(5) \$2,000,000 to the Department of Public Service for load management and storage efforts to assist Vermonters with low and moderate income customers to purchase electric equipment for heating, cooling, and vehicle charging. In addition, investments will be made in load control and management platforms to enable smaller municipal and cooperative utilities to capture and share benefits of load management and funding for municipal back-up electricity storage installations.

(6) \$15,000,000 to improve landscape resilience and mitigate flood hazards to be allocated as follows:

(A) \$14,750,000 to the Department of Public Safety, Division of Emergency Management, for a State-level buyout program for flood-vulnerable parcels; and

(B) \$250,000 to the Department of Environmental Conservation to provide technical assistance to the statewide hazard mitigation program.

(7) \$4,760,000 to the Agency of Agriculture, Food and Markets to provide farms in Vermont with financial assistance for the implementation of soil-based practices that improve soil quality and nutrient retention, increase crop production, minimize erosion potential, and reduce agricultural waste discharges. Assistance may take the form of programs that provide education, training, or instruction to farmers.

(8) \$1,000,000 to the Department of Forests, Parks and Recreation for the Urban and Community Forestry (UCF) Program to plant up to 5,000 trees to improve air quality and reduce heat island effects in urban areas in accordance with UCF program standards for design, planting, and maintenance.

(b) In fiscal year 2023, \$32,200,000 is appropriated from the General Fund and \$500,000 is appropriated from the Transportation Fund for electric vehicle charging infrastructure, electrification incentives and public transportation investments as follows:

(1) \$10,000,000 to the Agency of Commerce and Community Development to install at dwellings, workplaces, community venues and attractions in accordance with Sec. E.903 of this act.

(2) \$12,000,000 to the Agency of Transportation for the Incentive Program for New PEVs, established in 2019 Acts and Resolves No. 59, Sec. 34, as amended.

(3) \$2,000,000 to the Agency of Transportation for the public-private

partnership with Drive Electric Vermont to support the expansion of the plug-in electric vehicle market in the State.

(4) \$3,000,000 to the Agency of Transportation to grant to the Community Action Agencies to support the MileageSmart Program, established in 2019 Acts and Resolves No. 59, Sec. 34, as amended.

(5) \$3,000,000 to the Agency of Transportation for the Replace Your Ride Program, established in 2021 Acts and Resolves No. 55, Sec. 27, as amended.

(6) \$2,200,000 general funds and \$500,000 Transportation funds to the Agency of Transportation for the following:

(A) \$1,200,000 general funds for transit agencies to, as practicable and in the sole discretion of the transit agencies, operate routes other than commuter and LINK Express on a zero-fare basis and provide service at pre-COVID-19 levels; and

(B) \$1,000,000 general funds and \$500,000 Transportation funds to continue administering the Mobility and Transportation Innovation (MTI) Grant program to support projects that improve both mobility and access to services for transit-dependent Vermonters, reduce the use of single-occupancy vehicles, and reduce greenhouse gas emissions.

(c) In fiscal year 2023, \$8,000,000 is appropriated from the General Fund to the Department of Public Service to offer up to 70 percent reimbursement to municipal and cooperative electrical distribution utilities for the implementation of one or more systems of Advanced Metering Infrastructure that has been approved by the Public Utility Commission.

(d) Additional funding of \$35,000,000 is included H.518 from ARPA resources for a Municipal Energy Resilience Grant Program.

* * * Clean Water Investments * * *

Sec. G.700 WATER AND SEWER INVESTMENTS

(a) In fiscal year 2023, \$94,000,000 is appropriated from the American Rescue Plan Act (ARPA) - Coronavirus State Fiscal Recovery Funds as follows:

(1) \$31,000,000 for Stormwater Retrofit Projects to provide three-acre stormwater permitting design and construction support for entities subject to the Vermont 3- 9050 Stormwater General Permit and to provide design and construction for practices necessary to restore impaired waters subject to flow restoration plans. These funds shall be allocated as follows:

(A) \$30,000,000 to the Department of Environmental Conservation

to provide three-acre stormwater permitting design and construction support for entities subject to the Vermont 3- 9050 Stormwater General Permit and to provide permitting, design, and construction services; and

(B) \$1,000,000 to the Department of Forests, Parks and Recreation to support compliance with the three-acre stormwater rule.

(2) \$35,000,000 to the Department of Environmental Conservation to support water and wastewater projects and pretreatment activities, as follows:

(A) \$15,000,000 to support the design and construction of community-scale water or decentralized wastewater projects, or both, to support underserved designated centers;

(B) \$5,000,000 to provide financial assistance to municipalities, Vermont businesses, and nonprofit entities to install or enhance pretreatment processes to address high strength or toxic wastes that otherwise require treatment at municipal expense by publicly owned treatment facilities; and

(C) \$10,000,000 to municipalities with small and primarily residential customer bases to upgrade or replace existing water or wastewater treatment systems that are at risk of failure.

(3) \$20,000,000 to the Department of Environmental Conservation to assist municipalities to design and construct projects to reduce or eliminate wet weather sewer overflows.

(4) \$13,000,000 to make repairs or improvements to water and wastewater systems in Vermont homes to be allocated as follows:

(A) \$6,500,000 to the Department of Environmental Conservation for improving water/wastewater systems at coop-owned or nonprofit mobile home parks (MHPs);

(B) \$5,000,000 to the Department of Environmental Conservation to replace failed on-site wastewater and water supplies for Vermonters with low income or who are unable to access or afford market rate loans; and

(C) \$1,500,000 to the Department of Housing and Community Development to update leaking service lines, old plumbing, and replacing outdated fixtures (sinks, toilets, dishwashers, laundry) with high-efficiency devices.

**Sec. G.701 APPROPRIATIONS: OFFSET CAPITAL BILL FUNDED
PROJECTS BY SWAP TO ARPA**

(a) Fiscal year 2022. \$500,000 in fiscal year 2022 is appropriated from the American Rescue Plan Act (ARPA) - Coronavirus State Fiscal Recovery Funds to the Department of Forests, Parks and Recreation for forestry access road

water quality improvements.

(b) Fiscal year 2023. \$5,236,781 in fiscal year 2023 is appropriated from the American Rescue Plan Act (ARPA) - Coronavirus State Fiscal Recovery Funds for projects authorized in the fiscal year 2023 Capital Budget Adjustment Act. as follows:

(1) \$600,000 to the Department of Buildings and General Services for three-acre parcel stormwater planning, design, and implementation;

(2) \$300,000 to the Department of Forests, Parks and Recreation for State parks major maintenance;

(3) \$585,000 to the Department of Environmental Conservation for Municipal Pollution Control Grants;

(4) \$700,000 to the Department of Forests, Parks and Recreation for forestry access road water quality improvements;

(5) \$2,451,781 to the Agency of Agriculture, Food and Markets for water quality grants; and

(6) \$600,000 to the Vermont Housing and Conservation Board for agricultural water quality projects.

Sec. G.702 2021 Acts and Resolves No. 74, Sec. G.700(c) is amended to read as follows:

~~(c) \$15,000,000 to be used to~~ To the extent capital funds have been appropriated to projects supporting water and sewer infrastructure in fiscal year 2022 and capital appropriations can be offset for reuse for future capital construction projects in the fiscal years 2022–2023 capital budget adjustment process. ~~On or~~ on or before December 15, 2021, the Commissioner of Finance and Management shall review and recommend water and sewer infrastructure projects funded ~~in fiscal year 2022~~ that could be funded with ARPA funds to the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions and to the Governor for the fiscal years 2022–2023 capital budget adjustment report.

* * * Administration * * *

Sec. G.800 ARPA FUNDED LIMITED-SERVICE POSITIONS

(a) The establishment of the following 23 new classified limited-service positions is authorized in fiscal year 2023.

(1) Agency of Administration: one Grants Manager.

(2) Agency of Agriculture, Food and Markets: two Water Quality Program Coordinators.

(3) Public Service Department:

(A) one Administrative Services Coordinator;

(B) one Outreach Coordinator;

(C) one Grants Manager;

(D) one Financial Manager; and

(E) one Program Coordinator.

(4) Vermont Community Broadband Board:

(A) one Fiscal and Federal Reporting Specialist;

(B) one Rural Broadband Technical Specialist;

(C) one Business Office Manager; and

(D) one Digital Equity Office Manager.

(E) Vermont Community Broadband Board: one Fiber Optics Engineer.

(5) Natural Resources Board:

(A) two District Coordinators; and

(B) one Executive Director.

(6) Agency of Human Services, Office of Economic Opportunity:

(A) one Senior Energy Services Program Officer; and

(B) two Energy Services Program Officers.

(7) Department of Labor: three Program Technicians.

(8) Agency of Natural Resources, Department of Forests, Parks and Recreation: one Environmental Analyst III.

(9) Agency of Natural Resources, Central Office: one Environmental Analyst III.

(10) Agency of Transportation:

(A) one Grants Management Specialist; and

(B) one Grants Manager.

Sec. G.801 APPROPRIATION FOR ADMINISTRATIVE COSTS

(a) \$10,500,000 in fiscal year 2023 is appropriated from the American Rescue Plan Act - Coronavirus State Fiscal Recovery Funds to the Agency of Administration to be distributed as needed to address the statewide costs of

administering these funds, including the costs of related limited-service positions, and contracting for programs and services.

* * * Effective Dates * * *

Sec. H.100 EFFECTIVE DATES

(a) This section; Secs. C.100 through C.111 (fiscal year 2022 one-time appropriations, adjustments, and amendments); Secs. E.240.1 (7 V.S.A. § 845), E.240.2 (32 V.S.A. § 7909), E.240.3 (repeal of 2020 Acts and Resolves No. 164, Sec. 6(c)), E.240.4 (repeal of 2020 Acts and Resolves No. 164, Sec. 33(h)), and Sec. G.702 (amendment to 2021 Acts and Resolves No.74, Sec. G.700(c)); and subsection G.701(a) (offset capital funds by swap to ARPA) shall take effect upon passage.

(b) Secs. E.240.5 (7 V.S.A. § 845) and E.240.6 (32 V.S.A. § 7909(a)) shall take effect on July 1, 2025.

(c) Notwithstanding 1 V.S.A. § 214, Secs. E.709 and E.709.1 (definition of release; PCBs) shall take effect retroactively on July 1, 2021.

(d) Sec. E.702 (Fish and Wildlife) shall take effect on July 1, 2023.

(e) All remaining sections shall take effect on July 1, 2022.

And by renumbering all of the sections of the bill to be numerically correct (including internal references) and adjusting all of the totals to be arithmetically correct.

Pending the question, Shall the House concur in the Senate proposal of amendment?, **Rep. Hooper of Montpelier** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to. Thereupon, the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Hooper of Montpelier

Rep. Fagan of Rutland City

Rep. Jessup of Middlesex

On motion of **Rep. McCoy of Poultney**, the rules were suspended to message the House's action on the bill to the Senate forthwith.

Bill Referred to Committee on Ways and Means

S. 269

Senate bill, entitled

An act relating to extending the Energy Savings Account Partnership Pilot Program

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

Bill Referred to Committee on Appropriations

S. 285

Senate bill, entitled

An act relating to health care reform initiatives, data collection, and access to home- and community-based services

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

Adjournment

At three o'clock and fifty-three minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, April 22, 2022

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Stebbins of Burlington.

Bill Committed

H. 159

House bill, entitled

An act relating to community and economic development and workforce revitalization

Having appeared on the Notice Calendar, on motion of **Rep. Kornheiser of Brattleboro**, the bill was committed to the Committee on Ways and Means.

Second Reading; Proposal of Amendment Agreed to; Third Reading Ordered

S. 280

Rep. Lanpher of Vergennes, for the Committee on Transportation, to which had been referred Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles

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

First: In Sec. 2, 23 V.S.A. § 1209a, in subdivision (b)(1)(A)(ii), by inserting “or a regulated drug” following “other than alcohol”

Second: By striking out Sec. 10, effective dates, and its corresponding reader assistance heading in their entirety and inserting in lieu thereof the following:

* * * Transportation Network Companies (TNC);

Preemption; Sunset Extension; Report * * *

Sec. 10. 23 V.S.A. § 754 is amended to read:

§ 754. PREEMPTION; SAVINGS CLAUSE

(a) Municipal ordinances, resolutions, or bylaws regulating transportation network companies are preempted to the extent they are inconsistent with the provisions of this chapter.

(b) Subsection (a) of this section shall not apply to a municipal ordinance, resolution, or bylaw regulating transportation network companies adopted by a municipality with a population of more than 35,000 residents based on the 2010 census and in effect on July 1, 2017. This subsection shall be repealed on July 1, ~~2022~~ 2025.

Sec. 11. TRANSPORTATION NETWORK COMPANIES (TNC) REPORT

(a) The Commissioner of Motor Vehicles, in consultation with the City of Burlington; the Vermont League of Cities and Towns; and transportation network companies (TNCs), as defined in 23 V.S.A. § 750(a)(4), doing business in Vermont, shall file a written report with recommendations on how, if at all, to amend 23 V.S.A. § 754 and, as applicable, 23 V.S.A. chapter 10 with the House Committees on Commerce and Economic Development, on Judiciary, and on Transportation and the Senate Committees on Finance, on Judiciary, and on Transportation on or before March 15, 2024.

(b) In preparing the report, the Commissioner of Motor Vehicles shall review the following related to TNCs:

(1) changes in ridership and consumer practices for calendar years 2018 to 2023, including market penetration across the State;

(2) the results of and process for audits conducted on a State or municipal level;

(3) an analysis prepared by the City of Burlington and TNCs of the differences between the State’s regulatory scheme and the City of Burlington’s

regulatory scheme, including whether allowing those inconsistencies is or will be detrimental or beneficial to any of the following: the State, the traveling public, TNCs, the City of Burlington, or other municipalities; and

(4) significant regulatory changes on a national level.

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

Sec. 12. REPORT ON INCREASING GROSS WEIGHT LIMITS ON
HIGHWAYS THROUGH SPECIAL ANNUAL PERMIT AND
STATUS OF PERMIT PORTAL

(a) The Secretary of Transportation or designee, in consultation with the Commissioner of Forests, Parks and Recreation or designee, the Executive Director of the Vermont League of Cities and Towns or designee, and the President of the Vermont Forest Products Association or designee and with the assistance of the Commissioner of Motor Vehicles or designee, shall examine adding one or more additional special annual permits to 23 V.S.A. § 1392 to allow for the operation of motor vehicles at a gross vehicle weight over 99,000 pounds and shall file a written report on the examination and any recommendations with the House and Senate Committees on Transportation on or before January 15, 2023.

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

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

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

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

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

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

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

(c) The Secretary of Transportation or designee, in consultation with the Commissioner of Motor Vehicles or designee, shall also include an update on the development and implementation of the centralized online permitting system that the Commissioner of Motor Vehicles was authorized to initiate the design and development of pursuant to 2021 Acts and Resolves No. 149, Sec. 26(a) in the report required under subsection (a) of this section.

* * * Distracted Driving; Report * * *

Sec. 13. DISTRACTED DRIVING; REPORT

(a) Findings. The General Assembly finds that:

(1) Distracted driving is any activity that diverts attention from driving, including talking or texting on a portable electronic device.

(2) Sending or reading a text could take an individual's eyes off the road for five seconds or more. At 55 miles per hour, that is like an operator driving the length of an entire football field with closed eyes.

(3) In 2020, 113 individuals were convicted under 23 V.S.A. § 1095a, 1095b, or 1099 (Vermont statutes that prohibit a non-commercial driver's license holder from using a portable electronic device or texting while operating a motor vehicle).

(4) In 2020, 3,142 individuals were killed by distracted driving in the United States.

(b) Recommendations.

(1) The Vermont State Highway Safety Office, in consultation with the Departments of Motor Vehicles and of Public Safety, the Vermont Sheriffs' Association, the Vermont League of Cities and Towns, the Vermont Department of State's Attorneys and Sheriffs, the Vermont Association of Court Diversion and Pretrial Services, and the Vermont Judiciary, shall file written recommendations on how, if at all, the State should modify its approach to the education, enforcement, and conviction of the non-commercial driver's license distracted driving violations under 23 V.S.A. §§ 1095a, 1095b, and 1099 with the House and Senate Committees on Judiciary and on Transportation on or before January 15, 2023.

(2) As part of making any recommendations, the Vermont State Highway Safety Office shall review what is and what is not working to minimize distracted driving in Vermont and other states, especially amongst operators under 18 years of age, and examine:

(A) the use of monetary penalties, points, suspensions, revocations, and recalls, including escalations based on the number and location of distracted driving violations;

(B) the use of diversion programs and other mandated education; and

(C) how to balance education, enforcement, and conviction.

* * * Idling; Public Outreach * * *

Sec. 14. IDLING; PUBLIC OUTREACH CAMPAIGN

(a) The Department of Environmental Conservation, Air Quality and Climate Division, in consultation with the Departments of Motor Vehicles and of Public Safety, shall implement a public outreach campaign on idling that, at a minimum, addresses that:

(1) in most cases, idling violates 23 V.S.A. § 1110;

(2) unnecessary idling harms human health, pollutes the air, wastes fuel and money, and causes excess engine wear;

(3) based on estimates, if every motor vehicle in Vermont reduced unnecessary idling by just one minute per day, over the course of a year Vermonters would save over 1,000,000 gallons of fuel and over \$2,000,000.00 in fuel costs, and Vermont would reduce CO2 emissions by more than 10,000 metric tons; and

(4) while individual actions may be small, the cumulative impacts of idling are large.

(b) The public outreach campaign shall disseminate information on idling through e-mail; a dedicated web page on idling that is linked through the websites for the Agency of Natural Resources and the Departments of Environmental Conservation, of Motor Vehicles, and of Public Safety; social media platforms; community posting websites; radio; television; and printed written materials.

* * * General Statement of Policy; Transportation Planning * * *

Sec. 15. 19 V.S.A. § 10b is amended to read:

§ 10b. STATEMENT OF POLICY; GENERAL

(a) The Agency shall be the responsible agency of the State for the development of transportation policy. It shall develop a mission statement to reflect:

(1) that State transportation policy shall be to encompass, coordinate, and integrate all modes of transportation and to consider “complete streets”

principles, which are principles of safety and accommodation of all transportation system users, regardless of age, ability, or modal preference; and

(2) the need for transportation projects that will improve the State's economic infrastructure, as well as the use of resources in efficient, coordinated, integrated, cost-effective, and environmentally sound ways, and that will be consistent with the recommendations of the Comprehensive Energy Plan (CEP) issued under 30 V.S.A. § 202b, the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592, and any rules adopted in accordance with 10 V.S.A. § 593;

(3) the need for the Agency to lead, assist, and partner in the transformation of the transportation sector to meet the emissions reduction requirements of the Global Warming Solutions Act, codified at 10 V.S.A. § 578, and ensure that there is an environmentally clean, efficient, multimodal system that will have economic, environmental, equity, and public health benefits for all Vermonters; and

(4) the importance of transportation infrastructure resilience and strategies to construct or retrofit, or both, transportation infrastructure to prepare for and adapt to changes in the climate, add redundancy and efficiency to the transportation network, and use maintenance and operational strategies to address transportation disruptions.

(b) The Agency shall coordinate planning and education efforts with those of the Vermont Climate ~~Change Oversight Committee~~ Council, established under 10 V.S.A. § 591, and those of local and regional planning entities to:

(1) ~~to ensure that the transportation system as a whole is integrated, that access to the transportation system as a whole is integrated, and that statewide, local, and regional conservation and efficiency opportunities and practices are integrated; and~~

(2) ~~to support employer-led or local or regional government-led conservation, efficiency, rideshare, and bicycle programs and other innovative transportation advances, especially employer-based incentives.~~

(c) In developing the State's annual Transportation Program, the Agency shall, consistent with the planning goals listed in 24 V.S.A. § 4302 ~~as amended by 1988 Acts and Resolves No. 200~~ and with appropriate consideration to local, regional, and State agency plans:

(1) Develop or incorporate designs that provide integrated, safe, and efficient transportation and that are consistent with the recommendations of the CEP and the CAP.

Sec. 16. 19 V.S.A. § 10i is amended to read:

§ 10i. TRANSPORTATION PLANNING PROCESS

(a) Long-range systems plan. The Agency shall establish and implement a planning process through the adoption of a long-range ~~multi-modal~~ multimodal systems plan integrating all modes of transportation. The long-range ~~multi-modal~~ multimodal systems plan shall be based upon Agency transportation policy developed under section 10b of this title;; other policies approved by the General Assembly;; Agency goals, mission, and objectives;; and demographic and travel forecasts, design standards, performance criteria, and funding availability. The long-range systems plan shall be developed with participation of the public and local and regional governmental entities and pursuant to the planning goals and processes set forth in 1988 Acts and Resolves No. 200. The plan shall be consistent with the Comprehensive Energy Plan (CEP) issued under 30 V.S.A. § 202b and the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

* * *

(c) Transportation Program. The Transportation Program shall be developed in a fiscally responsible manner to accomplish the following objectives:

(1) managing, maintaining, and improving the State's existing transportation infrastructure to provide capacity, safety, ~~and~~ flexibility, and resiliency in the most cost-effective and efficient manner;

(2) developing an integrated transportation system that provides Vermonters with transportation choices;

(3) strengthening the economy, protecting the quality of the natural environment, and improving Vermonters' quality of life; ~~and~~

(4) achieving the recommendations of the CEP and the CAP; and

(5) transforming the transportation sector to meet the State's emissions reduction requirements and ensure that there is an environmentally clean, efficient, multimodal system that will have economic, environmental, equity, and public health benefits for all Vermonters.

* * *

(f) Emissions modeling.

(1) The Agency of Natural Resources shall coordinate with the Agency of Transportation to consider and incorporate relevant elements of the proposed Transportation Program and the effectiveness of those elements in

reducing greenhouse gas emissions when developing and updating the Tracking and Measuring Progress Tool pursuant to 10 V.S.A. § 591(b)(3).

(2) The following shall be included in the reports required pursuant to section 10g of this chapter:

(A) the portion of the Tracking and Measuring Progress Tool related to the Transportation Program;

(B) a qualitative estimation of how effective the relevant elements of the proposed Transportation Program for the upcoming fiscal year will be in reducing greenhouse gas emissions and a quantitative estimation, based on the emission projections published in the Greenhouse Gas Inventory, if available, of how much more the greenhouse gas emissions from the transportation sector need to be reduced for the State to achieve its emissions reductions requirements; and

(C) a strategy and plan for how to reduce the greenhouse gas emissions from the transportation sector to achieve the recommendations in the CEP and the CAP during fiscal years beyond the upcoming fiscal year, with the expectation that the strategy and plan shall be used in the Agency of Transportation's ongoing planning.

* * * Effective Dates * * *

Sec. 17. EFFECTIVE DATES

(a) This section and Secs. 1 (new motor vehicle arbitration; 9 V.S.A. § 4173(d)), 3 (current Total Abstinence Program participants), 8 and 9 (abandoned vehicles; 23 V.S.A. §§ 2151 and 2153(a)), and 10 (transportation network companies regulation preemption; 23 V.S.A. § 754(b)) shall take effect on passage.

(b) Sec. 2 (Total Abstinence Program; 23 V.S.A. § 1209a) shall take effect on passage and apply to all individuals participating in or in the process of applying to participate in the Total Abstinence Program as of the effective date of this section without regard to when the individual's license was reinstated under the Total Abstinence Program.

(c) All other sections shall take effect on July 1, 2022.

Rep. Long of Newfane presiding.

Rep. Krowinski of Burlington presiding.

Rep. Brennan of Colchester, for the Committee on Ways and Means, recommended that the bill pass in concurrence with proposal of amendment as recommended by the Committee on Transportation.

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

Third Reading; Bill Passed in Concurrence

S. 197

Senate bill, entitled

An act relating to the provision of mental health supports

Was taken up, read the third time, and passed in concurrence.

Third Reading; Bill Passed in Concurrence With Proposal of Amendment

S. 206

Senate bill, entitled

An act relating to planning and support for individuals and families impacted by Alzheimer's Disease and related disorders

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

**Second Reading; Question Divided; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 210

Rep. Stevens of Waterbury, for the Committee on General, Housing, and Military Affairs, to which had been referred Senate bill, entitled

An act relating to rental housing health and safety and affordable housing

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Department of Public Safety; Authority for Rental Housing
Health and Safety * * *

Sec. 1. 20 V.S.A. chapter 172 is added to read:

CHAPTER 172. RENTAL HOUSING HEALTH AND SAFETY;
INSPECTION; REGISTRATION

§ 2676. DEFINITION

As used in this chapter, “rental housing” means:

(1) a “premises” as defined in 9 V.S.A. § 4451 that is subject to 9 V.S.A. chapter 137 (residential rental agreements); and

(2) a “short-term rental” as defined in 18 V.S.A. § 4301 and subject to 18 V.S.A. chapter 85, subchapter 7.

§ 2677. RENTAL HOUSING; RULES; INSPECTIONS; PENALTY

(a) Rules. The Commissioner of Public Safety may adopt rules to prescribe standards for the health, safety, sanitation, and fitness for habitation of rental housing that the Commissioner determines are necessary to protect the public, property owners, and property against harm.

(b) Inspections.

(1) After adopting rules pursuant to subsection (a) of this section, the Commissioner shall design and implement a complaint-driven system to conduct inspections of rental housing.

(2) When conducting an inspection, the Commissioner shall:

(A) issue a written inspection report on the unit or building that:

(i) contains findings of fact that serve as the basis of one or more violations;

(ii) specifies the requirements and timelines necessary to correct a violation;

(iii) provides notice that the landlord is prohibited from renting the affected unit to a new tenant until the violation is corrected; and

(iv) provides notice in plain language that the landlord or agents of the landlord must have access to the rental unit to make repairs as ordered by the Commissioner consistent with the access provisions in 9 V.S.A. § 4460;

(B) provide a copy of the inspection report to the landlord, to the person who requested the inspection, and to any tenants who are affected by a violation:

(i) electronically, if the Department has an electronic mailing address for the person; or

(ii) by first-class mail, if the Department does not have an electronic mailing address for the person;

(C) if an entire building is affected by a violation, provide a notice of inspection directly to the individual tenants, and may also post the notice in a common area, that specifies:

(i) the date of the inspection;

(ii) that violations were found and must be corrected by a certain date;

(iii) how to obtain a copy of the inspection electronically or by first-class mail; and

(iv) if the notice is posted in a common area, that the notice shall not be removed until authorized by the Commissioner; and

(D) make the inspection report available as a public record.

(c) Penalties. If the person responsible for a violation does not comply with the requirements and timelines specified in an inspection report issued pursuant to subsection (b) of this section, the Commissioner may impose an administrative penalty that is reasonably related to the severity of the violation, not to exceed \$1,000.00 per violation.

§ 2678. RENTAL HOUSING REGISTRATION

(a) Registration. Except as otherwise provided in subsection (b) of this section, annually on or before March 1, the owner of each unit of rental housing that in the previous year was leased or offered for lease shall pay to the Department of Housing and Community Development an annual registration fee of \$35.00 per unit and provide the following information:

(1) the name and mailing address of the owner, landlord, and property manager of the unit, as applicable;

(2) the phone number and electronic mail address of the owner, landlord, and property manager of the unit, as available;

(3) the location of the unit;

(4) the year built;

(5) the type of rental unit;

(6) the number of units in the building;

(7) the school property account number;

(8) the accessibility of the unit; and

(9) any other information the Department deems appropriate.

(b) Exceptions.

(1) Unit registered with another program.

(A) The registration requirement imposed in subsection (a) of this section does not apply to a unit that is currently registered with a municipal, district, or other local government rental housing health and safety program

that requires the owner to register the unit and provide the data required in subsection (a) of this section.

(B) The fee requirement imposed in subsection (a) of this section does not apply to a unit that is currently registered with a municipal, district, or other local government rental housing health and safety program that requires the owner to register the unit and provide the data required in subsection (a) of this section and for which program the owner is required to pay a registration fee.

(2) Mobile homes.

(A) The registration requirement imposed in subsection (a) of this section does not apply to a mobile home lot within a mobile home park if:

(i) the owner has registered the lot with the Department of Housing and Community Development; and

(ii) the owner does not own a mobile home on the lot.

(B) An owner of a mobile home lot within a mobile home park who has registered the lot with the Department and who owns a mobile home on the lot that is available for rent or rented shall register the property with the Department pursuant to subsection (a) of this section and pay a fee equal to the fee required, less any fee paid within the previous 12 months pursuant to 10 V.S.A. § 6254(c).

(C) An owner of a mobile home who rents the mobile home, whether or not located in a mobile home park, shall register pursuant to this section.

(3) Unit not offered to general public. The registration and fee requirements imposed in subsection (a) of this section do not apply to a unit that an owner provides to another person, whether or not for consideration, if, and only to the extent that, the owner does not otherwise make the unit available for lease to the general public, and includes:

(A) housing provided to a member of the owner's family or personal acquaintances;

(B) housing provided to a person who is not related to a member of the owner's household and who occupies the housing as part of a nonprofit home-sharing program; and

(C) housing provided to a person who provides personal care to the owner or a member of the owner's household.

(4) Licensed lodging establishment. The registration and fee requirements imposed in subsection (a) of this section do not apply to a

lodging establishment, as defined in 18 V.S.A. § 4301, that is required to be licensed by the Department of Health.

(5) Units accessory to an owner-occupied residence. The registration and fee requirements imposed in subsection (a) of this section do not apply to a property if:

(A) the property has four or fewer units; and

(B) the owner of the property occupies one of the units as a primary residence.

(6) Nonwinterized, seasonal units. The registration and fee requirements imposed in subsection (a) of this section do not apply to a seasonal unit that is unheated and unavailable for rent during the winter months.

(7) Units rented for fewer than 90 days. The registration and fee requirements imposed in subsection (a) of this section do not apply to a unit that is rented for fewer than 90 days per calendar year.

(8) Housing provided as a benefit of farm employment. The registration and fee requirements imposed in subsection (a) of this section do not apply to a unit of housing that is provided as a benefit of farm employment, as defined in 9 V.S.A. § 4469a(a)(3).

(c) Administration.

(1) The Department of Housing and Community Development shall maintain the registry of rental housing data in coordination with the Department of Public Safety, the Department of Health, the Enhanced 911 Board, and the Department of Taxes.

(2) Upon request, and at least annually, a municipal, district, or other local government entity that operates a rental housing health and safety program that requires registration of a rental housing unit and a fee for inclusion on its registry shall provide to the Department of Housing and Community Development the data for each unit that is required pursuant to subsection (a) of this section.

(3)(A) The data the Department collects pursuant to this section is exempt from public inspection and copying pursuant to 1 V.S.A. § 317(c)(1).

(B) The Department:

(i) may disclose data it collects pursuant to this section only to other State, municipal, or regional government entities; nonprofit organizations; or other persons for the purposes of protecting public health and safety;

(ii) shall not disclose data it collects pursuant to this section for a commercial purpose; and

(iii) shall require, as a condition of receiving data collected pursuant to this section, that a person to whom the Department discloses the data takes steps necessary to protect the privacy of persons whom the data concerns and to prevent further disclosure.

(d) Rental Housing Safety Special Fund. The Department shall maintain the fees collected pursuant to this section in a special fund entitled the Rental Housing Safety Special Fund, the proceeds of which the Department shall use:

(1) to hire authorized staff to administer the registry and registration requirements imposed in this section; and

(2) to provide funding to the Department of Public Safety to hire authorized staff to conduct inspections and regulate rental housing pursuant to section 2677 of this title.

* * * Penalty for Failure to Register * * *

Sec. 2. 20 V.S.A. § 2678(e) is added to read:

(e) Failure to register; penalty. The Department of Housing and Community Development shall impose an administrative penalty of not more than \$200.00 per unit for an owner of rental housing who knowingly fails to register or pay the fee required pursuant to this section.

* * * Registration; Prospective Repeal * * *

Sec. 3. REPEAL

20 V.S.A. § 2678(b)(8) (exemption for housing provided as a benefit of farm employment) is repealed.

* * * Positions Authorized * * *

Sec. 4. DEPARTMENT OF PUBLIC SAFETY; POSITIONS

(a) The Department of Public Safety is authorized to create five full-time classified Inspector positions in order to conduct rental housing health and safety inspections and enforcement pursuant to 20 V.S.A. chapter 172.

(b) The Department may hire the Inspectors authorized by this section with funds appropriated for that purpose and to the extent additional funds become available from the Rental Housing Safety Special Fund created and maintained pursuant to 20 V.S.A. § 2678(d).

Sec. 5. DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT; POSITIONS

(a) The Department of Housing and Community Development is authorized to create one full-time classified position and one half-time classified position to design and implement the registry created in, and to administer and enforce the registry requirements of, 20 V.S.A. § 2678.

(b) The Department may hire staff authorized by this section with funds appropriated for that purpose and to the extent additional funds become available from the Rental Housing Safety Special Fund created and maintained pursuant to 20 V.S.A. § 2678(d).

* * * Conforming Changes to Current Law Governing the Department of Health, State Board of Health, and Local Health Officials * * *

Sec. 6. 18 V.S.A. chapter 11 is amended to read:

CHAPTER 11. LOCAL HEALTH OFFICIALS

* * *

§ 602a. DUTIES OF LOCAL HEALTH OFFICERS

(a) A local health officer, within his or her jurisdiction, shall:

(1) ~~upon request of a landlord or tenant, or~~ upon receipt of information regarding a condition that may be a public health hazard, conduct an investigation;

(2) enforce the provisions of this title, the rules promulgated, and permits issued thereunder;

(3) prevent, remove, or destroy any public health hazard; or mitigate any significant public health risk in accordance with the provisions of this title;

(4) in consultation with the Department, take the steps necessary to enforce all orders issued pursuant to chapter 3 of this title; and

(5) have the authority to assist the Department of Public Safety in inspecting rental housing pursuant to 20 V.S.A. chapter 172, provided that if the local health officer inspects a rental property without an inspector from the Division, the officer shall issue an inspection report in compliance with 20 V.S.A § 2677(b)(2).

(b) Upon discovery of violation or a public health hazard or public health risk that involves a public water system, a food or lodging establishment, or any other matter regulated by Department rule, the local health officer shall immediately notify the Division of Environmental Health. Upon discovery of any other violation, public health hazard, or public health risk, the local health officer shall notify the Division of Environmental Health within 48 hours of discovery of such violation or hazard and of any action taken by the officer.

§ 603. ~~RENTAL HOUSING SAFETY; INSPECTION REPORTS~~

~~(a)(1) When conducting an investigation of rental housing, a local health officer shall issue a written inspection report on the rental property using the protocols for implementing the Rental Housing Health Code of the Department or the municipality, in the case of a municipality that has established a code enforcement office.~~

~~(2) A written inspection report shall:~~

~~(A) contain findings of fact that serve as the basis of one or more violations;~~

~~(B) specify the requirements and timelines necessary to correct a violation;~~

~~(C) provide notice that the landlord is prohibited from renting the affected unit to a new tenant until the violation is corrected; and~~

~~(D) provide notice in plain language that the landlord and agents of the landlord must have access to the rental unit to make repairs as ordered by the health officer consistent with the access provisions in 9 V.S.A. § 4460.~~

~~(3) A local health officer shall:~~

~~(A) provide a copy of the inspection report to the landlord and any tenants affected by a violation by delivering the report electronically, in person, by first class mail, or by leaving a copy at each unit affected by the deficiency; and~~

~~(B)(i) if a municipality has established a code enforcement office, provide information on each inspection according to a schedule and in a format adopted by the Department in consultation with municipalities that have established code enforcement offices; or~~

~~(ii) if a municipality has not established a code enforcement office, provide information on each inspection to the Department within seven days of issuing the report using an electronic system designed for that purpose, or within 14 days by mail if the municipality is unable to utilize the electronic system.~~

~~(4) If an entire property is affected by a violation, the local health officer shall post a copy of the inspection report in a common area of the property and include a prominent notice that the report shall not be removed until authorized by the local health officer.~~

~~(5) A municipality shall make an inspection report available as a public record.~~

~~(b)(1) A local health officer may impose a civil penalty of not more than \$200.00 per day for each violation that is not corrected by the date provided in the written inspection report, or when a unit is re-rented to a new tenant prior to the correction of a violation.~~

~~(2)(A) If the cumulative amount of penalties imposed pursuant to this subsection is \$800.00 or less, the local health officer, Department of Health, or State's Attorney may bring a civil enforcement action in the Judicial Bureau pursuant to 4 V.S.A. chapter 29.~~

~~(B) The waiver penalty for a violation in an action brought pursuant to this subsection is 50 percent of the full penalty amount.~~

~~(3) If the cumulative amount of penalties imposed pursuant to this subsection is more than \$800.00, or if injunctive relief is sought, the local health officer, Department of Health, or State's Attorney may commence an action in the Civil Division of the Superior Court for the county in which a violation occurred.~~

~~(c) If a local health officer fails to conduct an investigation pursuant to section 602a of this title or fails to issue an inspection report pursuant to this section, a landlord or tenant may request that the Department, at its discretion, conduct an investigation or contact the local board of health to take action.~~

[Repealed.]

* * *

* * * Transition Provisions * * *

Sec. 7. RENTAL HOUSING HEALTH AND SAFETY; TRANSITION PROVISIONS

(a) Notwithstanding any provision of law to the contrary:

(1) Until the Commissioner of Public Safety adopts rules governing rental housing health and safety pursuant to 20 V.S.A. § 2677, the Department of Health, local officials authorized by law, and the Department of Public Safety have concurrent authority to enforce the Vermont Rental Housing Health Code adopted by the Department of Health pursuant to 18 V.S.A. § 102, 3 V.S.A. § 3003(a), and 3 V.S.A. § 801(b)(11).

(2) The Commissioner of Public Safety may immediately adopt a rule incorporating the Rental Housing Health Code without following the procedures otherwise required for general rulemaking in 3 V.S.A. chapter 25.

(3) Except as provided in subdivision (2) of this subsection, the Commissioner of Public Safety shall comply with the requirements for general

rulemaking in 3 V.S.A. chapter 25 when adopting rules governing rental housing health and safety.

(b) Upon the adoption of rules governing rental housing health and safety pursuant to the authority in 20 V.S.A. § 2677:

(1) the Department of Public Safety is the State government entity with primary authority to enforce State laws governing rental housing health and safety;

(2) the Department of Public Safety and local officials have concurrent authority to enforce State and local laws governing rental housing health and safety pursuant to 18 V.S.A. chapter 11; 20 V.S.A. chapter 172, subchapter 2; 24 V.S.A. chapters 83 and 123; and applicable municipal law; and

(3) the Department of Health, the State Board of Health, and local health officials have concurrent authority to enforce State and local laws governing public health hazards and public health risks, as those terms are defined in 18 V.S.A. § 2, pursuant to 18 V.S.A. chapters 1, 3, and 11.

* * * Vermont Housing Investments * * *

Sec. 8. VERMONT RENTAL HOUSING IMPROVEMENT PROGRAM;

PURPOSE

(a) Recognizing that Vermont's rental housing stock is some of the oldest in the country and that much of it needs to be updated to meet code requirements and other standards, the Vermont Rental Housing Improvement Program is intended to incentivize private apartment owners to make significant improvements to both housing quality and weatherization by providing grants and forgivable loans that are matched in part by the property owner.

(b) The Program seeks to take the lessons learned from the successful Re-housing Recovery Program established with funds provided by the Federal CARES Act and implement them in a State-funded program.

Sec. 9. 10 V.S.A. chapter 29, subchapter 3 is added to read:

Subchapter 3. Housing; Investments

§ 699. VERMONT RENTAL HOUSING IMPROVEMENT PROGRAM

(a) Creation of program.

(1) The Department of Housing and Community Development shall design and implement a Vermont Rental Housing Improvement Program, through which the Department shall award funding to statewide or regional nonprofit housing organizations, or both, to provide competitive grants and

forgivable loans to private landlords for the rehabilitation, including weatherization, of eligible rental housing units.

(2) The Department shall develop statewide standards for the Program, including factors that partner organizations shall use to evaluate applications and award grants and forgivable loans.

(b) Eligible rental housing units. The following units are eligible for a grant or forgivable loan through the Program:

(1) Non-code compliant. The unit does not comply with the requirements of applicable building, housing, or health laws.

(2) New accessory dwelling.

(A) The unit will be a newly created accessory dwelling unit that meets the requirements of 24 V.S.A. § 4412(1)(E).

(B) The unit will be newly created on a lot with an existing structure.

(c) Administration. The Department shall require a housing organization that receives funding under the Program to adopt:

(1) a standard application form that describes the application process and includes instructions and examples to help landlords apply;

(2) an award process that ensures equitable selection of landlords, subject to a housing organization's exercise of discretion based on the factors adopted by the Department pursuant to subsection (a) of this section; and

(3) a grant and loan management system that ensures accountability for funds awarded.

(d) Program requirements applicable to grants and forgivable loans.

(1) A grant or loan shall not exceed \$50,000.00 per unit. In determining the amount of a grant or loan, a housing organization shall consider the number of bedrooms in the unit and whether the unit is being rehabilitated or newly created.

(2) A landlord shall contribute matching funds or in-kind services that equal or exceed 20 percent of the value of the grant or loan.

(3) A project may include a weatherization component.

(4) A project shall comply with applicable building, housing, and health laws.

(5) The terms and conditions of a grant or loan agreement apply to the original recipient and to a successor in interest for the period the grant or loan agreement is in effect.

(6) The identity of a recipient and the amount of a grant or forgivable loan are public records that shall be available for public copying and inspection and the Department shall publish this information at least quarterly on its website.

(e) Program requirements applicable to grants. For a grant awarded under the Program, the following requirements apply for a minimum period of five years:

(1) A landlord shall coordinate with nonprofit housing partners and local coordinated entry organizations to identify potential tenants.

(2)(A) Except as provided in subdivision (2)(B) of this subsection (e), a landlord shall lease the unit to a household that is exiting homelessness or actively working with an immigrant or refugee resettlement program.

(B) If, upon petition of the landlord, the Department or the housing organization that issued the grant determines that a household exiting homelessness is not available to lease the unit, then the landlord shall lease the unit:

(i) to a household with an income equal to or less than 80 percent of area median income; or

(ii) if such a household is unavailable, to another household with the approval of the Department or housing organization.

(3)(A) A landlord shall accept any housing vouchers that are available to pay all, or a portion of, the tenant's rent and utilities.

(B) If no housing voucher or federal or State subsidy is available, the total cost of rent for the unit, including utilities not covered by rent payments, shall not exceed the applicable fair market rent established by the Department of Housing and Urban Development.

(4)(A) A landlord may convert a grant to a forgivable loan upon approval of the Department and the housing organization that approved the grant.

(B) A landlord who converts a grant to a forgivable loan shall receive a 10 percent credit for loan forgiveness for each year in which the landlord participates in the grant program.

(f) Requirements applicable to forgivable loans. For a forgivable loan awarded under the Program, the following requirements apply for a minimum period of 10 years:

(1)(A) A landlord shall accept any housing vouchers that are available to pay all, or a portion of, the tenant's rent and utilities.

(B) If no housing voucher or federal or State subsidy is available, the cost of rent for the unit, including utilities not covered by rent payments, shall not exceed the applicable fair market rent established by the Department of Housing and Urban Development.

(2) The Department shall forgive 10 percent of the amount of a forgivable loan for each year a landlord participates in the loan program.

(g) Lien priority. A lien for a grant converted to a loan or for a forgivable loan issued pursuant to this section is subordinate to:

(1) a lien on the property in existence at the time the lien for rehabilitation and weatherization of the rental housing unit is filed in the land records; and

(2) a first mortgage on the property that is refinanced and recorded after the lien for rehabilitation and weatherization of the rental housing unit is filed in the land records.

Sec. 10. REPORT

On or before February 15, 2023, the Department of Housing and Community Development shall report to the General Assembly concerning the design, implementation, and outcomes of the Vermont Housing Improvement Program, including findings and any recommendations related to the amount of grant awards.

Sec. 11. APPROPRIATIONS

(a) Purpose. The purpose of the appropriations in this section are:

(1) to respond to the far-reaching public health and negative economic impacts of the COVID-19 pandemic; and

(2) to ensure that Vermonters and Vermont communities have an adequate supply of safe, affordable housing.

(b) In fiscal year 2022, the amount of \$20,400,000.00 is appropriated from the America Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds as follows:

(1) \$100,000.00 to the Department of Public Safety as one-time startup funding to hire one or more Inspector positions authorized pursuant to Sec. 4 of this act.

(2) \$300,000.00 to the Department of Housing and Community Development as one-time startup funding to hire one or more of the positions authorized pursuant to Sec. 5 of this act.

(3) \$20,000,000.00 to the Department of Housing and Community Development to implement the Vermont Rental Housing Improvement Program created in 10 V.S.A. § 699. The Department may use not more than \$1,000,000.00 of the appropriation to facilitate a statewide education and navigation system to assist homeowners with designing, financing, permitting, and constructing accessory dwelling units.

Sec. 12. EFFECTIVE DATES

(a) This section and the following sections shall take effect on passage:

(1) Sec. 1 (DPS authority for rental housing health and safety; rental housing registration).

(2) Sec. 4 (DPS positions).

(3) Sec. 5 (DHCD positions).

(4) Sec. 6 (conforming changes to Department of Health statutes).

(5) Sec. 7 (DPS rulemaking authority and transition provisions).

(6) Secs. 8–10 (Vermont Rental Housing Improvement Program).

(8) Sec. 11 (FY 2022 ARPA appropriations).

(b) Sec. 2 (administrative penalty for failure to register rental housing) shall take effect on July 1, 2023.

(c) Sec. 3 (repeal of registration exemption for housing provided as a benefit of farm employment) shall take effect on July 1, 2025.

Rep. Masland of Thetford, for the Committee on Ways and Means, recommended that the bill pass in concurrence with proposal of amendment as recommended by the Committee on General, Housing, and Military Affairs.

Rep. Jessup of Middlesex, for the Committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the Committee on General, Housing, and Military Affairs and when further amended as follows:

In Sec. 1, in 20 V.S.A. chapter 172, in section 2678, by striking out subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) Rental Housing Safety Special Fund.

(1) The Rental Housing Safety Special Fund is created pursuant to 32 V.S.A. chapter 7, subchapter 5.

(2) The Department shall maintain the fees collected pursuant to this section in the Fund, the proceeds of which the Department shall use:

(A) to hire authorized staff to administer the registry and registration requirements imposed in this section; and

(B) to provide funding to the Department of Public Safety to hire authorized staff to conduct inspections and regulate rental housing pursuant to section 2677 of this title.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on General, Housing, and Military Affairs was amended as recommended by the Committee on Appropriations.

Thereupon, pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on General, Housing, and Military Affairs, as amended?, **Rep. McCoy of Poultney** asked that the question be divided to first consider Sections 1-7; the appropriations in Section 11(b)(1) and (b)(2); and their related effective dates in Section 12; then second, the remainder of the amended committee report. The Speaker ruled that the question could be divided in that manner.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on General, Housing, and Military Affairs, as amended, in the first division, which is Sections 1 through 7; the appropriations in Section 11, subdivisions (b)(1) and (2); and their related effective dates in Section 12?, **Rep. McCoy of Poultney** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on General, Housing, and Military Affairs, as amended, in the first division, which is Sections 1 through 7; the appropriations in Section 11, subdivisions (b)(1) and (2); and their related effective dates in Section 12?, was decided in the affirmative. Yeas, 88. Nays, 54.

Those who voted in the affirmative are:

Ancel of Calais	Elder of Starksboro	O'Brien of Tunbridge
Anthony of Barre City	Emmons of Springfield	Ode of Burlington
Arrison of Weathersfield	Garofano of Essex	Pajala of Londonderry
Austin of Colchester	Goldman of Rockingham	Partridge of Windham
Bartholomew of Hartland	Hooper of Montpelier	Patt of Worcester
Birong of Vergennes	Hooper of Randolph	Pugh of South Burlington
Black of Essex	Hooper of Burlington	Rachelson of Burlington
Bluemle of Burlington	Houghton of Essex	Satcowitz of Randolph
Bock of Chester	Howard of Rutland City	Scheu of Middlebury

Bongartz of Manchester	James of Manchester	Sheldon of Middlebury
Bos-Lun of Westminster	Jerome of Brandon	Small of Winooski
Brady of Williston	Jessup of Middlesex	Squirrell of Underhill
Briglin of Thetford	Killackey of South Burlington	Stebbins of Burlington
Brown of Richmond	Kimbell of Woodstock	Stevens of Waterbury
Brumsted of Shelburne	Kitzmiller of Montpelier	Surprenant of Barnard
Burke of Brattleboro	Kornheiser of Brattleboro	Taylor of Colchester
Burrows of West Windsor	LaLonde of South	Till of Jericho
Campbell of St. Johnsbury	Burlington	Toleno of Brattleboro
Chase of Colchester	Lanpher of Vergennes	Townsend of South
Christie of Hartford	Long of Newfane	Burlington
Cina of Burlington	Masland of Thetford	Troiano of Stannard
Coffey of Guilford	McCarthy of St. Albans City	Vyhovsky of Essex
Colburn of Burlington	McCormack of Burlington	Walz of Barre City
Colston of Winooski	McCullough of Williston	Webb of Shelburne
Conlon of Cornwall	Morris of Springfield	White of Bethel
Copeland Hanzas of	Mrowicki of Putney	White of Hartford
Bradford	Mulvaney-Stanak of	Whitman of Bennington
Cordes of Lincoln	Burlington	Wood of Waterbury
Dolan of Essex	Nicoll of Ludlow	Yacovone of Morristown
Dolan of Waitsfield	Nigro of Bennington	Yantachka of Charlotte
Durfee of Shaftsbury	Notte of Rutland City	

Those who voted in the negative are:

Achey of Middletown	Helm of Fair Haven	Noyes of Wolcott
Springs	Higley of Lowell	Page of Newport City
Beck of St. Johnsbury	Kascenska of Burke	Parsons of Newbury
Brennan of Colchester	Labor of Morgan	Pearl of Danville
Brownell of Pownal	LaClair of Barre Town	Peterson of Clarendon
Burditt of West Rutland	Laroche of Franklin	Rogers of Waterville
Canfield of Fair Haven	Lefebvre of Newark	Rosenquist of Georgia
Corcoran of Bennington	Lefebvre of Orange	Scheuermann of Stowe
Cupoli of Rutland City	Leffler of Enosburgh	Shaw of Pittsford
Dickinson of St. Albans	Marcotte of Coventry	Sibilia of Dover
Town	Martel of Waterford	Sims of Craftsbury
Donahue of Northfield	Mattos of Milton	Smith of Derby
Fagan of Rutland City	McCoy of Poultney	Strong of Albany
Gannon of Wilmington	Morgan, L. of Milton	Sullivan of Dorset
Goslant of Northfield	Morgan, M. of Milton	Terenzini of Rutland Town
Graham of Williamstown	Morrissey of Bennington	Toof of St. Albans Town
Gregoire of Fairfield	Murphy of Fairfax	Walker of Swanton
Hango of Berkshire	Norris of Sheldon	Williams of Granby
Harrison of Chittenden	Norris of Shoreham	

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

Donnally of Hyde Park	Lippert of Hinesburg	Smith of New Haven
Feltus of Lyndon	McFaun of Barre Town	
Grad of Moretown	Palasik of Milton	

Thereupon, the remainder of the report of the Committee on General, Housing, and Military Affairs, as amended, was agreed to and third reading was ordered.

Favorable Report; Second Reading; Third Reading Ordered

S. 162

Rep. Arrison of Weathersfield, for the Committee on Education, to which had been referred Senate bill, entitled

An act relating to the collective bargaining rights of teachers

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.

Action on Bill Postponed

H. 635

House bill, entitled

An act relating to secondary enforcement of minor traffic offenses

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Colston of Winooski**, action on the bill was postponed until April 27, 2022.

Bill Referred to Committee on Ways and Means

S. 188

Senate bill, entitled

An act relating to regulating licensed small cannabis cultivation as farming

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

Bill Referred to Committee on Appropriations

S. 258

Senate bill, entitled

An act relating to agricultural water quality, enforcement, and dairy farming

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

Adjournment

At twelve o'clock and thirty minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, April 26, 2022, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 51.

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. 144

House concurrent resolution congratulating Blake Hill Preserves' owners Vicki Allard and Joe Hanglin on being named the U.S. Small Business Administration's 2022 Vermont Small Business Persons of the Year

H.C.R. 145

House concurrent resolution recognizing June 27, 2022 as Post-Traumatic Stress Injury Awareness Day in Vermont

H.C.R. 146

House concurrent resolution congratulating Megan Nick on winning the bronze medal in women's individual aerials at the 2022 Winter Olympics

H.C.R. 147

House concurrent resolution congratulating Ryan Cochran-Siegle of Starksboro on winning the silver medal in the super-G alpine skiing race at the 2022 Winter Olympics

H.C.R. 148

House concurrent resolution recognizing April 2022 as World Landscape Architecture Month and designating April 26, 2022 as Fredrick Law Olmsted Day in Vermont

H.C.R. 149

House concurrent resolution honoring former Sunderland Town Clerk and Treasurer Rose Keough

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2022 Adjourned Session.]

Tuesday, April 26, 2022

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

Devotional Exercises

Devotional exercises were conducted by Gianna Morin of South Burlington.

Pledge of Allegiance

Page Sylvia Kane of Westford led the House in the Pledge of Allegiance.

Message from the Senate No. 53

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

Madam Speaker:

I am directed to inform the House that:

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

S. 265. An act relating to expanding criminal threatening to include threats to third persons.

And has concurred therein.

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

H. 534. An act relating to sealing criminal history records.

H. 736. An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

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

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 144. House concurrent resolution congratulating Blake Hill Preserves' owners Vicki Allard and Joe Hanglin on being named the U.S. Small Business Administration's 2022 Vermont Small Business Persons of the Year.

H.C.R. 145. House concurrent resolution recognizing June 27, 2022 as Post-Traumatic Stress Injury Awareness Day in Vermont.

H.C.R. 146. House concurrent resolution congratulating Megan Nick on

winning the bronze medal in women's individual aerials at the 2022 Winter Olympics.

H.C.R. 147. House concurrent resolution congratulating Ryan Cochran-Siegle of Starksboro on winning the silver medal in the super-G alpine skiing race at the 2022 Winter Olympics.

H.C.R. 148. House concurrent resolution recognizing April 2022 as World Landscape Architecture Month and designating April 26, 2022 as Fredrick Law Olmsted Day in Vermont.

H.C.R. 149. House concurrent resolution honoring former Sunderland Town Clerk and Treasurer Rose Keough.

Message from the Senate No. 54

A message was received from the Senate by Mr. Bloomer, its Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

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

S. 254. An act relating to recovering damages for Article 11 violations by law enforcement and a report on qualified immunity.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

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

H. 399. An act relating to incarceration terms for criminal defendants who are primary caretakers of dependent children.

And has passed the same in concurrence.

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill entitled:

H. 740. An act relating to making appropriations for the support of government.

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Kitchel
Senator Baruth
Senator Westman

Bill Referred to Committee on Ways and Means**H. 745**

House bill, entitled

An act relating to the approval of the adoption of the charter of the Town of Montgomery

Appearing 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, was referred to the Committee on Ways and Means.

Ceremonial Readings**H.C.R. 129**

House concurrent resolution congratulating the 2022 Bellows Free Academy-St Albans Comets Division I girls' championship ice hockey team

Offered by: Representatives Toof of St. Albans Town, Dickinson of St. Albans Town and McCarthy of St. Albans City and Senators Brock and Parent

Having been adopted in concurrence on Friday, April 1, 2022 in accord with Joint Rule 16b, was read.

H.C.R. 137

House concurrent resolution honoring Bellows Free Academy-St. Albans boys' ice hockey Head Coach Toby Ducolon for his outstanding achievements

Offered by: Representatives Dickinson of St. Albans Town, McCarthy of St. Albans City and Toof of St. Albans Town and Senators Brock and Parent

Having been adopted in concurrence on Friday, April 8, 2022 in accord with Joint Rule 16b, was read.

Recess

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

At ten o'clock and forty-three minutes in the forenoon, the Speaker called the House to order.

Third Reading; Bill Passed in Concurrence**S. 162**

Senate bill, entitled

An act relating to the collective bargaining rights of teachers

Was taken up, read the third time, and passed in concurrence.

Amendment to Proposal of Amendment Offered and Withdrawn; Third Reading; Bill Passed in Concurrence with Proposal of Amendment

S. 210

Senate bill, entitled

An act relating to rental housing health and safety and affordable housing

Was taken up, and pending third reading of the bill, **Rep. Sibilia of Dover** moved to amend the House proposal of amendment as follows:

In Sec. 1, 20 V.S.A. chapter 172, in section 2678, in subsection (b), by striking out subdivision (1) in its entirety and inserting a new subdivision (1) to read:

(1) Unit registered with another program. The registration requirement imposed in subsection (a) of this section does not apply to a unit that is currently registered with a municipal, district, or other local government rental housing health and safety program that requires the owner to register the unit and provide the data required in subsection (a) of this section.

Thereupon, **Rep. Sibilia of Dover** asked and was granted leave of the House to withdraw her amendment. Thereafter, the bill was read the third time and passed in concurrence with proposal of amendment.

Amendment to Proposal of Amendment Agreed to; Third Reading; Bill Passed in Concurrence with Proposal of Amendment

S. 280

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles

Was taken up and, pending third reading of the bill, **Reps. Rogers of Waterville, Hango of Berkshire, Pearl of Danville, Sims of Craftsbury, and Surprenant of Barnard** moved to amend the House proposal of amendment as follows:

First: In Sec. 12, report on increasing gross weight limits on highways, in subsection (a), by striking out the words “in consultation with” and inserting in lieu thereof the words “in collaboration with”

Second: In Sec. 12, report on increasing gross weight limits on highways, in subsection (b), by striking out the word “and” in subdivision (5), by striking out the period in subdivision (6) and inserting in lieu thereof “; and”, and by inserting a subdivision (7) to read as follows:

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

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

Second Reading; Bill Amended; Third Reading Ordered

H. 743

Rep. Lefebvre of Orange, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to amending the charter of the Town of Hardwick

Reported in favor of its passage when amended as follows:

First: In Sec. 2, 24 App. V.S.A. chapter 123, in section 107, in subsection (c) immediately following the words “with or without amendment.” by striking out “If ~~it~~ the Board amends the ordinance prior to passage, ~~it~~ the Board shall cause the amended ordinance” and inserting in lieu thereof “If ~~it~~ the Selectboard amends the ordinance prior to passage, ~~it~~ the Selectboard shall cause the amended ordinance”

Second: In Sec. 2, 24 App. V.S.A. chapter 123, in section 116, immediately following the words “agreement with the United States of America or” and immediately before the words “the State of Vermont” by striking out the word “in”

Third: In Sec. 2, 24 App. V.S.A. chapter 123, in section 309, immediately following the words “Town Clerk,” and immediately before the words “the following oath” by inserting the words “and Treasurer”

Fourth: In Sec. 2, 24 App. V.S.A. chapter 123, in section 1103, immediately following the words “or special Town” by striking out the words “or Town School District”

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

Second Reading; Proposal of Amendment Agreed to; Third Reading Ordered

S. 100

Rep. Brady of Williston, for the Committee on Education, to which had been referred Senate bill, entitled

An act relating to universal school breakfast and the creation of the Task Force on Universal School Lunch

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Title * * *

Sec. 1. SHORT TITLE

This act may be cited as the “Universal School Meals Act.”

* * * Findings * * *

Sec. 2. FINDINGS

The General Assembly finds that:

(1) According to the Vermont Agency of Education, an average of 38 percent of students across all supervisory unions during the 2019–2020 school year qualified for free or reduced-price lunch. The General Assembly recognizes that students need fresh and nutritional foods to enable them to focus on their education and that many students come to school hungry. Providing universal school meals offered at no cost to students or their families creates a necessary foundation for learning readiness during the school day.

(2) A 2021 study by the National Food Access and COVID Research Team found that in the first year of the pandemic, nearly one-third of people in Vermont faced hunger, and families with children were five times more likely to face hunger. Food insecurity rates remained above pre-pandemic levels a year after the start of the pandemic.

(3) In a 2019 research report, the Urban Institute found that up to 42 percent of children living in food-insecure homes may not be eligible for free or reduced-price school meals.

(4) In 2016, the Center for Rural Studies at the University of Vermont partnered with the Vermont Farm to School Network to measure the economic contribution and impacts of Farm to School in Vermont. The final report found that school meal programs support a vibrant agricultural economy with every \$1.00 spent on local food in schools contributing \$1.60 to the Vermont economy.

(5) A study conducted by researchers at the University of Vermont and Hunger Free Vermont, and published in the Journal of Hunger and Environmental Nutrition, found that universal school meals programs in Vermont were associated with, among other benefits, improved overall school

climate as a result of financial differences being less visible and improved readiness to learn among students overall.

* * * Universal Meals * * *

Sec. 3. UNIVERSAL MEALS

(a) Notwithstanding provision. The provisions of this section shall apply notwithstanding any provision of law to the contrary.

(b) Definition. As used in this section, “approved independent school” means an approved independent school physically located in Vermont.

(c) Universal food program.

(1) In addition to the requirements of 16 V.S.A. § 1264(a)(1) (food program), each school board operating a public school shall cause to operate within each school in the school district the same school breakfast and school lunch program made available to students who qualify for those meals under the National Child Nutrition Act and the National School Lunch Act, as amended, for each attending student every school day at no charge. An approved independent school located in Vermont may operate the same school lunch and the same school breakfast program made available to students who qualify for those meals under the National Child Nutrition Act and the National School Lunch Act, each as amended, to each student attending on public tuition every school day at no charge.

(2) In operating its school breakfast and lunch program, a school district and an approved independent school shall seek to achieve the highest level of student participation, which may include any or all of the following:

(A) providing breakfast meals that can be picked up by students;

(B) making breakfast available to students in classrooms after the start of the school day; and

(C) for school districts, collaborating with the school’s wellness community advisory council, as established under subsection 136(e) of this title, in planning school meals.

(3) A school district and an approved independent school shall count time spent by students consuming school meals during class as instructional time.

(d) Award of Grants.

(1) Public schools. From State funds appropriated to the Agency for this subsection, the Agency shall reimburse each school district that made available both school breakfast and lunch to students at no charge under

subsection (c) of this section for the cost of each meal actually provided in the district during the previous quarter that qualifies as a paid breakfast or paid lunch under the federal school breakfast and federal school lunch programs. Reimbursement from State funds shall be available only to districts that maximize access to federal funds for the cost of the school breakfast and lunch program by participating in the Community Eligibility Provision or Provision 2 of these programs, or any other federal provision that in the opinion of the Agency draws down the most possible federal funding for meals served in that program.

(2) Approved independent schools.

(A) Subject to subdivision (B) of this subsection (2), from State funds appropriated to the Agency for this subsection (d), the Agency shall reimburse each approved independent school that made available both school breakfast and lunch to students attending on public tuition at no charge under subsection (c) of this section for the cost of each meal actually provided by the approved independent school to those students during the previous quarter that qualifies as a paid breakfast or paid lunch under the federal school breakfast and federal school lunch programs.

(B) An approved independent school is eligible for reimbursement under this subsection (d) only if it operates a food program that makes available a school lunch, as provided in the National School Lunch Act as amended, and a school breakfast, as provided in the National Child Nutrition Act as amended, to each attending student who qualifies for those meals under these Acts every school day.

(C) Reimbursement from State funds shall be available only to approved independent schools that maximize access to federal funds for the cost of the school breakfast and lunch program by participating in the Community Eligibility Provision or Provision 2 of these programs, or any other federal provision that in the opinion of the Agency draws down the most possible federal funding for meals served in that program.

(3) Reimbursement amounts for public schools and approved independent schools. The reimbursement amount for breakfast shall be a sum equal to the federal reimbursement rate for a free school breakfast less the federal reimbursement rate for a paid school breakfast, using rates identified annually by the Agency of Education from payment levels established annually by the U.S. Department of Agriculture. The reimbursement amount for lunch shall be a sum equal to the federal reimbursement rate for a free school lunch less the federal reimbursement rate for a paid school lunch, using rates identified annually by the Agency of Education from payment levels established annually by the U.S. Department of Agriculture.

(e) Notwithstanding any provision of law to the contrary, 16 V.S.A. § 1265 shall not apply to school year 2022–2023.

Sec. 4. REPEAL

Sec. 3 of this act is repealed on July 1, 2023.

Sec. 5. APPROPRIATION; UNIVERSAL MEALS

Notwithstanding 16 V.S.A. § 4025(d) and any other provision of law to the contrary, the sum of \$29,000,000.00 is appropriated from the Education Fund to the Agency of Education for fiscal year 2023 to provide reimbursement for school meals under Sec. 3 this act.

* * * Agency of Education; Staffing * * *

Sec. 6. AGENCY OF EDUCATION; STAFFING

(a) The following five positions are created in the Agency of Education:

(1) two full-time, classified positions to develop and maintain the universal household income declaration form and provide guidance to school districts on its use; and

(2) three full-time, classified positions to provide financial and data analysis for the Agency of Education.

(b) There is appropriated to the Agency of Education from the General Fund for fiscal year 2023 the amount of \$500,000.00 for salaries, benefits, and operating expenses for the positions created under subsection (a) of this section.

* * * Universal Income Declaration Form * * *

Sec. 7. UNIVERSAL INCOME DECLARATION FORM

(a) A universal income declaration form is used by some other states and school districts in Vermont with universal school meals programs to collect household size and income information that was previously collected using the Free and Reduced-Price Meal Application. A universal income declaration form is used to collect income bracket information from all families, reducing stigma and resulting in the collection of more accurate pupil eligibility counts throughout a school district.

(b) On or before October 1, 2022, the Agency of Education shall convene a working group that includes school staff and hunger and nutrition experts to develop the universal income declaration form that shall be fully accessible to all Vermont families both in paper form and electronically. The new form shall be implemented statewide for the 2023–24 school year.

(c) The Agency of Education shall establish a process for verifying the accuracy of data collected through the universal income declaration form, which could include requesting that a sample of households submit additional documentation or using other sources of income data available to the Agency.

(d) The sum of \$200,000.00 is appropriated from the Education Fund to the Agency of Education for fiscal year 2023 to fund operating expenses associated with the creation of the electronic universal income declaration form.

* * * Reports * * *

Sec. 8. AGENCY OF EDUCATION; CONSULTATION; REPORT

On or before January 15, 2023, the Agency of Education shall report to the House and Senate Committees on Education and on Appropriations, the House Committee on Ways and Means, and the Senate Committee on Finance on the impact and status of implementation under this act. The report shall include data on student participation rates in the universal meals program on an individual school level and, if possible, on a grade level; the relationship of federal rules to the State-funded program; and strategies for minimizing the use of State funds.

Sec. 9. JOINT FISCAL OFFICE; REPORT

On or before February 1, 2023, the Joint Fiscal Office (JFO) shall prepare a report examining possible revenue sources including expansion of the sales tax base, enactment of an excise tax on sugar sweetened beverages, and other sources of revenue not ordinarily used for General Fund purposes. The report shall include preliminary revenue estimates and other policy considerations.

* * * Effective Date * * *

Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

and that after passage the title of the bill be amended to read: “An act relating to universal school meals”

Rep. Durfee of Shaftsbury, 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 Education and when further amended as follows:

First: In Sec. 3, universal meals, by adding a subsection (f) to read as follows:

(f) The Agency of Education may use the universal income declaration form to collect the household income information necessary for the implementation of a universal meals program.

Second: By striking out Secs. 6 and 7 and their reader assistance headings in their entirety and renumbering the remaining sections to be numerically correct.

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended that the bill ought to pass in concurrence with proposals of amendment as recommended by the Committee on Education and the Committee on Ways and Means.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Education was amended as recommended by the Committee on Ways and Means in a vote by division: Yeas, 93; Nays, 33. Thereupon, the report of the Committee on Education, as amended, was agreed to and third reading was ordered.

Recess

At twelve o'clock and twenty-one minutes in the afternoon, the Speaker declared a recess until the fall of the gavel. At two o'clock and twelve minutes in the afternoon, the Speaker called the House to order.

Second Reading; Amendment Substituted; Proposal of Amendment Agreed to; Third Reading Ordered

S. 286

Rep. Gannon of Wilmington, for the Committee on Government Operations, to which had been referred Senate bill, entitled

An act relating to amending various public pension and other postemployment benefits

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

First: In Sec. 4, 3 V.S.A. § 459a, by striking out subdivision (b)(2) in its entirety and inserting in lieu thereof the following:

(2) Notwithstanding subdivision (1) of this subsection, for a Group C member who has attained the later of 50 years of age and has completed 20 or more years of service, in no event shall the member's separately computed retirement allowance increase by an amount equal to more than one and one-half percent of the member's average final compensation per year of service

actually performed during the period beginning with the member's last restoration to service.

Second: By striking out Sec. 5, 3 V.S.A. § 470, in its entirety and inserting in lieu thereof the following:

Sec. 5. 3 V.S.A. § 470 is amended to read:

§ 470. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT
ALLOWANCES

~~(a) For Group A, Group C, and Group D members, as of June 30th in each year, commencing June 30, 1972, a determination shall be made of any increase or decrease, to the nearest one-tenth of a percent, in the ratio of the average of the Consumer Price Index for the month ending on that date to the average of said index for the month ending on June 30, 1971, or the month ending on June 30th of the most recent year subsequent thereto. In the event of an increase, and provided that the net increase following the application of any offset as provided in this subsection equals or exceeds one percent, the retirement allowance of each beneficiary in receipt of an allowance for at least one year on the next following December 31st shall be increased by an equal percentage. Such increase shall commence on the January 1st immediately following such December 31st. Such percentage increase shall also be made in the retirement allowance payable to a beneficiary in receipt of an allowance under an optional election, provided the member on whose account the allowance is payable and such other person shall have received a total of at least 12 monthly payments by such December 31st. In the event of a decrease of the Consumer Price Index as of June 30th for the preceding year, the retirement allowance of a beneficiary shall not be subject to any adjustment on the next following January 1st; provided, however, that:~~

~~(1) such decrease shall be applied as an offset against the first subsequent year's increase of the Consumer Price Index when such increase equals or exceeds one percent, up to the full amount of such increase; and~~

~~(2) to the extent that such decrease is greater than such subsequent year's increase, such decrease shall be offset in the same manner against two or more years of such increases, for up to but not exceeding five subsequent years of such increases, until fully offset.~~ Postretirement adjustments to retirement allowance. Beginning January 1, 2023 and each year thereafter, the retirement allowance of each beneficiary of the System who is in receipt of a retirement allowance and who meets the eligibility criteria set forth in this section shall be adjusted by the amount described in subsection (d) of this section. In no event shall a beneficiary receive a negative adjustment to the beneficiary's retirement allowance.

(b) For Group F members, as of June 30th in each year, commencing January 1, 1991, a determination shall be made of any increase or decrease, to the nearest one-tenth of a percent of the Consumer Price Index for the preceding fiscal year. In the event of an increase, and provided that there exists a net increase following the application of any offset as provided in this subsection, the retirement allowance of each beneficiary in receipt of an allowance for at least one year on the next following December 31st shall be increased by an amount equal to one-half of the net percentage increase. Commencing January 1, 2014, the retirement allowance of each beneficiary who was an active contributing member of the Group F plan on or after June 30, 2008, and who retires on or after July 1, 2008, shall be increased by an amount equal to the net percentage increase. The increase shall commence on the January 1st immediately following such December 31st. The increase shall apply to Group F members receiving an early retirement allowance only in the year following attainment of normal retirement age, provided the member has received benefits for at least 12 months as of December 31st of the year preceding any January adjustment. In the event of a decrease of the Consumer Price Index as of June 30th for the preceding year, the retirement allowance of a beneficiary shall not be subject to any adjustment on the next following January 1st; provided, however, that:

(1) such decrease shall be applied as an offset against the first subsequent year's increase of the Consumer Price Index, up to the full amount of such increase; and

(2) to the extent that such decrease is greater than such subsequent year's increase, such decrease shall be offset in the same manner against two or more years of such increases, for up to but not exceeding five subsequent years of such increases, until fully offset. Calculation of net percentage increase.

(1) Consumer Price Index; maximum and minimum amounts. Prior to October 1 of each year, a determination shall be made of any increase or decrease, to the nearest one-tenth of a percent, in the Consumer Price Index for the month ending on June 30 of that year to the average of said index for the month ending on June 30 of the previous year. Any increase or decrease in the Consumer Price Index shall be subject to adjustment so as to remain within the following maximum and minimum amounts:

(A) For Group A members, the maximum amount of any increase or decrease used to determine the net percentage increase shall be five percent.

(B) For Group C members who are first eligible for normal retirement or unreduced early retirement on or before June 30, 2022, or who are vested deferred members as of June 30, 2022, the maximum amount of any

increase or decrease used to determine the net percentage increase shall be five percent.

(C) For Group C members who are first eligible for normal retirement or unreduced early retirement on or after July 1, 2022, the maximum amount of any increase or decrease used to determine the net percentage increase shall be four percent.

(D) For Group D members, the maximum amount of any increase or decrease used to determine the net percentage increase shall be five percent.

(E) For Group F members who are first eligible for normal retirement or unreduced early retirement on or before June 30, 2022, or who are vested deferred members as of June 30, 2022, the maximum amount of any increase or decrease used to determine the net percentage increase shall be five percent. In the event that there is an increase or decrease of less than one percent, the net percentage increase shall be assigned a value of one percent and shall not be subject to further adjustment pursuant to subsection (d) of this section.

(F) For Group F members who are first eligible for normal retirement or unreduced early retirement on or after July 1, 2022, the maximum amount of any increase or decrease used to determine the net percentage increase shall be four percent.

(2) Consumer Price Index; decreases. In the event of a decrease in the Consumer Price Index, there shall be no adjustment to retirement allowances for the subsequent year beginning January 1; provided, however, that:

(A) such decrease shall be applied as an offset against the first subsequent year's increase of the Consumer Price Index, up to the full amount of such increase; and

(B) to the extent that such decrease is greater than such subsequent year's increase, such decrease shall be offset in the same manner against two or more years of such increases, for up to but not exceeding five subsequent years of such increases, until fully offset.

(3) Consumer Price Index; increases. In the event of an increase in the Consumer Price Index, and provided there remains an increase following the application of any offset as in subdivision (2) of this subsection, that amount shall be identified as the net percentage increase and used to determine the members' postretirement adjustment as described herein.

(c) For purposes of subsection (a) of this section, the maximum amount of any increase or decrease utilized to determine the net percentage increase shall be five percent. For purposes of subsection (b) of this section, the maximum

~~amount of any increase or decrease utilized to determine the net percentage increase shall be five percent, and any increase or decrease of less than one percent shall be assigned a value of one percent. Eligibility for postretirement adjustment. In order for a beneficiary to receive a postretirement adjustment to the beneficiary's retirement allowance, the beneficiary must meet the following eligibility requirements:~~

(1) Retired and vested deferred on or before June 30, 2022. For all members who are retired or vested deferred on or before June 30, 2022, other than those Group F members on an early retirement allowance who have not reached normal retirement age, as specified in subdivision (4) of this subsection, the member must be in receipt of a retirement allowance for at least 12 months prior to the January 1 effective date of any postretirement adjustment.

(2) In service on or before June 30, 2022. For all Group A, C, and F members who are first eligible for normal retirement or unreduced early retirement on or before June 30, 2022, and for Group D members first appointed or elected on or before June 30, 2022, the member must be in receipt of a retirement allowance for at least 12 months prior to the January 1 effective date of any postretirement adjustment.

(3) In service on or after July 1, 2022. For all Group A, C, and F members who are first eligible for normal retirement or unreduced early retirement on or after July 1, 2022, and for Group D members first appointed or elected on or after July 1, 2022, the member must be in receipt of a retirement allowance for at least 24 months prior to the January 1 effective date of any postretirement adjustment.

(4) Special rule for Group F early retirement. A Group F member in receipt of an early retirement allowance shall not receive a postretirement adjustment to the member's retirement allowance until such time as the member has reached normal retirement age, provided the member has also met the other eligibility criteria set forth in this subsection.

~~(d) For purposed of this section, Consumer Price Index shall mean the Northeast Region Consumer Price Index for all urban consumers, designated as "CPI-U," in the northeast region, as published by the U.S. Department of Labor, Bureau of Labor Statistics. Amount of postretirement adjustment. The postretirement adjustment for each member who meets the eligibility criteria set forth in subsection (c) of this section shall be as follows:~~

(1) the full amount of the net percentage increase calculated in subsection (b) of this section for the following:

(A) Group A and C members, provided that the net increase following the application of any offset as provided in this section equals or exceeds one percent;

(B) Group D members first appointed or elected on or before June 30, 2022, provided that the net increase following the application of any offset as provided in this section equals or exceeds one percent; and

(C) commencing January 1, 2014, any active contributing member of the Group F plan on or after June 30, 2008, and who retires as a Group F member on or after July 1, 2008;

(2) one-half of the net percentage increase calculated in subsection (b) of this section for Group F members who retired on or before June 30, 2008;

(3) for Group D members first appointed or elected on or after July 1, 2022, provided that the net increase following the application of any offset as provided in this section equals or exceeds one percent, the full amount of the net percentage increase calculated in subsection (b) of this section for amounts equal to or less than \$75,000.00 of annual retirement allowance and one-half the net percentage increase calculated in subsection (b) of this section for amounts \$75,000.01 or greater of annual retirement allowance.

(e) Definition. For purposes of this section:

(1) “Consumer Price Index” means the Northeast Region Consumer Price Index for all urban consumers, designated as “CPI-U,” in the northeast region, as published by the U.S. Department of Labor, Bureau of Labor Statistics.

(2) “Vested deferred” means a member who receives a vested deferred allowance payable pursuant to subsection 465(a) of this title.

(f) Deferred vested allowance. No increase shall be made pursuant to this section in a deferred vested allowance payable pursuant to subsection 465(a) of this title prior to its commencement.

Third: By striking out Sec. 6, 3 V.S.A. § 473, in its entirety and inserting in lieu thereof the following:

Sec. 6. 3 V.S.A. § 473 is amended to read:

§ 473. FUNDS

(a) Assets. All of the assets of the Retirement System shall be credited to the Vermont State Retirement Fund.

(b) Member contributions.

(1)(A) Allocations. Contributions deducted from the compensation of members together with any member contributions transferred thereto from the predecessor systems shall be accumulated in the Fund and separately recorded for each member. The amounts so transferred on account of Group A members shall be allocated between regular and additional contributions. The amounts so allocated as regular contributions shall be determined as if the rate of contribution of four percent has been continuously in effect in the predecessor system from which such amounts were transferred and the balance of any amount so transferred on account of any Group A member shall be deemed additional contributions. In the case of Group C members who were members as of the date of establishment and Group D members, all contributions transferred from predecessor systems shall be deemed regular contributions. Those members who, prior to the date of establishment of this system, had been contributing at a rate less than four percent shall have any benefit otherwise payable on their behalf actuarially reduced to reflect such prior contribution rate of less than four percent. Upon a member's retirement or other withdrawal from service on the basis of which a retirement allowance is payable, the member's additional contributions, with interest thereon, shall be paid as an additional allowance equal to an annuity ~~which~~ that is the actuarial equivalent of such amount, in the same manner as the benefit otherwise payable under the System.

(B) Periodic review. When the State Employees' Retirement System has been determined by the actuary to have assets at least equal to its accrued liability, contribution rates will be reevaluated by the actuary with a subsequent recommendation to the General Assembly. In determining the amount earnable by a member in a payroll period, the Retirement Board may consider the annual or other periodic rate of earnable compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deduction from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as, on an annual basis, shall not exceed one-tenth of one percent of the annual earnable compensation upon the basis of which such deduction is to be made. Each of the amounts shall be deducted until the member retires or otherwise withdraws from service and when deducted shall be paid into the Annuity Savings Fund and shall be credited to the individual account of the member from whose compensation the deduction was made.

(2)(A) Group A members. Commencing on July 1, 2016, contributions shall be 6.55 percent of compensation for Group A, ~~D, and F~~ members and ~~8.43 percent of compensation for Group C members.~~ When the State

Employees' Retirement System has been determined by the actuary to have assets at least equal to its accrued liability, contribution rates will be reevaluated by the actuary with a subsequent recommendation to the General Assembly. In determining the amount earnable by a member in a payroll period, the Retirement Board may consider the annual or other periodic rate of earnable compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deduction from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as, on an annual basis, shall not exceed one-tenth of one percent of the annual earnable compensation upon the basis of which such deduction is to be made. Each of the amounts shall be deducted until the member retires or otherwise withdraws from service, and when deducted shall be paid into the Annuity Savings Fund, and shall be credited to the individual account of the member from whose compensation the deduction was made.

(B) Group C members.

(i) Commencing the first full pay period in fiscal year 2023, the contribution rate for Group C members shall be 8.93 percent of compensation.

(ii) Commencing the first full pay period in fiscal year 2024, the contribution rate for Group C members shall be 9.43 percent of compensation.

(iii) Commencing the first full pay period in fiscal year 2025 and annually thereafter, the contribution rate for Group C members shall be 9.93 percent of compensation.

(C) Group D members. Commencing on July 1, 2022, the contribution rate for Group D members shall be based on the quartile in which a member's hourly rate of pay falls. Quartiles shall be determined annually in the first full pay period of each fiscal year by the Department of Human Resources based on the hourly rate of pay by all Group D members. The contribution rates shall be based on the schedule set forth below:

(i) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period below the 25th percentile of Group D member hourly rates of pay, the contribution rate shall be 6.55 percent of compensation.

(ii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 25th

percentile and below the 50th percentile of Group D member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation; and

(III) commencing in fiscal year 2025 and annually thereafter, 8.05 percent of compensation.

(iii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 50th percentile and below the 75th percentile of Group D member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation; and

(IV) commencing in fiscal year 2026 and annually thereafter, 8.55 percent of compensation.

(iv) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at or above the 75th percentile of Group D member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation;

(IV) commencing in fiscal year 2026, 8.55 percent of compensation; and

(V) commencing in fiscal year 2027 and annually thereafter, 9.05 percent of compensation.

(D) Group F members. Commencing on July 1, 2022, the contribution rate for Group F members shall be based on the quartile in which a member's hourly rate of pay falls. Quartiles shall be determined annually in the first full pay period of each fiscal year by the Department of Human Resources based on the hourly rate of pay of all Group F members. The contribution rates shall be based on the schedule set forth below:

(i) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period below the 25th percentile of Group F member hourly rates of pay, the contribution rate shall be 6.55 percent of compensation.

(ii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 25th percentile and below the 50th percentile of Group F member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation; and

(III) commencing in fiscal year 2025 and annually thereafter, 8.05 percent of compensation.

(iii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 50th percentile and below the 75th percentile of Group F member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation; and

(IV) commencing in fiscal year 2026 and annually thereafter, 8.55 percent of compensation.

(iv) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for

members who have an hourly rate of pay in any pay period at or above the 75th percentile of Group F member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation;

(IV) commencing in fiscal year 2026, 8.55 percent of compensation; and

(V) commencing in fiscal year 2027 and annually thereafter, 9.05 percent of compensation.

(3) Deductions. The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided herein and shall receipt for full compensation, and payment of compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this subchapter.

(4) Additional contributions. Subject to the approval of the Retirement Board, in addition to the contributions deducted from compensation as hereinbefore provided, any member may redeposit in the Fund by a single payment or by an increased rate of contribution an amount equal to the total amount ~~which~~ that the member previously withdrew from this System or one of the predecessor systems; or any member may deposit therein by a single payment or by an increased rate of contribution an amount computed to be sufficient to purchase an additional annuity ~~which~~ that, together with prospective retirement allowance, will provide for the member a total retirement allowance not in excess of one-half of average final compensation at normal retirement date, with the exception of Group D members for whom creditable service shall be restored upon redeposits of amounts previously withdrawn from the System, or for whom creditable service shall be granted upon deposit of amounts equal to what would have been paid if payment had been made during any period of service during which such a member did not contribute. Such additional amounts so deposited shall become a part of the member's accumulated contributions as additional contributions.

(5) Beneficiaries. The contributions of a member and such interest as may be allowed thereon ~~which~~ that are withdrawn by the member or paid to the member estate or to a designated beneficiary in event of the member's death, shall be paid from the Fund.

(6) Scope. Contributions required under this subsection shall be limited to contributions from Group A, Group C, Group D, and Group F members.

(7) [Repealed.]

(c) Employer contributions, earnings, and payments.

* * *

(8) Annually, the Board shall certify an amount to pay the annual actuarially determined employer contribution, as calculated in this subsection, and additional amounts as follows:

(A) in fiscal year 2024, the amount of \$9,000,000.00;

(B) in fiscal year 2025, the amount of \$12,000,000.00; and

(C) in fiscal year 2026 and in any year thereafter when the Fund is calculated to have a funded ratio of less than 90 percent, the amount of \$15,000,000.00.

Fourth: In Sec. 11, 16 V.S.A. § 1944, by striking out subdivision (c)(13)(C) and inserting in lieu thereof the following:

(C) in fiscal year 2026 and in any year thereafter when the Fund is calculated to have a funded ratio of less than 90 percent, the amount of \$15,000,000.00.

Fifth: By striking out Sec. 11a, 16 V.S.A. § 1949a, in its entirety and inserting in lieu thereof the following:

Sec. 11a. 16 V.S.A. § 1949a is added to read:

§ 1949a. POSTRETIREMENT ADJUSTMENT ALLOWANCE ACCOUNT

(a) Intent. It is the intent of the General Assembly to recognize members who are in active service on or before June 30, 2022 and made contributions for the duration of fiscal year 2023 and members who are in active service on or after July 1, 2022 and made contributions for at least one year, as part of a broader effort to improve the health of the System. As an acknowledgment of these additional contributions, once the System is in a healthier financial position, it is the intent of the General Assembly that these members should receive postretirement adjustment allowances that will more fully reflect the net percentage increase in the Consumer Price Index. It is also the intent of the General Assembly that the postretirement adjustment allowance formula

should be incrementally increased to 100 percent of the net percentage increase in the Consumer Price Index, but that no increase should occur to the formula unless the funded ratio of the System is at least 80 percent funded on an actuarial value basis and the accumulated assets of the Account are equal to or exceed the present value of the benefits to accrue to members.

(b) Creation. There is established the Postretirement Adjustment Allowance Account, to be maintained under the Retirement System, which shall be used to provide funding for postretirement adjustment formula enhancements or other benefits that may accrue to eligible members pursuant to the requirements of subsection (d) of this section.

(c) Funds. The Account shall consist of:

(1) any amounts transferred to it from the General Fund Balance Reserve established in 32 V.S.A. § 308c;

(2) any amounts transferred or appropriated to it by the General Assembly; and

(3) interest earned pursuant to subsection (d) of this section.

(d) Fund administration. The Postretirement Adjustment Allowance Account shall be subordinate to the retirement benefits provided by the Retirement System. Contributions to the Account shall be irrevocable, and it shall be impossible at any time before satisfaction of all liabilities to provide funding for postretirement adjustment formula enhancements or other benefits that may accrue to eligible members for any part of the corpus or income of the Account to be used for, or diverted to, any purpose other than providing funding for postretirement adjustment formula enhancements or other benefits that may accrue to eligible members. All balances in the Account at the end of the fiscal year shall be carried forward, and interest earned shall remain in the Account.

(e) Recommendation of Board. In any fiscal year, the Board may recommend to the General Assembly that the monies in the Account be used to provide for postretirement adjustment formula enhancements or other benefits that may accrue to eligible members in the System, provided that:

(1) an evaluation has been conducted pursuant to section 1949b of this chapter;

(2) the actuary has certified that the System has a funded ratio of at least 80 percent in the most recent fiscal year; and

(3) the actuary has certified that the Fund has sufficient assets to pay for the present value of any benefit being recommended.

(f) Use of funds. In the event that the General Assembly approves of the Board's recommended postretirement adjustment formula enhancements or other benefit change pursuant to subsection (e) of this section, the Board may direct that funds sufficient to pay the present value of change be charged from the Account for that purpose.

(g) Fund charges. In no event shall the funds charged from the Account exceed the outstanding Account balance.

(h) Fund assets.

(1) For funding purposes, any asset value utilized in the calculation of the actuarial value of assets of a system shall exclude the Account as of the asset determination date for such calculation.

(2) For all purposes other than funding, the funds in the Account shall be considered assets of the System.

(i) Definition. As used in this section, "eligible member" means:

(1) a member of the System who is in active service on or before June 30, 2022 and made contributions for the duration of fiscal year 2023; or

(2) a member of the System who is in active service on or after July 1, 2022 and made contributions for at least one year.

Sixth: In Sec. 18, 32 V.S.A. § 308c, in subdivision (a)(3)(B), by striking out "Fund" and inserting in lieu thereof "Account"

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

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Government Operations?, **Reps. Gannon of Wilmington, Anthony of Barre City, Colston of Winooski, Copeland Hanzas of Bradford, Higley of Lowell, Hooper of Burlington, LaClair of Barre Town, Lefebvre of Orange, McCarthy of St. Albans City, Mrowicki of Putney, and Vyhovsky of Essex** moved to substitute an amendment for the report of the Committee on Government Operations by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Intent * * *

Sec. 1. 32 V.S.A. § 311a is added to read:

§ 311a. PUBLIC RETIREMENT BENEFITS; UNFUNDED LIABILITY;

FINDINGS; PURPOSE; INTENT

(a) Findings. The General Assembly finds:

(1) The actuarially determined employer contribution (ADEC) for the Vermont State Employees' Retirement System (VSERS) has increased by an annual growth rate of 12.1 percent between FY 2009 and FY 2023, and the funded ratio of the VSERS has declined from 94.1 percent from FY 2008 to 67.6 percent by year-end FY 2021.

(2) The ADEC for the Vermont State Teachers' Retirement System (VSTRS) has increased by an annual growth rate of 13 percent between FY 2009 and FY 2023, and the funded ratio of the VSTRS has declined from 80.9 percent from FY 2008 to 52.9 percent by year-end FY 2021.

(3) The General Assembly has appropriated sufficient funds to fully pay the ADEC for both VSERS and VSTRS at the recommended amounts since FY 2007 and throughout the current amortization period.

(4) Since FY 2009, the accrued liabilities of VSERS and VSTRS have grown faster than the assets of each plan, resulting in a gap between the expected payout of future benefits and the assets VSERS and VSTRS have to pay out those benefits to retired State employees and teachers. This gap is also known as the unfunded liabilities for VSERS and VSTRS.

(5) In FY 2015, the General Assembly created the Retired Teachers' Health and Medical Benefits Fund, and health care premiums are paid for on a pay-as-you-go basis from this Fund.

(6) The FY 2022 State budget expense for retiree health care benefits, known as other postemployment benefits (OPEB), for State employees was approximately \$37.2 million and \$35.1 million for teachers.

(7) As of the beginning of FY 2022, the State's unfunded liabilities for health care benefits for retired State employees and teachers is \$2.75 billion.

(b) Purpose. The purpose of this section is to provide economic stability for retired State employees and teachers by maintaining the financial health of VSERS and VSTRS, while also addressing the unfunded liabilities in the State's pension and OPEB plans and the decline in the funded ratios of those retirement systems.

(c) Intent.

(1) It is the intent of the General Assembly to address the unfunded liabilities and decline in funded ratios of VSERS and VSTRS by implementing several measures, including:

(A) continuing the General Assembly's policy since FY 2007 to fully fund the actuarially determined employer contributions rates for the VSERS and VSTRS at the amounts recommended by the respective boards of each retirement system to the General Assembly each year; and

(B) beginning in FY 2024, annually funding an additional payment to the actuarially recommended unfunded liability amortization payments for VSERS and VSTRS that will increase to not more than \$15,000,000.00 each year to each retirement system and remain until the VSERS plan and the VSTRS plan respectively reach a 90 percent funded ratio.

(2) It is also the intent of the General Assembly to prefund other postemployment benefits to create more security and predictability in health care benefits for retired State employees and teachers.

* * * Vermont State Employees' Retirement System * * *

* * * Pension Benefits * * *

Sec. 2. 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) As used in this subchapter:

* * *

(4) “Average final compensation” means:

(A) For a Group A ~~and a~~ Group F, or Group G member, the average annual earnable compensation of a member during the three consecutive fiscal years beginning July 1 and ending June 30 of creditable service affording the highest average, or during all of the years of creditable service if fewer than three years. If the member’s highest three years of earnable compensation are the three years prior to separation of service and the member separates prior to the end of a fiscal year, average final compensation shall be determined by adding:

(i) The actual earnable compensation earned in the fiscal year of separation through the date of separation and the service credit to correspond with the last pay date.

(ii) The earnable compensation and service credit earned in the preceding two fiscal years.

(iii) The remaining service credit that is needed to complete the three full years, which shall be factored from the fiscal year preceding the two fiscal years described in subdivision (ii) of this subdivision (A). The earnable compensation associated with this remaining service credit shall be calculated by multiplying the annual earnable compensation reported by the remaining service credit that is needed.

* * *

(C) For purposes of determining average final compensation for Group A or Group C members, a member who has accumulated unused sick leave at retirement shall be deemed to have worked the full normal working time for ~~his or her~~ the member's position for 50 percent of such leave, at ~~his or her~~ the member's full rate of compensation in effect at the date of ~~his or her~~ the member's retirement. For purposes of determining average final compensation for Group F or Group G members, unused annual or sick leave, termination bonuses, and any other compensation for service not actually performed shall be excluded. The average final compensation for a State's Attorney and the Defender General shall be determined by the State's Attorney's or the Defender General's highest annual compensation earned during ~~his or her~~ the member's creditable service.

(D) For purposes of determining average final compensation for a member who has accrued service in more than one group plan within the System, the highest consecutive years of earnings shall be based on the formulas set forth in subdivision (A) or (B) of this subdivision (4) using the earnable compensation received while a member of the System.

(E) For Group A, C, ~~or F, or G~~ members who retire on or after July 1, 2012, an increase in compensable hours in any year used to calculate average final compensation that exceeds 120 percent of average compensable hours shall be excluded from that year when calculating average final compensation.

(F) For a Group D member:

(i) Who retires on or before June 30, 2022, the member's final salary.

(ii) Who retires on or after July 1, 2022, but who, on or before June 30, 2022, has five years or more of service as a Supreme Court Justice, a Superior judge, an Environmental judge, a District judge, or a Probate judge, or any combination thereof, and has attained 57 years of age or older, or is a Group D member on or before June 30, 2022 and has 15 years or more of creditable service, the member's final salary.

(iii) Who retires on or after July 1, 2022 and who does not meet the requirements set forth in subdivisions (i) and (ii) of this subdivision (F), the average annual earnable compensation of a member during the two consecutive fiscal years beginning on July 1 and ending on June 30 of creditable service affording the highest such average, or during all of the years in the member's creditable service if fewer than two years. If the member separates prior to the end of a fiscal year, average final compensation shall be determined by adding:

(I) The actual earnable compensation earned in the fiscal year of separation through the date of separation and the service credit to correspond with the last pay date.

(II) The earnable compensation and service credit earned in the preceding fiscal year.

(III) The remaining service credit that is needed to complete the two full years, which shall be factored from the fiscal year preceding the fiscal year described in subdivision (II) of this subdivision (F)(iii). The earnable compensation associated with this remaining service credit shall be calculated by multiplying the annual earnable compensation reported by the remaining service credit that is needed.

* * *

(11) “Member” ~~shall mean~~ means any employee included in the membership of the Retirement System under section 457 of this title.

(A) “Group A members” ~~shall mean~~ means employees classified under subdivision (A) of subdivision (9) of this subsection (a).

(B) [Repealed.]

(C) “Group C members” ~~shall mean~~ means employees classified under subdivision (B) of subdivision (9) of this subsection (a) who become members as of the date of establishment, any person who is first included in the membership of the System on or after July 1, 1998, any person who was a Group B member on June 30, 1998, who was in service on that date, and any person who was a Group B member on June 30, 1998, who was absent from service on that date who returns to service on or after July 1, 1998.

(D) “Group D members” ~~shall mean~~ means Justices of the Supreme Court, Superior judges, district judges, environmental judges, and probate judges.

(E) “Group F member” ~~shall mean~~ means any person who is first included in the membership of the System on or after January 1, 1991, any person who was a Group E member on December 31, 1990, who was in service on that date, and any person who was a Group E member on December 31, 1990, who was absent from service on that date who returns to service on or after January 1, 1991.

(F) “Group G member” means the following employees who are first employed in the positions listed in this subdivision (F) on or after July 1, 2022, or who are members of the System as of June 30, 2022 and make an irrevocable election to prospectively join Group G on or before June 30, 2023, pursuant to the terms set by the Board: facility employees of the Department

of Corrections, as Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community, as employees of a facility for justice-involved youth, or as Vermont State Hospital employees or as employees of its successor in interest, who provide direct patient care.

* * *

(13) “Normal retirement date” ~~shall mean~~ means:

(A) with respect to a Group A member, the first day of the calendar month next following (i) attainment of age 65 years of age, and following completion of five years of creditable service for those members hired on or after July 1, 2004, or (ii) attainment of age 62 and completion of 20 years of creditable service, whichever is earlier;

(B) with respect to a Group C member, the first day of the calendar month next following attainment of age 55 years of age, and following completion of five years of creditable service for those members hired on or after July 1, 2004, or completion of 30 years of service, whichever is earlier;

(C) with respect to a Group D member,;

(i) for those members first appointed or elected on or before June 30, 2022, the first day of the calendar month next following attainment of age 62 years of age and completion of five years of creditable service; or

(ii) for those members first appointed or elected on or after July 1, 2022, the first day of the calendar month next following attainment of 65 years of age and completion of five years of creditable service; and

(D) with respect to a Group F member, the first day of the calendar month next following attainment of age 62 years of age, and following completion of five years of creditable service for those members hired on or after July 1, 2004, or completion of 30 years of creditable service, whichever is earlier; and with respect to a Group F member first included in the membership of the system on or after July 1, 2008, the first day of the calendar month next following attainment of age 65 years of age and following completion of five years of creditable service, or attainment of 87 points reflecting a combination of the age of the member and number of years of service, whichever is earlier.

(E) with respect to a Group G member:

(i) for facility employees of the Department of Corrections, Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community, employees of a facility for justice-involved youth, or employees of the Vermont State

Hospital or its successor in interest, who provide direct patient care, who were first included in the membership of the System on or before June 30, 2008, who were employed as of June 30, 2022, and who made an irrevocable election to prospectively join Group G on or before July 1, 2023, pursuant to the terms set by the Board, the first day of the calendar month next following the earlier of (I) 62 years of age and following completion of five years of creditable service, (II) completion of 30 years of creditable service, or (III) 55 years of age and following completion of 20 years of creditable service; or

(ii) for facility employees of the Department of Corrections, Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community, as employees of a facility for justice-involved youth, or employees of the Vermont State Hospital or its successor in interest, who provide direct patient care, who were first included in the membership of the System on or after July 1, 2008, who were employed as of June 30, 2022, and who made an irrevocable election to prospectively join Group G on or before July 1, 2023, pursuant to the terms set by the Board, the first day of the calendar month next following the earlier of (I) 65 years of age and following completion of five years of creditable service, (II) attainment of 87 points reflecting a combination of the age of the member and number of years of service, or (III) 55 years of age and following completion of 20 years of creditable service; or

(iii) for facility employees of the Department of Corrections, Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community, employees of a facility for justice-involved youth, or employees of the Vermont State Hospital or its successor in interest, who provide direct patient care, who first become a Group G member on or after July 1, 2023, the first day of the calendar month next following attainment of 55 years of age and following completion of 20 years of creditable service.

* * *

Sec. 3. 3 V.S.A. § 457 is amended to read:

§ 457. MEMBERS

* * *

(d) Should any Group A, C, D, ~~or F,~~ or G member who has less than five years of creditable service in any period of five consecutive years after last becoming a member be absent from service more than three years or should he ~~or she~~ the member withdraw his or her contributions, or become a beneficiary or die, ~~he or she the member~~ shall thereupon cease to be a member. However, the membership of any employee entering such classes of military or naval

service of the United States as may be approved by resolution of the Retirement Board, shall be continued during such military or naval service if ~~he or she~~ the member does not withdraw his or her contributions, but no such member shall be considered in the service of the State for the purpose of the Retirement System during such military or naval service, except as provided in subsection 458(e) of this title.

* * *

Sec. 4. 3 V.S.A. § 458 is amended to read:

§ 458. CREDITABLE SERVICE; MILITARY SERVICE

* * *

(b) All service of a ~~group~~ Group A, group Group C, group Group D, or group Group F, or Group G member since ~~he or she~~ the member last became a member on account of which contributions are made shall be credited as membership service.

* * *

Sec. 5. 3 V.S.A. § 459 is amended to read:

§ 459. NORMAL AND EARLY RETIREMENT

(a) Normal retirement.

(1) Group A, group Group D, and group Group F, and Group G members. Any ~~group Group A, group Group D, or group Group F, or Group G~~ Group A, group Group D, or group Group F, or Group G member who has reached ~~his or her~~ the member's normal retirement date may retire on a normal retirement allowance on the first day of any month after ~~his or her~~ the member's separation from service by filing an application in the manner outlined in subdivision (3) of this subsection.

(2) Group C members. Any ~~group Group C~~ Group C member who is an officer or employee of the Department of Public Safety assigned to police and law enforcement duties, including the Commissioner of Public Safety appointed before July 1, 2000, and who has reached his or her normal retirement date may retire on a normal retirement allowance, on the first day of any month after ~~he or she~~ the member may have separated from service, by filing an application in the manner outlined in subdivision (3) of this subsection. Any ~~group Group C~~ Group C member in service shall be retired on a normal retirement allowance on the first day of the calendar month next following attainment of ~~age 55~~ 57 years of age. Notwithstanding, it is provided that any such member who is an official appointed for a term of years may remain in service until the end of ~~his or her~~ the member's term of office or any extension thereto, resulting from reappointment.

* * *

(b) Normal retirement allowance.

(1) Upon normal retirement, a ~~group~~ Group A member shall receive a normal retirement allowance ~~which that~~ shall be equal to 50 percent of ~~his or her~~ the member's average final compensation; provided, however, that if the member has not completed 30 years of creditable service at retirement, or, if earlier, the date of attainment of such age as may be applicable under the provisions of subdivision (a)(4) of this section, ~~his or her~~ the member's allowance shall be multiplied by the ratio that the number of ~~his or her~~ the member's years of creditable service at retirement, or such earlier date, bears to 30.

(2)~~(A)~~ Upon normal retirement, a ~~group~~ Group C member shall receive a normal retirement allowance ~~which that~~ shall be equal to 50 percent of ~~his or her~~ the member's average final compensation; provided, however, that if the member has not completed 20 years of creditable service at retirement, or, if earlier, the date of attainment of such age as may be applicable under the provisions of subdivision (a)(4) of this section, the member's allowance shall be multiplied by the ratio that the number of ~~his or her~~ the member's years of creditable service at retirement, or such earlier date, bears to 20.

(B) For a Group C member, for each year of service that is completed on or after July 1, 2022 after attaining the later of 50 years of age or completing 20 years of service, a member's maximum normal retirement allowance shall increase by an amount equal to one and one-half percent of the member's average final compensation.

(3)~~(A)~~ ~~Group D members who are Justices of the Supreme Court, Superior judges, Environmental judges, and District judges; additional retirement allowance. Justices of the Supreme Court, Superior judges, Environmental judges, and District judges, upon normal retirement under this section, shall receive a normal retirement allowance equal to one and two-thirds percent of the member's average final compensation times the years of Group D membership service up to 12 years. Group D members shall receive an additional retirement allowance according to years of service as a Supreme Court Justice, a Superior judge, an Environmental judge, or a District judge, or a Probate judge, or any combination thereof, as follows:~~

(i) After 12 years of service, an additional retirement allowance of an amount ~~which that~~, together with the normal service retirement allowance for the first 12 years, will make the total equal to two-fifths of their ~~salary at retirement~~ average final compensation.

(ii) For each year of service in excess of 12 years, an amount equal to $3\frac{1}{3}$ three and one-third percent of their salary at retirement average final compensation shall be added to the retirement allowance as computed in ~~subsection (a)~~ subdivision (i) of this section ~~subdivision (b)(3)(A)~~. However, at no time shall the total retirement allowance exceed their salary at retirement. ~~Such~~ In addition to the normal retirement allowance, such additional retirement allowance shall be treated as the normal retirement allowance ~~for all purposes of the retirement act.~~

~~(B) In order to qualify for the benefits provided by this title each Justice or judge shall have the maximum employee contribution in accordance with the requirements of the State Employees' Retirement System. These provisions shall apply to surviving Justices and judges retired before its enactment, but only from the effective date of its enactment, and not retroactively. The total retirement allowance for Group D members shall be as follows:~~

(i) For a Group D member who retires on or before June 30, 2022, the total retirement allowance shall not exceed the member's salary at retirement.

(ii) For a Group D member who, on or before June 30, 2022, has five years or more of service as a Supreme Court Justice, a Superior judge, an Environmental judge, a District judge, or a Probate judge, or any combination thereof, and has attained 57 years of age or older, or is a Group D member on or before June 30, 2022 and has 15 years or more of creditable service, the total retirement allowance shall not exceed the member's salary at retirement.

(iii) For a Group D member who retires on or after July 1, 2022, and who does not meet the requirements set forth in subdivision (i) or (ii) of this subdivision (B), the member's total retirement allowance shall not exceed 80 percent of the member's average final compensation.

~~(C) For the purposes of this section, years of service as a municipal judge are to be counted as years of service in determining the additional retirement allowance, insofar as they represent years of membership service. [Repealed.]~~

~~(4) Group D members who are Probate judges; additional retirement allowance. Probate judges, having retired under this section, shall be entitled to an additional retirement allowance according to their years in service as follows:~~

~~(A) Upon completion of 12 years of service an amount which with service retirement allowance will equal two-fifths of the salary at retirement.~~

~~(B) For each additional year of service, an amount equal to 3 1/3 percent of the salary at retirement shall be added to the retirement allowance as computed in subsection (a) of this section. Such additional retirement allowance shall be treated as the normal retirement allowance for all purposes of the retirement act. [Repealed.]~~

* * *

(6)(A) Upon normal retirement pursuant to subdivisions 455(a)(13)(E)(i) and (iii) of this chapter, a group G member shall receive a normal retirement allowance equal to two and one-half of a percent of the member's average final compensation times years of membership service in Group G. The maximum retirement allowance shall be 50 percent of average final compensation.

(B) Upon normal retirement pursuant to subdivision 455(a)(13)(E)(ii) of this chapter, a Group G member shall receive a normal retirement allowance equal to two and one-half of a percent of the member's average final compensation times years of membership service in Group G. The maximum retirement allowance shall be 60 percent of average final compensation.

(c) Early retirement.

* * *

(4) Group G members. Any Group G member who has attained 55 years of age and has completed five years of creditable service may retire on an early retirement allowance.

(d) Early retirement allowance.

* * *

(3) Upon early retirement, a ~~group~~ Group D member shall receive an early retirement allowance ~~which that~~ shall be equal to the normal retirement allowance reduced by one-quarter of one percent for each month the member is under ~~age 62~~ the member's normal retirement date at the time of early retirement.

(4)(A) Upon early retirement, a Group G member who was previously a Group F member first included in the membership of the System on or before June 30, 2008, and who elected to transfer into Group G on July 1, 2023 pursuant to the terms set by the Board, shall receive an early retirement allowance that shall be equal to the normal retirement allowance reduced by the lesser of (i) one-half of one percent for each month equal to the difference between the 240 months and the member's months of creditable service, or (ii)

an amount that shall be the actuarial equivalent of the normal retirement allowance computed under subsection (b) of this section.

(B) Upon early retirement, a Group G member who was previously a Group F member first included in the membership of the System on or after July 1, 2008, and who elected to transfer into Group G on July 1, 2023 pursuant to the terms set by the Board, shall receive an early retirement allowance that shall be equal to the normal retirement allowance reduced by the lesser of (i) five-ninths of one percent for each month equal to the difference between the 240 months and the member's months of creditable service, or (ii) an amount that shall be the actuarial equivalent of the normal retirement allowance computed under subsection (b) of this section.

(C) Upon early retirement, all Group G members other than those specified in subdivision (d)(4)(A) of this section shall receive an early retirement allowance that shall be equal to the normal retirement allowance reduced by an amount that shall be the actuarial equivalent of the normal retirement allowance computed under subsection (b) of this section.

(4)(5) Notwithstanding subdivisions (1) and (2) of this subsection, an employee of the Department of Fish and Wildlife assigned to law enforcement duties, an employee of the Military Department assigned to airport firefighting duties, or a ~~group~~ Group C member shall, upon early retirement, receive an early retirement allowance which ~~that~~ shall be equal to his ~~or her~~ the normal retirement allowance computed under subsection (b) of this section.

(5)(6) Notwithstanding subdivisions (1) and (2) of this subsection, a State's Attorney, the Defender General, or sheriff who has completed 20 years of creditable service, of which 15 years has been as a State's Attorney, the Defender General, or sheriff, shall receive an early retirement allowance equal to the normal retirement allowance, at ~~age 55~~ years of age, without reductions.

* * *

Sec. 6. 3 V.S.A. § 459a is amended to read:

§ 459a. RESTORATION OF SERVICE

* * *

(b)(1) Upon the subsequent retirement of an employee who once again became a member under subsection (a) of this section, the employee shall once again become a beneficiary whose former retirement allowance shall be restored under the same plan provisions applicable at the time of the initial retirement, but the beneficiary shall not be entitled to cost of living adjustments for the period during which ~~he or she~~ the beneficiary was restored to service. In addition to the former retirement allowance, a beneficiary shall

be entitled to a retirement allowance separately computed for the period beginning with ~~his or her~~ the beneficiary's last restoration to service for which the member has made a contribution. If the beneficiary is not vested in the system since ~~he or she~~ the beneficiary was last restored to service, the member's contributions plus accumulated interest shall be returned to ~~him or her~~ the beneficiary.

(2) Notwithstanding subdivision (1) of this subsection, for a Group C member who has attained the later of 50 years of age and has completed 20 or more years of service, in no event shall the member's separately computed retirement allowance increase by an amount equal to more than one and one-half percent of the member's average final compensation per year of service actually performed during the period beginning with the member's last restoration to service.

Sec. 7. 3 V.S.A. § 460 is amended to read:

§ 460. ORDINARY DISABILITY RETIREMENT

(a) Upon the application of a member or of ~~his or her~~ the member's department head not later than 90 days, or longer for cause shown, after the date the member may have separated from service, any ~~group~~ Group A, group Group C, group Group D, or group Group F, or Group G member who has had five or more years of creditable service may be retired by the retirement board on an ordinary disability retirement allowance, not less than 30 nor more than 90 days after filing such application; provided ~~he or she~~ the member is not eligible for accidental disability retirement; provided ~~he or she~~ the member has requested application prior to death; and provided that the Medical Board, after a medical examination of such member, shall certify that the member is mentally or physically incapacitated for the further performance of duty, that such incapacity has existed since the time of the member's separation from service and is likely to be permanent, and that he or she should be retired. The Retirement Board may consider, or may ask the Medical Board or a certified vocational rehabilitation counselor to consider whether the individual is disabled from performing other types of suitable work. However, if disability is denied because the individual is found to be suitable for other work, the member shall be advised at the time of denial of the following provisions ~~which that~~ shall apply:

(1) the individual will retain ~~his or her~~ the individual's existing retirement accrual status;

(2) the State shall provide any necessary retraining;

(3) there shall be no loss in pay;

(4) involuntary geographical moves beyond normal commuting distance are not permitted; and

(5) before any individual who is reassigned to another position rather than retired on disability may be terminated for performance reasons, the individual must first be reconsidered for disability retirement by the Retirement Board.

(b)(1) Upon ordinary disability retirement, a ~~group~~ Group A, group Group D, or group Group F, or Group G member shall receive a normal retirement allowance equal to the normal retirement benefit accrued to the effective date of the disability retirement; provided, however, that such allowance shall not be less than 25 percent of ~~his or her~~ the member's average final compensation at the time of ~~his or her~~ the member's disability retirement.

(2) Employees who are not eligible for representation by the Vermont State Employees' Association, including managerial, confidential, elected, and appointed officials, judicial, legislative, and exempt employees, who are employed on February 1, 1997, and whose application for the State's long-term disability plan is denied solely because of a preexisting condition, shall, if they are otherwise eligible for ordinary disability retirement, be entitled to a retirement allowance which, when added to Social Security and/or other disability payments, equals 662/3 percent of ~~his or her~~ the employee's final average compensation at the time of the disability retirement.

* * *

Sec. 8. 3 V.S.A. § 464 is amended to read:

§ 464. ACCIDENTAL AND OCCUPATIONALLY RELATED DEATH
BENEFIT

(a) If the Retirement Board shall find on the basis of such evidence as may come before it that a ~~group~~ Group A, group Group D, or group Group F, or group G member in service died prior to his or her retirement under the system as the natural and proximate result of an accident occurring at a definite time and place during the course of his or her performance of duty as an employee and that such accident was not the result of the member's own gross negligence or willful misconduct, a retirement allowance shall be paid to ~~his or her~~ the member's designated dependent beneficiary during ~~his or her~~ the member's life.

* * *

Sec. 9. 3 V.S.A. § 465 is amended to read:

§ 465. TERMINATION OF SERVICE; ORDINARY DEATH BENEFIT

* * *

(c) If a Group A, Group D, ~~or Group F,~~ or Group G member dies in service after becoming eligible for early retirement or after completing 10 years of creditable service, a retirement allowance will be payable to the member's designated dependent beneficiary during ~~his or her~~ the member's life. If the designated dependent beneficiary so elects, however, the return of the member's accumulated contributions shall be made in lieu thereof.

* * *

Sec. 10. 3 V.S.A. § 470 is amended to read:

§ 470. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT
ALLOWANCES

(a) ~~For Group A, Group C, and Group D members, as of June 30th in each year, commencing June 30, 1972, a determination shall be made of any increase or decrease, to the nearest one-tenth of a percent, in the ratio of the average of the Consumer Price Index for the month ending on that date to the average of said index for the month ending on June 30, 1971, or the month ending on June 30th of the most recent year subsequent thereto. In the event of an increase, and provided that the net increase following the application of any offset as provided in this subsection equals or exceeds one percent, the retirement allowance of each beneficiary in receipt of an allowance for at least one year on the next following December 31st shall be increased by an equal percentage. Such increase shall commence on the January 1st immediately following such December 31st. Such percentage increase shall also be made in the retirement allowance payable to a beneficiary in receipt of an allowance under an optional election, provided the member on whose account the allowance is payable and such other person shall have received a total of at least 12 monthly payments by such December 31st. In the event of a decrease of the Consumer Price Index as of June 30th for the preceding year, the retirement allowance of a beneficiary shall not be subject to any adjustment on the next following January 1st; provided, however, that:~~

(1) ~~such decrease shall be applied as an offset against the first subsequent year's increase of the Consumer Price Index when such increase equals or exceeds one percent, up to the full amount of such increase; and~~

(2) ~~to the extent that such decrease is greater than such subsequent year's increase, such decrease shall be offset in the same manner against two or more years of such increases, for up to but not exceeding five subsequent years of such increases, until fully offset. Postretirement adjustments to retirement allowance. Beginning January 1, 2023 and each year thereafter, the retirement allowance of each beneficiary of the System who is in receipt of a~~

retirement allowance and who meets the eligibility criteria set forth in this section shall be adjusted by the amount described in subsection (d) of this section. In no event shall a beneficiary receive a negative adjustment to the beneficiary's retirement allowance.

~~(b) For Group F members, as of June 30th in each year, commencing January 1, 1991, a determination shall be made of any increase or decrease, to the nearest one-tenth of a percent of the Consumer Price Index for the preceding fiscal year. In the event of an increase, and provided that there exists a net increase following the application of any offset as provided in this subsection, the retirement allowance of each beneficiary in receipt of an allowance for at least one year on the next following December 31st shall be increased by an amount equal to one-half of the net percentage increase. Commencing January 1, 2014, the retirement allowance of each beneficiary who was an active contributing member of the Group F plan on or after June 30, 2008, and who retires on or after July 1, 2008, shall be increased by an amount equal to the net percentage increase. The increase shall commence on the January 1st immediately following such December 31st. The increase shall apply to Group F members receiving an early retirement allowance only in the year following attainment of normal retirement age, provided the member has received benefits for at least 12 months as of December 31st of the year preceding any January adjustment. In the event of a decrease of the Consumer Price Index as of June 30th for the preceding year, the retirement allowance of a beneficiary shall not be subject to any adjustment on the next following January 1st; provided, however, that:~~

~~(1) such decrease shall be applied as an offset against the first subsequent year's increase of the Consumer Price Index, up to the full amount of such increase; and~~

~~(2) to the extent that such decrease is greater than such subsequent year's increase, such decrease shall be offset in the same manner against two or more years of such increases, for up to but not exceeding five subsequent years of such increases, until fully offset. Calculation of net percentage increase.~~

(1) Consumer Price Index; maximum and minimum amounts. Prior to October 1 of each year, a determination shall be made of any increase or decrease, to the nearest one-tenth of a percent, in the Consumer Price Index for the month ending on June 30 of that year to the average of said index for the month ending on June 30 of the previous year. Any increase or decrease in the Consumer Price Index shall be subject to adjustment so as to remain within the following maximum and minimum amounts:

(A) For Group A members, the maximum amount of any increase or decrease used to determine the net percentage increase shall be five percent.

(B) For Group C members who are first eligible for normal retirement or unreduced early retirement on or before June 30, 2022, or who are vested deferred members as of June 30, 2022, the maximum amount of any increase or decrease used to determine the net percentage increase shall be five percent.

(C) For Group C members who are first eligible for normal retirement or unreduced early retirement on or after July 1, 2022, the maximum amount of any increase or decrease used to determine the net percentage increase shall be four percent.

(D) For Group D members, the maximum amount of any increase or decrease used to determine the net percentage increase shall be five percent.

(E) For Group F members who are first eligible for normal retirement or unreduced early retirement on or before June 30, 2022, or who are vested deferred members as of June 30, 2022, the maximum amount of any increase or decrease used to determine the net percentage increase shall be five percent. In the event that there is an increase or decrease of less than one percent, the net percentage increase shall be assigned a value of one percent and shall not be subject to further adjustment pursuant to subsection (d) of this section.

(F) For Group F and Group G members who are first eligible for normal retirement or unreduced early retirement on or after July 1, 2022, the maximum amount of any increase or decrease used to determine the net percentage increase shall be four percent.

(2) Consumer Price Index; decreases. In the event of a decrease in the Consumer Price Index, there shall be no adjustment to retirement allowances for the subsequent year beginning January 1; provided, however, that:

(A) such decrease shall be applied as an offset against the first subsequent year's increase of the Consumer Price Index, up to the full amount of such increase; and

(B) to the extent that such decrease is greater than such subsequent year's increase, such decrease shall be offset in the same manner against two or more years of such increases, for up to but not exceeding five subsequent years of such increases, until fully offset.

(3) Consumer Price Index; increases. In the event of an increase in the Consumer Price Index, and provided there remains an increase following the application of any offset as in subdivision (2) of this subsection, that amount

shall be identified as the net percentage increase and used to determine the members' postretirement adjustment as described herein.

(c) For purposes of subsection (a) of this section, the maximum amount of any increase or decrease utilized to determine the net percentage increase shall be five percent. For purposes of subsection (b) of this section, the maximum amount of any increase or decrease utilized to determine the net percentage increase shall be five percent, and any increase or decrease of less than one percent shall be assigned a value of one percent. Eligibility for postretirement adjustment. In order for a beneficiary to receive a postretirement adjustment to the beneficiary's retirement allowance, the beneficiary must meet the following eligibility requirements:

(1) Retired and vested deferred on or before June 30, 2022. For all members who are retired or vested deferred on or before June 30, 2022, other than those Group F members on an early retirement allowance who have not reached normal retirement age, as specified in subdivision (4) of this subsection, the member must be in receipt of a retirement allowance for at least 12 months prior to the January 1 effective date of any postretirement adjustment.

(2) In service on or before June 30, 2022. For all Group A, C, and F members who are first eligible for normal retirement or unreduced early retirement on or before June 30, 2022, and for Group D members first appointed or elected on or before June 30, 2022, the member must be in receipt of a retirement allowance for at least 12 months prior to the January 1 effective date of any postretirement adjustment.

(3) In service on or after July 1, 2022. For all Group A, C, F, and G members who are first eligible for normal retirement or unreduced early retirement on or after July 1, 2022, and for Group D members first appointed or elected on or after July 1, 2022, the member must be in receipt of a retirement allowance for at least 24 months prior to the January 1 effective date of any postretirement adjustment.

(4) Special rule for Group F and Group G early retirement. A Group F or Group G member in receipt of an early retirement allowance shall not receive a postretirement adjustment to the member's retirement allowance until such time as the member has reached normal retirement age, provided the member has also met the other eligibility criteria set forth in this subsection.

(d) For purposed of this section, Consumer Price Index shall mean the Northeast Region Consumer Price Index for all urban consumers, designated as "CPI-U," in the northeast region, as published by the U.S. Department of Labor, Bureau of Labor Statistics. Amount of postretirement adjustment. The

postretirement adjustment for each member who meets the eligibility criteria set forth in subsection (c) of this section shall be as follows:

(1) the full amount of the net percentage increase calculated in subsection (b) of this section for the following:

(A) Group A and C members, provided that the net increase following the application of any offset as provided in this section equals or exceeds one percent;

(B) Group D members first appointed or elected on or before June 30, 2022, provided that the net increase following the application of any offset as provided in this section equals or exceeds one percent; and

(C) commencing January 1, 2014, any active contributing member of the Group F or Group G plan on or after June 30, 2008, and who retires as a Group F or Group G member on or after July 1, 2008;

(2) one-half of the net percentage increase calculated in subsection (b) of this section for Group F members who retired on or before June 30, 2008;

(3) for Group D members first appointed or elected on or after July 1, 2022, provided that the net increase following the application of any offset as provided in this section equals or exceeds one percent, the full amount of the net percentage increase calculated in subsection (b) of this section for amounts equal to or less than \$75,000.00 of annual retirement allowance and one-half the net percentage increase calculated in subsection (b) of this section for amounts \$75,000.01 or greater of annual retirement allowance.

(e) Definition. For purposes of this section:

(1) "Consumer Price Index" means the Northeast Region Consumer Price Index for all urban consumers, designated as "CPI-U," in the northeast region, as published by the U.S. Department of Labor, Bureau of Labor Statistics.

(2) "Vested deferred" means a member who receives a vested deferred allowance payable pursuant to subsection 465(a) of this title.

(f) Deferred vested allowance. No increase shall be made pursuant to this section in a deferred vested allowance payable pursuant to subsection 465(a) of this title prior to its commencement.

Sec. 11. 3 V.S.A. § 473 is amended to read:

§ 473. FUNDS

(a) Assets. All of the assets of the Retirement System shall be credited to the Vermont State Retirement Fund.

(b) Member contributions.

(1)(A) Allocations. Contributions deducted from the compensation of members together with any member contributions transferred thereto from the predecessor systems shall be accumulated in the Fund and separately recorded for each member. The amounts so transferred on account of Group A members shall be allocated between regular and additional contributions. The amounts so allocated as regular contributions shall be determined as if the rate of contribution of four percent has been continuously in effect in the predecessor system from which such amounts were transferred and the balance of any amount so transferred on account of any Group A member shall be deemed additional contributions. In the case of Group C members who were members as of the date of establishment and Group D members, all contributions transferred from predecessor systems shall be deemed regular contributions. Those members who, prior to the date of establishment of this system, had been contributing at a rate less than four percent shall have any benefit otherwise payable on their behalf actuarially reduced to reflect such prior contribution rate of less than four percent. Upon a member's retirement or other withdrawal from service on the basis of which a retirement allowance is payable, the member's additional contributions, with interest thereon, shall be paid as an additional allowance equal to an annuity ~~which~~ that is the actuarial equivalent of such amount, in the same manner as the benefit otherwise payable under the System.

(B) Periodic review. When the State Employees' Retirement System has been determined by the actuary to have assets at least equal to its accrued liability, contribution rates will be reevaluated by the actuary with a subsequent recommendation to the General Assembly. In determining the amount earnable by a member in a payroll period, the Retirement Board may consider the annual or other periodic rate of earnable compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deduction from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as, on an annual basis, shall not exceed one-tenth of one percent of the annual earnable compensation upon the basis of which such deduction is to be made. Each of the amounts shall be deducted until the member retires or otherwise withdraws from service and when deducted shall be paid into the Annuity Savings Fund and shall be credited to the individual account of the member from whose compensation the deduction was made.

~~(2)(A) Group A members. Commencing on July 1, 2016, contributions shall be 6.55 percent of compensation for Group A, D, and F members and 8.43 percent of compensation for Group C members. When the State Employees' Retirement System has been determined by the actuary to have assets at least equal to its accrued liability, contribution rates will be reevaluated by the actuary with a subsequent recommendation to the General Assembly. In determining the amount earnable by a member in a payroll period, the Retirement Board may consider the annual or other periodic rate of earnable compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deduction from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as, on an annual basis, shall not exceed one-tenth of one percent of the annual earnable compensation upon the basis of which such deduction is to be made. Each of the amounts shall be deducted until the member retires or otherwise withdraws from service, and when deducted shall be paid into the Annuity Savings Fund, and shall be credited to the individual account of the member from whose compensation the deduction was made.~~

(B) Group C members.

(i) Commencing the first full pay period in fiscal year 2023, the contribution rate for Group C members shall be 8.93 percent of compensation.

(ii) Commencing the first full pay period in fiscal year 2024, the contribution rate for Group C members shall be 9.43 percent of compensation.

(iii) Commencing the first full pay period in fiscal year 2025 and annually thereafter, the contribution rate for Group C members shall be 9.93 percent of compensation.

(C) Group D members. Commencing on July 1, 2022, the contribution rate for Group D members shall be based on the quartile in which a member's hourly rate of pay falls. Quartiles shall be determined annually in the first full pay period of each fiscal year by the Department of Human Resources based on the hourly rate of pay by all Group D members. The contribution rates shall be based on the schedule set forth below:

(i) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period below the 25th percentile of Group D member hourly rates of pay, the contribution rate shall be 6.55 percent of compensation.

(ii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 25th percentile and below the 50th percentile of Group D member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation; and

(III) commencing in fiscal year 2025 and annually thereafter, 8.05 percent of compensation.

(iii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 50th percentile and below the 75th percentile of Group D member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation; and

(IV) commencing in fiscal year 2026 and annually thereafter, 8.55 percent of compensation.

(iv) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at or above the 75th percentile of Group D member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation;

(IV) commencing in fiscal year 2026, 8.55 percent of compensation; and

(V) commencing in fiscal year 2027 and annually thereafter, 9.05 percent of compensation.

(D) Group F members. Commencing on July 1, 2022, the contribution rate for Group F members shall be based on the quartile in which a member's hourly rate of pay falls. Quartiles shall be determined annually in the first full pay period of each fiscal year by the Department of Human Resources based on the hourly rate of pay of all Group F members. The contribution rates shall be based on the schedule set forth below:

(i) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period below the 25th percentile of Group F member hourly rates of pay, the contribution rate shall be 6.55 percent of compensation.

(ii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 25th percentile and below the 50th percentile of Group F member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation; and

(III) commencing in fiscal year 2025 and annually thereafter, 8.05 percent of compensation.

(iii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 50th percentile and below the 75th percentile of Group F member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation; and

(IV) commencing in fiscal year 2026 and annually thereafter, 8.55 percent of compensation.

(iv) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at or above the 75th percentile of Group F member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation;

(IV) commencing in fiscal year 2026, 8.55 percent of compensation; and

(V) commencing in fiscal year 2027 and annually thereafter, 9.05 percent of compensation.

(E) Group G members. Commencing on July 1, 2023, the contribution rate for Group G members shall be based on the quartile in which a member's hourly rate of pay falls. Quartiles shall be determined annually in the first full pay period of each fiscal year by the Department of Human Resources based on the hourly rate of pay of all Group G members. The contribution rates shall be based on the schedule set forth below:

(i) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period below the 25th percentile of Group G member hourly rates of pay, the contribution rate shall be 11.23 percent of compensation.

(ii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 25th percentile and below the 50th percentile of Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2024, 12.23 percent of compensation; and

(II) commencing in fiscal year 2025 and annually thereafter, 12.73 percent of compensation.

(iii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 50th percentile and below the 75th percentile of Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2024, 12.23 percent of compensation;

(II) commencing in fiscal year 2025, 12.73 percent of compensation; and

(III) commencing in fiscal year 2026 and annually thereafter, 13.23 percent of compensation.

(iv) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at or above the 75th percentile of Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2024, 12.23 percent of compensation;

(II) commencing in fiscal year 2025, 12.73 percent of compensation;

(III) commencing in fiscal year 2026, 13.23 percent of compensation; and

(IV) commencing in fiscal year 2027 and annually thereafter, 13.73 percent of compensation.

(3) Deductions. The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided herein and shall receipt for full compensation, and payment of compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this subchapter.

(4) Additional contributions. Subject to the approval of the Retirement Board, in addition to the contributions deducted from compensation as hereinbefore provided, any member may redeposit in the Fund by a single payment or by an increased rate of contribution an amount equal to the total amount ~~which~~ that the member previously withdrew from this System or one of the predecessor systems; or any member may deposit therein by a single

payment or by an increased rate of contribution an amount computed to be sufficient to purchase an additional annuity ~~which~~ that, together with prospective retirement allowance, will provide for the member a total retirement allowance not in excess of one-half of average final compensation at normal retirement date, with the exception of Group D members for whom creditable service shall be restored upon redeposits of amounts previously withdrawn from the System, or for whom creditable service shall be granted upon deposit of amounts equal to what would have been paid if payment had been made during any period of service during which such a member did not contribute. Such additional amounts so deposited shall become a part of the member's accumulated contributions as additional contributions.

(5) Beneficiaries. The contributions of a member and such interest as may be allowed thereon ~~which~~ that are withdrawn by the member or paid to the member estate or to a designated beneficiary in event of the member's death, shall be paid from the Fund.

(6) Scope. Contributions required under this subsection shall be limited to contributions from Group A, Group C, Group D, ~~and~~ Group F, and Group G members.

(7) [Repealed.]

(c) Employer contributions, earnings, and payments.

* * *

(8) Annually, the Board shall certify an amount to pay the annual actuarially determined employer contribution, as calculated in this subsection, and additional amounts as follows:

(A) in fiscal year 2024, the amount of \$9,000,000.00;

(B) in fiscal year 2025, the amount of \$12,000,000.00; and

(C) in fiscal year 2026 and in any year thereafter when the Fund is calculated to have a funded ratio of less than 90 percent, the amount of \$15,000,000.00.

* * *

Sec. 12. 3 V.S.A. § 477a is amended to read:

§ 477a. ELECTIONS

* * *

(h) When a Group F member has a minimum of 25 years of creditable service, ~~he or she~~ the member may elect to purchase up to five years of additional service credit. A member who makes an election under this

subsection shall deposit in the fund by a single contribution; an amount computed at regular interest to be sufficient to provide at normal retirement an annuity equal to 1-2/3 percent of the member's average final compensation multiplied by the number of years purchased.

Sec. 13. 3 V.S.A. § 479 is amended to read:

§ 479. GROUP INSURANCE

(a) As provided under section 631 of this title, a member who is insured by the respective group insurance plans immediately preceding the member's effective date of retirement shall be entitled to continuation of group insurance as follows:

(1)(A) coverage in the group medical benefit plan provided by the State of Vermont for active State employees; or

(B) for a Group F and Group G plan member first included in the membership of the system on or after July 1, 2008, coverage in the group medical benefit plan offered by the State of Vermont for active State employees and pursuant to the following, provided:

(i) a member who has completed five years and less than 10 years of creditable service at ~~his or her~~ the member's retirement shall pay the full cost of the premium;

(ii) a member who has completed 10 years and less than 15 years of creditable service at ~~his or her~~ the member's retirement shall pay 60 percent of the cost of the premium;

(iii) a member who has completed 15 years and less than 20 years of creditable service at his or her retirement shall pay 40 percent of the cost of the premium;

(iv) a member who has completed 20 years or more of creditable service at his or her retirement shall pay 20 percent of the cost of the premium; and

(2) members who have completed 20 years of creditable service at their effective date of retirement shall be entitled to the continuation of life insurance in the amount of \$10,000.00.

* * *

(g) A member of the Group F or Group G plan who is first included in the membership of the System on or after July 1, 2008, who separates from service prior to being eligible for retirement benefits under this chapter, who has at least 20 years of creditable service, and who participated in the group medical benefit plan at the time of separation from service shall have a one-

time option at the time retirement benefits commence to reinstate the same level of coverage, in the group medical benefit plan provided by the State of Vermont for active State employees, that existed at the date of separation from service. Premiums for the plan shall be prorated between the retired member and the Retirement System pursuant to subsection 479(a) of this title.

* * *

Sec. 14. ONE-TIME IRREVOCABLE ELECTION FOR CERTAIN CORRECTIONS WORKERS

(a) On or before September 15, 2022, the Department of Human Resources, in consultation with the State Treasurer's office, shall establish a list of positions eligible for Group G of the Vermont State Employees' Retirement System. The list of Group G-eligible positions shall be limited to the following State employees:

(1) facility employees of the Department of Corrections;

(2) Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community;

(3) employees of a facility for justice-involved youth; and

(4) employees of the Vermont State Hospital or its successor in interest, who provide direct patient care.

(b) It is the intent of the General Assembly that Group G-eligible positions include those positions that are currently eligible for unreduced early retirement pursuant to 3 V.S.A. § 459(d)(2).

(c) In establishing any new corrections position on and after July 1, 2023, the Department of Human Resources shall identify that position as eligible for either Group G, pursuant to the criteria set forth in subsection (a), or Group F.

(d)(1) Each person employed in a Group G-eligible position on or before June 30, 2023 shall have a one-time option to transfer to the Group G plan pursuant to the following schedule:

(A) For Group G-eligible employees who are employed on or before March 31, 2023, election to join Group G under this subsection (d) shall be made on or before June 1, 2023.

(B) For Group G-eligible employees who are first employed on or after April 1, 2023, election to join Group G under this subsection (d) shall be made not more than 60 days from the employee's date of hire.

(2) Election to join the Group G plan under this subsection shall be irrevocable.

(e) The effective date of participation in a new group plan for those employees covered under this section and who elect to transfer shall be the first full pay period in fiscal year 2024. All past service accrued through the date of transfer shall be calculated based upon the plan in which it was accrued, with all provisions and penalties, if applicable, applied.

* * * Other Postemployment Benefits * * *

Sec. 15. 3 V.S.A. § 479a is amended to read:

§ 479a. STATE EMPLOYEES' POSTEMPLOYMENT BENEFITS TRUST
FUND

* * *

(b) Into the Benefits Fund shall be deposited:

(1) all assets remitted to the State as a subsidy on behalf of the members of the Vermont State Employees' Retirement System for employer-sponsored qualified prescription drug plans pursuant to the Medicare Prescription Drug Improvement and Modernization Act of 2003, except that any subsidy received from an Employer Group Waiver Program is not subject to this requirement;

(2) any appropriations by the General Assembly for the purposes of paying current and future retiree postemployment benefits for members of the Vermont State Employees' Retirement System; and

(3) amounts contributed or otherwise made available by members of the System or their beneficiaries for the purpose of paying current or future postemployment benefits costs; and

(4) any monies pursuant to subsection (e) of this section.

(c) The Benefits Fund shall be administered by the State Treasurer. The Treasurer may invest monies in the Benefits Fund in accordance with the provisions of 32 V.S.A. § 434 or, in the alternative, may enter into an agreement with the Commission to invest such monies in accordance with the standards of care established by the prudent investor rule under 14A V.S.A. § 902, in a manner similar to the ~~Committee's~~ Commission's investment of ~~retirements~~ retirement system monies. All balances in the Benefits Fund at the end of the fiscal year shall be carried forward. Interest earned shall remain in the Benefits Fund. The Treasurer's annual financial report to the Governor and the General Assembly shall contain an accounting of receipts, disbursements, and earnings of the Benefits Fund.

* * *

(e) State Contribution.

(1) Beginning on July 1, 2022 and annually thereafter, the State shall make annual contributions to the Benefits Fund known as the “normal contribution” and the “accrued liability contribution,” each of which shall be fixed on the basis of the liabilities of the System as shown by the most recent actuarial valuation and made by the payroll assessment included in annual agency and department budgets:

(A) The “normal contribution” shall be the amount that, if contributed over each member’s prospective period of service, will be sufficient to provide for the payment of all future retiree postemployment benefits after subtracting the unfunded actuarial liability and the total assets of the Benefits Fund. The “normal contribution” shall be identified using the actuarial cost method known as “projected unit credit” and applying a rate of return equal to the most recently adopted actuarial rate of return pursuant to section 523 of this title.

(B) The “accrued liability contribution” shall be the annual payment set forth in the most recent actuarial valuation that is necessary to liquidate the unfunded accrued liability over a closed period of 26 years and determined based on the funding schedule set forth in this section.

(i) It is the policy of the State of Vermont to liquidate fully the unfunded accrued liability for the payment of retiree health and medical benefits.

(ii) Beginning on July 1, 2022, until the unfunded accrued liability is liquidated, the accrued liability contribution shall be the annual payment required to liquidate the unfunded accrued liability over a closed period of 26 years ending on June 30, 2048, provided that the amount of each annual basic accrued liability contribution shall be determined by amortization of the unfunded liability over the remainder of the closed 26-year period in installments.

(2) Any variation in the contribution of normal or accrued liability contributions from those recommended by the actuary and any actuarial gains and losses shall be added or subtracted to the unfunded accrued liability and amortized over the remainder of the closed 26-year period.

(3) The Board shall review annually the amount of State contributions recommended by the actuary. Based on this review, the Board shall determine the amount of State contribution necessary for the next fiscal year to achieve and preserve the financial integrity of the funds and certify a statement of the percentage of the payroll of all members sufficient to fund the normal cost and the accrued liability contribution. On or before December 15 of each year, the Board shall inform the Governor and the House and Senate Committees on

Government Operations and on Appropriations in writing about the amount needed. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

* * * VSERS Actuarial Studies * * *

Sec. 16. 3 V.S.A. § 523 is amended to read:

§ 523. VERMONT PENSION INVESTMENT COMMISSION; DUTIES

* * *

(f) Asset and liability study. Beginning on July 1, ~~2022~~ 2023, and every three years thereafter, based on the most recent actuarial valuations of each Plan, the Commission shall study the assets and liabilities of each Plan over a 20-year period. The study shall:

(1) project the expected path of the key indicators of each Plan's financial health based on all current actuarial and investment assumptions; current contribution and benefit policies, including the Plans' mark-to-market funded ratio; actuarially required contributions by source; payout ratio; and related liquidity obligations; and

(2) project the effect on each Plan's financial health resulting from:

(A) possible material deviations from Plan assumptions in investment assumptions, including returns versus those expected and embedded in the actuary's estimate of actuarially required contributions and any material changes in capital markets volatility; and

(B) possible material deviations from key plan actuarial assumptions, including retiree longevity, potential benefit increases, and inflation.

* * *

Sec. 17. 3 V.S.A. § 471 is amended to read:

§ 471. RETIREMENT BOARD; MEDICAL BOARD; ACTUARY; RATES
OF CONTRIBUTION; SAFEKEEPING OF SECURITIES

* * *

(j) The Retirement Board shall designate an actuary who shall be the technical advisor of the Board on matters regarding the operation of the Fund of the Retirement System, and shall perform such other duties as are required in connection therewith. Immediately after the establishment of the Retirement System, the Retirement Board shall adopt for the Retirement System such mortality and service tables as shall be deemed necessary and shall certify the rates of contribution payable under the provisions of this subchapter. At Beginning July 1, 2023, at least once in each three-year period

every three fiscal years following the establishment of the System, the actuary shall make an actuarial investigation into the mortality, service, and compensation experience of the members and beneficiaries of the Retirement System, and taking into account the results of such investigation, the Retirement Board shall adopt for the Retirement System such mortality, service, and other tables as shall be deemed necessary and shall certify the rates of contribution payable under the provisions of this subchapter.

* * *

* * * Vermont State Teachers' Retirement System * * *

* * * VSTRS Actuarial Studies * * *

Sec. 18. 16 V.S.A. § 1942 is amended to read:

§ 1942. BOARD OF TRUSTEES; MEDICAL BOARD; ACTUARY; RATE
OF CONTRIBUTION; SAFEKEEPING OF SECURITIES

* * *

(m) Immediately after the establishment of the System, the actuary shall make such investigation of the mortality, service, and compensation experience of the members of the System, as the actuary shall recommend and the Board shall authorize, for the purpose of determining the proper mortality and service tables to be prepared and submitted to the Board for adoption. Having regard to such investigation and recommendation, the Board shall adopt for the System such mortality and service tables as shall be deemed necessary and shall certify the rates of contribution payable under the provisions of this chapter. ~~At least once in each three-year period~~ Beginning July 1, 2023, at least once every three fiscal years following the establishment of the System, the actuary shall make an actuarial investigation into the mortality, service, and compensation experience of the members and beneficiaries of the System, and taking into account the results of such investigation, the Board shall adopt for the System such mortality, service, and other tables as shall be deemed necessary and shall certify the rates of contribution payable under the provisions of this chapter.

* * *

* * * Pension Benefits * * *

Sec. 19. 16 V.S.A. § 1944 is amended to read:

§ 1944. VERMONT TEACHERS' RETIREMENT FUND

(a) Pension Fund. All of the assets of the System shall be credited to the Vermont Teachers' Retirement Fund.

(b) Member contributions.

(1) Contributions deducted from the compensation of members shall be accumulated in the Pension Fund and separately recorded for each member.

(2) The proper authority or officer responsible for making up each employer payroll shall cause to be deducted from the compensation:

(A) ~~of~~ Of each Group A member, five and one-half percent of the member's total ~~earnable compensation; including compensation paid for absence as provided by subsection 1933(d) of this title.~~

(B) ~~from~~ Of each Group C member with at least five years of membership service as of July 1, 2014, five percent of the member's earnable compensation; and from each Group C member with less than five years of membership service as of July 1, 2014, six percent of the member's earnable compensation, including the following shall apply:

(i) Beginning on July 1, 2022, a Group C member shall have the rate set forth in this subdivision (b)(2)(B)(i) applied to the member's total earnable compensation for the fiscal year, which shall include compensation paid for absence as provided by subsection 1933(d) of this title. A member's effective rate shall not be adjusted during any fiscal year.

(I) If a member's base salary is at or below \$40,000.00, the rate is 6.0 percent.

(II) If a member's base salary is \$40,000.01 or more but not more than \$50,000.00, the rate is 6.05 percent.

(III) If a member's base salary is \$50,000.01 or more but not more than \$60,000.00, the rate is 6.10 percent.

(IV) If a member's base salary is \$60,000.01 or more but not more than \$70,000.00, the rate is 6.20 percent.

(V) If a member's base salary is \$70,000.01 or more but not more than \$80,000.00, the rate is 6.25 percent.

(VI) If a member's base salary is \$80,000.01 or more but not more than \$90,000.00, the rate is 6.35 percent.

(VII) If a member's base salary is \$90,000.01 or more but not more than \$100,000.00, the rate is 6.50 percent.

(VIII) If a member's base salary is \$100,000.01 or more, the rate is 6.65 percent.

(ii) Beginning on July 1, 2023, a Group C member shall have the rate set forth in this subdivision (b)(2)(B)(ii) applied to the member's total

earnable compensation for the fiscal year, which shall include compensation paid for absence as provided by subsection 1933(d) of this title. A member's rate shall not be adjusted during any fiscal year unless the member's full-time equivalency status changes, which shall require that the member's rate be recalculated and the new rate applied for the remainder of that fiscal year.

(I) If a member's base salary is at or below \$40,000.00, the rate is 6.10 percent.

(II) If a member's base salary is \$40,000.01 or more but not more than \$50,000.00, the rate is 6.15 percent.

(III) If a member's base salary is \$50,000.01 or more but not more than \$60,000.00, the rate is 6.25 percent.

(IV) If a member's base salary is \$60,000.01 or more but not more than \$70,000.00, the rate is 6.35 percent.

(V) If a member's base salary is \$70,000.01 or more but not more than \$80,000.00, the rate is 6.50 percent.

(VI) If a member's base salary is \$80,000.01 or more but not more than \$90,000.00, the rate is 6.75 percent.

(VII) If a member's base salary is \$90,000.01 or more but not more than \$100,000.00, the rate is 7.0 percent.

(VIII) If a member's base salary is \$100,000.01 or more, the rate is 7.25 percent.

(iii) Beginning on July 1, 2024 and annually thereafter, a Group C member shall have an effective rate, rounded to the nearest hundredth of a percent, that is calculated based on the member's base salary as of July 1 each year, which equals the member's total earnable compensation, including compensation paid for absence as provided by subsection 1933(d) of this title, and any additional stipends identified as of July 1 for the next fiscal year. A member's effective rate shall not be adjusted during any fiscal year unless the member's full-time equivalency status changes, which shall require that the member's effective rate be recalculated and the new rate applied for the remainder of that fiscal year. For a member who works a part-time equivalency status, the effective rate shall apply to the member's total earnable compensation and not on an amount equal to an annualized base salary. If a member is employed on a part-time equivalency status with two or more employers, the highest effective rate shall be applied to the amounts deducted from each employer. A member's effective rate shall be calculated according to the following marginal rates and income brackets:

(I) if a member's base salary is at or below \$40,000.00, the rate is 6.25 percent;

(II) if a member's base salary is \$40,000.01 or more but not more than \$60,000.00, the rate is the equivalent of \$2,900.00 on \$40,000.00 and 6.75 percent of the member's salary that is \$40,000.01 or more;

(III) if a member's base salary of \$60,000.01 or more but not more than \$80,000.00, the rate is the equivalent of \$3,850.00 on \$60,000.00 and 7.5 percent of the member's salary that is \$60,000.01 or more;

(IV) if a member's base salary is \$80,000.01 or more but not more than \$100,000.00, the rate is the equivalent of \$5,350.00 on \$80,000.00 and 8.25 percent of the member's salary that is \$80,000.01 or more; and

(V) if a member's base salary is \$100,000.01 or more, the rate is the equivalent of \$7,000.00 on \$100,000.00 and 9.0 percent of the member's salary that is \$100,000.01 or more.

(C) In determining the amount earnable by a member set forth in this subdivision (2) in a payroll period, the Board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period, and it may omit deduction from compensation for any period less than a full payroll period if a teacher was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed one-tenth of one percent of the annual earnable compensation upon the basis of which such deduction is made. The actuary shall make annual valuations of the reduction to the recommended State contribution attributable to the increase from five to six percent, and the Board shall include the amount of this reduction in its written report pursuant to subsection 1942(r) of this title.

* * *

(c) State contributions, earnings, and payments.

(1) All State appropriations and all reserves for the payment for all pensions including all interest and dividends earned on the assets of the Retirement System shall be accumulated in the Pension Fund. All benefits payable under the System, except for retired teacher health and medical benefits, shall be paid from the Pension Fund. Annually, the Retirement Board shall allow regular interest on the individual accounts of members in the Pension Fund ~~which~~ that shall be credited to each member's account.

(2) Beginning with the actuarial valuation as of June 30, 2006, the contributions to be made to the Pension Fund by the State shall be determined

on the basis of the actuarial cost method known as “entry age normal.” On account of each member, there shall be paid annually by the State into the Pension Fund a percentage of the earnable compensation of each member to be known as the “normal contribution” and an additional percentage of the member’s earnable compensation to be known as the “accrued liability contribution.” The percentage rate of such contributions shall be fixed on the basis of the liabilities of the System as shown by actuarial valuation. “Normal contributions” and “accrued liability contributions” shall be by separate appropriation in the annual budget enacted by the General Assembly.

(3) The normal contribution shall be the uniform percentage of the total compensation of members that, if contributed over each member’s prospective period of service and added to such member’s prospective contributions, if any, will be sufficient to provide for the payment of all future pension benefits after subtracting the sum of the unfunded accrued liability and the total assets of the Pension Fund.

(4) It is the policy of the State of Vermont to liquidate fully the unfunded accrued liability to the System. Beginning on July 1, 2008, until the unfunded accrued liability is liquidated, the accrued liability contribution shall be the annual payment required to liquidate the unfunded accrued liability over a closed period of 30 years ending on June 30, 2038, provided that:

(A) From July 1, 2009 to June 30, 2019, the amount of each annual basic accrued liability contribution shall be determined by amortization of the unfunded liability over the remainder of the closed 30-year period in installments increasing at a rate of five percent per year.

(B) Beginning on July 1, 2019 and annually thereafter, the amount of each annual basic accrued liability contribution shall be determined by amortization of the unfunded liability over the remainder of the closed 30-year period in installments increasing at a rate of three percent per year.

(C) Any variation in the contribution of normal or unfunded accrued liability contributions from those recommended by the actuary and any actuarial gains and losses shall be added or subtracted to the unfunded accrued liability and amortized over the remainder of the closed 30-year period.

* * *

(13) Annually, the Board shall certify an amount to pay the annual actuarially determined employer contribution, as calculated in this subsection, and additional amounts as follows:

(A) in fiscal year 2024, the amount of \$9,000,000.00;

(B) in fiscal year 2025, the amount of \$12,000,000.00; and

(C) in fiscal year 2026 and in any year thereafter until the Fund is calculated to have a funded ratio of at least 90 percent, the amount of \$15,000,000.00.

* * *

Sec. 20. FISCAL YEAR 2024; VERMONT STATE TEACHERS'

RETIREMENT SYSTEM; CONTRIBUTION RATES; STUDY

(a) The Secretary of Digital Services and the State Treasurer, in consultation with the Vermont Association of School Business Officers, the Vermont Superintendents Association, and the Vermont-NEA, shall study and make recommendations on the implementation of the marginal rates set forth in 16 V.S.A. § 1944(b)(2)(B)(iii) in FY 2024 and annually thereafter, including whether any adjustments need to be made to the marginal rate structure.

(b) On or before January 15, 2023, the Secretary of Digital Services and the State Treasurer shall submit a report on the study and recommendations described in subsection (a) of this section to the Joint Pension Oversight Committee and the House and Senate Committees on Appropriations and on Government Operations.

Sec. 21. 16 V.S.A. § 1949a is added to read:

§ 1949a. POSTRETIREMENT ADJUSTMENT ALLOWANCE ACCOUNT

(a) Intent. It is the intent of the General Assembly to recognize members who are in active service on or before June 30, 2022 and made contributions for the duration of fiscal year 2023 and members who are in active service on or after July 1, 2022 and made contributions for at least one year, as part of a broader effort to improve the health of the System. As an acknowledgment of these additional contributions, once the System is in a healthier financial position, it is the intent of the General Assembly that these members should receive postretirement adjustment allowances that will more fully reflect the net percentage increase in the Consumer Price Index. It is also the intent of the General Assembly that the postretirement adjustment allowance formula should be incrementally increased to 100 percent of the net percentage increase in the Consumer Price Index, but that no increase should occur to the formula unless the funded ratio of the System is at least 80 percent funded on an actuarial value basis and the accumulated assets of the Account are equal to or exceed the present value of the benefits to accrue to members.

(b) Creation. There is established the Postretirement Adjustment Allowance Account, to be maintained under the Retirement System, which shall be used to provide funding for postretirement adjustment formula

enhancements or other benefits that may accrue to eligible members pursuant to the requirements of subsection (d) of this section.

(c) Funds. The Account shall consist of:

(1) any amounts transferred to it from the General Fund Balance Reserve established in 32 V.S.A. § 308c;

(2) any amounts transferred or appropriated to it by the General Assembly; and

(3) interest earned pursuant to subsection (d) of this section.

(d) Fund administration. The Postretirement Adjustment Allowance Account shall be subordinate to the retirement benefits provided by the Retirement System. Contributions to the Account shall be irrevocable, and it shall be impossible at any time before satisfaction of all liabilities to provide funding for postretirement adjustment formula enhancements or other benefits that may accrue to eligible members for any part of the corpus or income of the Account to be used for, or diverted to, any purpose other than providing funding for postretirement adjustment formula enhancements or other benefits that may accrue to eligible members. All balances in the Account at the end of the fiscal year shall be carried forward, and interest earned shall remain in the Account.

(e) Recommendation of Board. In any fiscal year, the Board may recommend to the General Assembly that the monies in the Account be used to provide for postretirement adjustment formula enhancements or other benefits that may accrue to eligible members in the System, provided that:

(1) an evaluation has been conducted pursuant to section 1949b of this chapter;

(2) the actuary has certified that the System has a funded ratio of at least 80 percent in the most recent fiscal year; and

(3) the actuary has certified that the Fund has sufficient assets to pay for the present value of any benefit being recommended.

(f) Use of funds. In the event that the General Assembly approves of the Board's recommended postretirement adjustment formula enhancements or other benefit change pursuant to subsection (e) of this section, the Board may direct that funds sufficient to pay the present value of change be charged from the Account for that purpose.

(g) Fund charges. In no event shall the funds charged from the Account exceed the outstanding Account balance.

(h) Fund assets.

(1) For funding purposes, any asset value utilized in the calculation of the actuarial value of assets of a system shall exclude the Account as of the asset determination date for such calculation.

(2) For all purposes other than funding, the funds in the Account shall be considered assets of the System.

(i) Definition. As used in this section, “eligible member” means:

(1) a member of the System who is in active service on or before June 30, 2022 and made contributions for the duration of fiscal year 2023; or

(2) a member of the System who is in active service on or after July 1, 2022 and made contributions for at least one year.

Sec. 22. 16 V.S.A. § 1949b is added to read:

§ 1949b. POSTRETIREMENT ADJUSTMENT TO RETIREMENT

ALLOWANCE; FORMULA; EVALUATION

(a) On or before September 1, 2027 and every three years thereafter, or at the request of the Board in conjunction with any proposed changes to the amortization schedule, the Board shall consider the intent set forth in subsection 1949a(a) of this chapter and evaluate whether to modify the postretirement adjustment formula or any other benefit that may accrue to the members of the System who are in active service on or before June 30, 2022 and made contributions for the duration of fiscal year 2023 and members in active service on or after July 1, 2022 and made contributions for at least one year. The evaluation shall only include a proposed benefit change if the Postretirement Adjustment Allowance Fund has sufficient assets to pay for the present value of that benefit.

(b) On or before January 15, 2028 and every three years thereafter, or following a request for an evaluation by the Board, the Board shall submit a report to the House and Senate Committees on Government Operations with the results of the evaluation described in subsection (a) of this section.

Sec. 23. 16 V.S.A. § 1949 is amended to read:

§ 1949. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT

ALLOWANCES

(a) For all Group A members, as of June 30 in each year, beginning June 30, 1972, the Board shall determine any increase or decrease, to the nearest one-tenth of one percent, in the ratio of the average of the Consumer Price Index for the month ending on that date to the average of the Index for the month ending on June 30, 1971, or the month ending on June 30 of the

most recent year thereafter. In the event of an increase, and provided that the net increase following the application of any offset as provided in this subsection equals or exceeds one percent, the retirement allowance of each beneficiary in receipt of an allowance for at least one year on the next following December 31 shall be increased by an equal percentage. Such increase shall begin on the January 1 immediately following that December 31. An equivalent percentage increase shall also be made in the retirement allowance payable to a beneficiary in receipt of an allowance under an optional election, provided the member on whose account the allowance is payable and such other person shall have received a total of at least 12 monthly payments by such December 31. In the event of a decrease of the Consumer Price Index as of June 30 for the preceding year, the retirement allowance of a beneficiary shall not be subject to any adjustment on the next following January 1; provided, however, that:

(1) such decrease shall be applied as an offset against the first subsequent year's increase of the Consumer Price Index when such increase equals or exceeds one percent, up to the full amount of such increase; and

(2) to the extent that such decrease is greater than such subsequent year's increase, such decrease shall be offset in the same manner against two or more years of such increases, for up to but not exceeding five subsequent years of such increases, until fully offset. Postretirement Adjustments to Retirement allowance. On January 1 of each year, the retirement allowance of each beneficiary of the System who is in receipt of a retirement allowance for at least a one-year period as of December 31 in the previous year, and who meets the eligibility criteria set forth in this section, shall be adjusted by the amount described in subsection (b) of this section. In no event shall a beneficiary receive a negative adjustment to the beneficiary's retirement allowance.

(b) For Group C members, as of June 30 in each year, commencing June 30, 1981, a determination shall be made of any increase or decrease, to the nearest one-tenth of a percent of the Consumer Price Index for the preceding fiscal year. In the event of an increase, and provided that there exists a net increase following the application of any offset as provided in this subsection, the retirement allowance of each beneficiary in receipt of an allowance for at least one year on the next following December 31 shall be increased by an amount equal to one-half of the net percentage increase. The increase shall commence on the January 1 immediately following that December 31. The increase shall apply to Group C members having attained 57 years of age or completed at least 25 years of creditable service as of June 30, 2010, and receiving an early retirement allowance only in the year following attainment of age 62, and shall apply to Group C members not

~~having attained 57 years of age or having completed at least 25 years of creditable service as of June 30, 2010, and receiving an early retirement allowance only in the year following the member's attainment of 65 years of age, provided the member has received benefits for at least 12 months as of December 31 of the year preceding any January adjustment. In the event of a decrease of the Consumer Price Index as of June 30 for the preceding year, the retirement allowance of a beneficiary shall not be subject to any adjustment on the next following January 1; provided, however, that:~~

~~(1) such decrease shall be applied as an offset against the first subsequent year's increase of the Consumer Price Index, up to the full amount of such increase; and~~

~~(2) to the extent that such decrease is greater than such subsequent year's increase, such decrease shall be offset in the same manner against two or more years of such increases, for up to but not exceeding five subsequent years of such increases, until fully offset. Calculation of Net Percentage Increase. Each year, a determination shall be made of any increase or decrease, to the nearest one-tenth of a percent, in the Consumer Price Index for the month ending on June 30 of that year to the average of the Consumer Price Index for the month ending on June 30 of the previous year.~~

~~(1) Consumer Price Index; maximum and minimum amounts. Any increase or decrease in the Consumer Price Index shall be subject to adjustment so as to remain within the following maximum and minimum amounts:~~

~~(A) For Group A members and Group C members who are eligible for normal retirement or unreduced early retirement on or before June 30, 2022, the maximum amount of any increase or decrease utilized to determine the net percentage increase shall be five percent.~~

~~(B) For Group C members who are eligible for retirement and leave active service on or after July 1, 2022, the maximum amount of any increase or decrease utilized to determine the net percentage increase shall be four percent.~~

~~(2) Consumer Price Index; decreases. In the event of a decrease of the Consumer Price Index as of June 30 for the preceding year, there shall be no adjustment to the retirement allowance of a beneficiary for the subsequent year beginning January 1; provided, however, that:~~

~~(A) such decrease shall be applied as an offset against the first subsequent year's increase of the Consumer Price Index up to the full amount of such increase; and~~

(B) to the extent that such decrease is greater than such subsequent year's increase, such decrease shall be offset in the same manner against two or more years of such increases, for up to but not exceeding five subsequent years of such increases, until fully offset.

(3) Consumer Price Index; increases. Subject to the maximum and minimum amounts set forth in subdivision (1) of this subsection, in the event of an increase in the Consumer Price Index, and provided there remains an increase following the application of any offset as in subdivision (2) of this subsection, that amount shall be identified as the net percentage increase and used to determine the members' postretirement adjustment as set forth in subsection (d) of this section.

(c) For purposes of subsection (a) of this section, the maximum amount of any increase or decrease utilized to determine the net percentage increase shall be five percent. For purposes of subsection (b) of this section, the maximum amount of any increase or decrease utilized to determine the net percentage increase shall be five percent, and any increase or decrease less than one percent shall be assigned a value of one percent. Eligibility for postretirement adjustment. In order for a beneficiary to receive a postretirement adjustment allowance, the beneficiary must meet the following eligibility requirements:

(1) for any Group A or Group C member eligible for retirement on or before June 30, 2022, the member must be in receipt of a retirement allowance for at least 12 months prior to the January 1 effective date of any postretirement adjustment; and

(2) for any Group C member who is eligible for retirement and leaves active service on or after July 1, 2022, the member must be in receipt of a retirement allowance for at least 24 months prior to the January 1 effective date of any postretirement adjustment.

(d) As used in this section, "Consumer Price Index" shall mean the Northeast Region Consumer Price Index for all urban consumers, designated as "CPI-U," in the northeast region, as published by the U.S. Department of Labor, Bureau of Labor Statistics.

* * * Other Postemployment Benefits * * *

Sec. 24. 16 V.S.A. § 1944b is amended to read:

§ 1944b. RETIRED TEACHERS' HEALTH AND MEDICAL BENEFITS

FUND

(a) There is established the Retired Teachers' Health and Medical Benefits Fund (Benefits Fund) to pay ~~retired teacher health and medical~~ retiree postemployment benefits, ~~including prescription drug benefits~~, when due in

accordance with the terms established by the Board of Trustees of the State Teachers' Retirement System of Vermont pursuant to subsection 1942(p) and section 1944e of this title. The Benefits Fund is intended to comply with and be a tax exempt governmental trust under Section 115 of the Internal Revenue Code of 1986, as amended. The Benefits Fund shall be administered by the Treasurer.

(b) The Benefits Fund shall consist of:

(1) all monies remitted to the State on behalf of the members of the State Teachers' Retirement System of Vermont for prescription drug plans, including manufacturer rebates, as well as monies pursuant to the Employer Group Waiver Plan with Wrap pursuant to the Medicare Prescription Drug Improvement and Modernization Act of 2003;

(2) any monies appropriated by the General Assembly for the purpose of paying ~~the health and medical~~ postemployment benefits for retired members and their dependents provided by subsection 1942(p) and section 1944e of this title;

(3) any monies pursuant to subsection ~~(e)~~ (h) of this section; and

(4) [Repealed.]

(5) any monies pursuant to section 1944d of this title.

(c) No employee contributions shall be deposited in the Benefits Fund.

(d) The Treasurer may invest monies in the Benefits Fund in accordance with the provisions of 32 V.S.A. § 434 or, in the alternative, may enter into an agreement with the Vermont Pension Investment ~~Committee~~ Commission to invest such monies in accordance with the standards of care established by the prudent investor rule under 14A V.S.A. § 902, in a manner similar to the ~~Committee's Commission's~~ investment of retirement system monies. Interest earned shall remain in the Benefits Fund, and all balances remaining at the end of a fiscal year shall be carried over to the following year. The Treasurer's annual financial report to the Governor and the General Assembly shall contain an accounting of receipts, disbursements, and earnings of the Benefits Fund.

(e) [Repealed.]

(f) Contributions to the Benefits Fund shall be irrevocable and it shall be impossible at any time prior to the satisfaction of all liabilities, with respect to employees and their beneficiaries, for any part of the corpus or income of the Benefits Fund to be used for, or diverted to, purposes other than the payment of retiree postemployment benefits to members and their beneficiaries and

reasonable expenses of administering the Benefits Fund and related benefit plans.

(g) [Repealed.]

(h) State contribution.

(1) Beginning on July 1, 2022, and annually thereafter, the State shall make annual contributions to the Benefits Fund known as the “normal contribution” and the “accrued liability contribution,” each of which shall be fixed on the basis of the liabilities of the System as shown by the most recent actuarial valuation and made by separate appropriation in the annual budget enacted by the General Assembly:

(A) The “normal contribution” shall be the amount that, if contributed over each member’s prospective period of service, will be sufficient to provide for the payment of all future retiree postemployment benefits after subtracting the unfunded actuarial liability and the total assets of the Benefits Fund. The “normal cost” shall be identified using the actuarial cost method known as “projected unit credit” and applying a rate of return equal to the most recently adopted actuarial rate of return pursuant to 3 V.S.A. § 523.

(B) The “accrued liability contribution” shall be the annual payment set forth in the most recent actuarial valuation that is necessary to liquidate the unfunded accrued liability over a closed period of 26 years and determined based on the funding schedule set forth in this section.

(i) It is the policy of the State of Vermont to liquidate fully the unfunded accrued liability for the payment of retiree postemployment benefits.

(ii) Beginning on July 1, 2022, until the unfunded accrued liability is liquidated, the accrued liability contribution shall be the annual payment required to liquidate the unfunded accrued liability over a closed period of 26 years ending on June 30, 2048, provided that the amount of each annual basic accrued liability contribution shall be determined by amortization of the unfunded liability over the remainder of the closed 26-year period in installments.

(2) Any variation in the contribution of normal or accrued liability contributions from those recommended by the actuary and any actuarial gains and losses shall be added or subtracted to the unfunded accrued liability and amortized over the remainder of the closed 26-year period.

(3) The Board shall review annually the amount of State contributions recommended by the actuary of the Retirement System. Based on this review, the Board shall determine the amount of State contribution necessary for the

next fiscal year to achieve and preserve the financial integrity of the funds. On or before December 15 of each year, the Board shall inform the Governor and the House and Senate Committees on Government Operations and on Appropriations in writing about the amount needed. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 25. 16 V.S.A. § 4025 is amended to read:

§ 4025. EDUCATION FUND

* * *

(b) Monies in the Education Fund shall be used for the following:

* * *

(4) To make payments to the Vermont Teachers' Retirement Fund and the Retired Teachers' Health and Medical Benefits Fund for the normal ~~contribution~~ contributions in accordance with ~~subsection~~ subsections 1944(c) ~~of this title and 1994b(h) of this title.~~

* * *

Sec. 26. VERMONT TEACHERS' RETIREMENT SYSTEM; REPEAL OF
PRIOR SUNSET AND REPORTING PROVISIONS

2018 (Sp. Sess.) Acts and Resolves No.11, Secs. E.515.3 and E.515.4 are hereby repealed.

* * * Vermont Municipal Employees' Retirement System * * *

Sec. 27. 24 V.S.A. § 5062 is amended to read:

§ 5062. RETIREMENT BOARD; MEDICAL BOARD; ACTUARY; RATES
OF CONTRIBUTION; SAFEKEEPING OF SECURITIES

* * *

(k) Immediately after the establishment of the Retirement System, the Retirement Board shall adopt for the Retirement System such mortality and service tables as shall be deemed necessary and shall certify the rates of contribution payable under the provisions of this chapter. At least once in each three-year period Beginning July 1, 2023, at least once every three fiscal years following the establishment of the System, the actuary shall make an actuarial investigation into the mortality, service, and compensation experience of the members and beneficiaries of the Retirement System, and taking into account the results of such investigation, the Retirement Board shall adopt for the Retirement System such mortality, service, and other tables as shall be deemed

necessary and shall certify the rates of contribution payable under the provisions of this chapter.

* * *

* * * Funding * * *

Sec. 28. FY 2022; APPROPRIATION; STATE EMPLOYEES'

POSTEMPLOYMENT BENEFITS TRUST FUND; RETIRED

TEACHERS' HEALTH AND MEDICAL BENEFITS FUND

(a) In FY 2022, of the amount of General Funds reserved in 2021 Acts and Resolves No. 74, Sec. C.101(a) is unreserved as follows:

(1) the sum of \$75,000,000.00 is appropriated to the Vermont State Retirement Fund, established in 3 V.S.A. § 473, to address the unfunded accrued liability in pension benefits; and

(2) the sum of \$75,000,000.00 is appropriated to the Vermont Teachers' Retirement Fund, established in 16 V.S.A. § 1944, to address the unfunded accrued liability in pension benefits.

(b) In FY 2022, the amount of \$50,000,000.00 in General Funds shall be appropriated to the to the Vermont Teachers' Retirement Fund, established in 16 V.S.A. § 1944, to address the unfunded accrued liability in pension benefits.

(c) In FY 2022, of the amount of Education Funds reserved in 2021 Acts and Resolves No. 74, Sec. C.101(a) is unreserved and the sum of \$13,300,000.00 is appropriated to the Retired Teachers' Health and Medical Benefits Fund, established in 16 V.S.A. § 1944b, to support the normal cost of other postemployment benefits as set forth in 16 V.S.A. § 1944f.

(d) The appropriations in subsections (a) and (b) of this section shall not be included for the purposes of calculating the reserve total for fiscal year 2023 pursuant to 32 V.S.A. § 308 (General Fund budget stabilization reserve).

Sec. 29. 32 V.S.A. § 308c is amended to read:

§ 308c. GENERAL FUND AND TRANSPORTATION FUND BALANCE
RESERVES

(a) There is hereby created within the General Fund a General Fund Balance Reserve, also known as the "Rainy Day Reserve." After satisfying the requirements of section 308 of this title, and after other reserve requirements have been met, any remaining unreserved and undesignated end of fiscal year General Fund surplus shall be reserved in the General Fund Balance Reserve. The General Fund Balance Reserve shall not exceed five percent of the

appropriations from the General Fund for the prior fiscal year without legislative authorization.

(1), (2) [Repealed.]

(3) Of the funds that would otherwise be reserved in the General Fund Balance Reserve under this subsection, ~~50 percent of any such funds~~ the following amounts shall be reserved as necessary and transferred from the General Fund to the ~~Vermont State Employees' Postemployment Benefits Trust Fund established by 3 V.S.A. § 479a~~ as follows:

(A) 25 percent to the Vermont State Retirement Fund established by 3 V.S.A. § 473; and

(B) 25 percent to the Postretirement Adjustment Allowance Account established in 16 V.S.A. § 1949a.

* * *

* * * Effective Dates * * *

Sec. 30. EFFECTIVE DATES

This act shall take effect on July 1, 2022, except that Sec. 28 (FY 2022 appropriation) shall take effect on passage.

Which was agreed to.

Rep. Elder of Starksboro, for the Committee on Ways and Means, recommended that the bill ought to pass in concurrence with proposals of amendment as recommended by the Committee on Government Operations.

Rep Fagan of Rutland City, for the Committee on Appropriations, recommended that the bill ought to pass in concurrence with proposals of amendment as recommended by the Committee on Government Operations.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Government Operations, as substituted?, **Rep. Gannon of Wilmington** moved to amend the report of the Committee on Government Operations, as substituted, as follows:

First: By striking out Sec. 19, 16 V.S.A. § 1944, in its entirety and inserting in lieu thereof a new Sec. 19 to read as follows:

Sec. 19. 16 V.S.A. § 1944 is amended to read:

§ 1944. VERMONT TEACHERS' RETIREMENT FUND

(a) Pension Fund. All of the assets of the System shall be credited to the Vermont Teachers' Retirement Fund.

(b) Member contributions.

(1) Contributions deducted from the compensation of members shall be accumulated in the Pension Fund and separately recorded for each member.

(2) The proper authority or officer responsible for making up each employer payroll shall cause to be deducted from the compensation:

(A) of Of each Group A member, five and one-half percent of the member's total earnable compensation, including compensation paid for absence as provided by subsection 1933(d) of this title.

(B) from Of each Group C member with at least five years of membership service as of July 1, 2014, five percent of the member's earnable compensation; and from each Group C member with less than five years of membership service as of July 1, 2014, six percent of the member's earnable compensation, including the following shall apply:

(i) Beginning on July 1, 2022, a Group C member shall have the rate set forth in this subdivision (b)(2)(B)(i) applied to the member's total earnable compensation for the fiscal year, which shall include compensation paid for absence as provided by subsection 1933(d) of this title, and any additional stipends identified as of July 1. A member's rate shall not be adjusted during the fiscal year. For a member who works a part-time equivalency status, the rate shall apply to the member's total earnable compensation and not to an amount equal to an annualized base salary. If a member is employed on a part-time equivalency status with two or more employers, the highest rate shall be applied to the amounts deducted from each employer. A member's rate shall be calculated according to the following rates and income brackets:

(I) If a member's base salary is at or below \$40,000.00, the rate is 6.0 percent.

(II) If a member's base salary is \$40,000.01 or more but not more than \$50,000.00, the rate is 6.05 percent.

(III) If a member's base salary is \$50,000.01 or more but not more than \$60,000.00, the rate is 6.10 percent.

(IV) If a member's base salary is \$60,000.01 or more but not more than \$70,000.00, the rate is 6.20 percent.

(V) If a member's base salary is \$70,000.01 or more but not more than \$80,000.00, the rate is 6.25 percent.

(VI) If a member's base salary is \$80,000.01 or more but not more than \$90,000.00, the rate is 6.35 percent.

(VII) If a member's base salary is \$90,000.01 or more but not more than \$100,000.00, the rate is 6.50 percent.

(VIII) If a member's base salary is \$100,000.01 or more, the rate is 6.65 percent.

(ii) Beginning on July 1, 2023, a Group C member shall have the rate set forth in this subdivision (b)(2)(B)(ii) applied to the member's total earnable compensation for the fiscal year, which shall include compensation paid for absence as provided by subsection 1933(d) of this title, and any additional stipends identified as of July 1. A member's rate shall not be adjusted during the fiscal year unless the member's full-time equivalency status changes, which shall require that the member's rate be recalculated and the new rate applied for the remainder of that fiscal year. For a member who works a part-time equivalency status, the rate shall apply to the member's total earnable compensation and not to an amount equal to an annualized base salary. If a member is employed on a part-time equivalency status with two or more employers, the highest rate shall be applied to the amounts deducted from each employer. A member's rate shall be calculated according to the following rates and income brackets:

(I) If a member's base salary is at or below \$40,000.00, the rate is 6.10 percent.

(II) If a member's base salary is \$40,000.01 or more but not more than \$50,000.00, the rate is 6.15 percent.

(III) If a member's base salary is \$50,000.01 or more but not more than \$60,000.00, the rate is 6.25 percent.

(IV) If a member's base salary is \$60,000.01 or more but not more than \$70,000.00, the rate is 6.35 percent.

(V) If a member's base salary is \$70,000.01 or more but not more than \$80,000.00, the rate is 6.50 percent.

(VI) If a member's base salary is \$80,000.01 or more but not more than \$90,000.00, the rate is 6.75 percent.

(VII) If a member's base salary is \$90,000.01 or more but not more than \$100,000.00, the rate is 7.0 percent.

(VIII) If a member's base salary is \$100,000.01 or more, the rate is 7.25 percent.

(iii) Beginning on July 1, 2024 and annually thereafter, a Group C member shall have an effective rate, rounded to the nearest hundredth of a percent, that is calculated based on the member's base salary as of July 1 each

year, which equals the member's total earnable compensation, including compensation paid for absence as provided by subsection 1933(d) of this title, and any additional stipends identified as of July 1 for the next fiscal year. A member's effective rate shall not be adjusted during any fiscal year unless the member's full-time equivalency status changes, which shall require that the member's effective rate be recalculated and the new rate applied for the remainder of that fiscal year. For a member who works a part-time equivalency status, the effective rate shall apply to the member's total earnable compensation and not to an amount equal to an annualized base salary. If a member is employed on a part-time equivalency status with two or more employers, the highest effective rate shall be applied to the amounts deducted from each employer. A member's effective rate shall be calculated according to the following marginal rates and income brackets:

(I) if a member's base salary is at or below \$40,000.00, the rate is 6.25 percent;

(II) if a member's base salary is \$40,000.01 or more but not more than \$60,000.00, the rate is the equivalent of \$2,900.00 on \$40,000.00 and 6.75 percent of the member's salary that is \$40,000.01 or more;

(III) if a member's base salary is \$60,000.01 or more but not more than \$80,000.00, the rate is the equivalent of \$3,850.00 on \$60,000.00 and 7.5 percent of the member's salary that is \$60,000.01 or more;

(IV) if a member's base salary is \$80,000.01 or more but not more than \$100,000.00, the rate is the equivalent of \$5,350.00 on \$80,000.00 and 8.25 percent of the member's salary that is \$80,000.01 or more; and

(V) if a member's base salary is \$100,000.01 or more, the rate is the equivalent of \$7,000.00 on \$100,000.00 and 9.0 percent of the member's salary that is \$100,000.01 or more.

(C) In determining the amount earnable by a member set forth in this subdivision (2) in a payroll period, the Board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period, and it may omit deduction from compensation for any period less than a full payroll period if a teacher was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed one-tenth of one percent of the annual earnable compensation upon the basis of which such deduction is made. The actuary shall make annual valuations of the reduction to the recommended State contribution attributable to the increase from five to six percent, and the Board

shall include the amount of this reduction in its written report pursuant to subsection 1942(r) of this title.

* * *

(c) State contributions, earnings, and payments.

(1) All State appropriations and all reserves for the payment for all pensions including all interest and dividends earned on the assets of the Retirement System shall be accumulated in the Pension Fund. All benefits payable under the System, except for retired teacher health and medical benefits, shall be paid from the Pension Fund. Annually, the Retirement Board shall allow regular interest on the individual accounts of members in the Pension Fund ~~which~~ that shall be credited to each member's account.

(2) Beginning with the actuarial valuation as of June 30, 2006, the contributions to be made to the Pension Fund by the State shall be determined on the basis of the actuarial cost method known as "entry age normal." On account of each member, there shall be paid annually by the State into the Pension Fund a percentage of the earnable compensation of each member to be known as the "normal contribution" and an additional percentage of the member's earnable compensation to be known as the "accrued liability contribution." The percentage rate of such contributions shall be fixed on the basis of the liabilities of the System as shown by actuarial valuation. "Normal contributions" and "accrued liability contributions" shall be by separate appropriation in the annual budget enacted by the General Assembly.

(3) The normal contribution shall be the uniform percentage of the total compensation of members that, if contributed over each member's prospective period of service and added to such member's prospective contributions, if any, will be sufficient to provide for the payment of all future pension benefits after subtracting the sum of the unfunded accrued liability and the total assets of the Pension Fund.

(4) It is the policy of the State of Vermont to liquidate fully the unfunded accrued liability to the System. Beginning on July 1, 2008, until the unfunded accrued liability is liquidated, the accrued liability contribution shall be the annual payment required to liquidate the unfunded accrued liability over a closed period of 30 years ending on June 30, 2038, provided that:

(A) From July 1, 2009 to June 30, 2019, the amount of each annual basic accrued liability contribution shall be determined by amortization of the unfunded liability over the remainder of the closed 30-year period in installments increasing at a rate of five percent per year.

(B) Beginning on July 1, 2019 and annually thereafter, the amount of each annual basic accrued liability contribution shall be determined by

amortization of the unfunded liability over the remainder of the closed 30-year period in installments increasing at a rate of three percent per year.

(C) Any variation in the contribution of normal or unfunded accrued liability contributions from those recommended by the actuary and any actuarial gains and losses shall be added or subtracted to the unfunded accrued liability and amortized over the remainder of the closed 30-year period.

* * *

(13) Annually, the Board shall certify an amount to pay the annual actuarially determined employer contribution, as calculated in this subsection, and additional amounts as follows:

(A) in fiscal year 2024, the amount of \$9,000,000.00;

(B) in fiscal year 2025, the amount of \$12,000,000.00; and

(C) in fiscal year 2026 and in any year thereafter until the Fund is calculated to have a funded ratio of at least 90 percent, the amount of \$15,000,000.00.

* * *

Second: In Sec. 20, fiscal year 2024; Vermont Teachers' Retirement System; contribution rates, study, by striking out "2024" in the section heading and inserting in lieu thereof "2025" and in subsection (a), by striking out "2024" and inserting in lieu thereof "2025"

Third: In Sec. 21, 16 V.S.A. § 1949a, Postretirement Adjustment Allowance Account, in subsection (d), by striking out "Fund administration" and inserting in lieu thereof "Account administration", in subdivision (e)(3), by striking out "Fund" and inserting in lieu thereof "Account", in subsection (g), by striking out "Fund charges" and inserting in lieu thereof "Account charges", and in subsection (h), by striking out "Fund assets" and inserting in lieu thereof "Account assets"

Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Government Operations, as substituted and amended?, **Rep. Copeland Hanzas of Bradford** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Government Operations, as substituted and amended?, was decided in the affirmative. Yeas, 144. Nays, 0.

Those who voted in the affirmative are:

Achey of Middletown Springs	Grad of Moretown	Notte of Rutland City
Ancl of Calais	Graham of Williamstown	Noyes of Wolcott
Anthony of Barre City	Gregoire of Fairfield	O'Brien of Tunbridge
Arrison of Weathersfield	Hango of Berkshire	Ode of Burlington
Austin of Colchester	Harrison of Chittenden	Page of Newport City
Bartholomew of Hartland	Helm of Fair Haven	Pajala of Londonderry
Beck of St. Johnsbury *	Higley of Lowell *	Parsons of Newbury
Birong of Vergennes	Hooper of Montpelier	Partridge of Windham
Black of Essex	Hooper of Randolph	Patt of Worcester
Bluemle of Burlington	Hooper of Burlington	Pearl of Danville
Bock of Chester	Houghton of Essex	Peterson of Clarendon
Bongartz of Manchester	Howard of Rutland City	Pugh of South Burlington
Bos-Lun of Westminster	James of Manchester	Rachelson of Burlington
Brady of Williston	Jerome of Brandon	Rogers of Waterville
Brennan of Colchester	Jessup of Middlesex	Rosenquist of Georgia
Briglin of Thetford	Kascenska of Burke	Satcowitz of Randolph
Brown of Richmond	Killackey of South Burlington	Scheu of Middlebury
Brownell of Pownal	Kimbell of Woodstock	Scheuermann of Stowe
Brumsted of Shelburne	Kitzmiller of Montpelier	Shaw of Pittsford
Burke of Brattleboro	Kornheiser of Brattleboro	Sheldon of Middlebury
Burrows of West Windsor	Labor of Morgan	Sibilia of Dover
Campbell of St. Johnsbury	LaClair of Barre Town	Sims of Craftsbury
Canfield of Fair Haven	LaLonde of South Burlington	Small of Winooski
Chase of Colchester	Lanpher of Vergennes	Smith of Derby
Christie of Hartford	Laroche of Franklin	Squirrell of Underhill
Cina of Burlington	Lefebvre of Newark	Stebbins of Burlington
Coffey of Guilford	Lefebvre of Orange	Stevens of Waterbury
Colburn of Burlington	Leffler of Enosburgh	Strong of Albany
Colston of Winooski	Lippert of Hinesburg	Sullivan of Dorset
Conlon of Cornwall	Long of Newfane *	Surprenant of Barnard
Copeland Hanzas of Bradford *	Marcotte of Coventry	Taylor of Colchester
Corcoran of Bennington	Martel of Waterford	Terenzini of Rutland Town
Cordes of Lincoln	Masland of Thetford	Till of Jericho
Cupoli of Rutland City	Mattos of Milton	Toleno of Brattleboro
Dickinson of St. Albans Town	McCarthy of St. Albans City	Toof of St. Albans Town
Dolan of Essex	McCormack of Burlington	Townsend of South Burlington
Dolan of Waitsfield	McCoy of Poultney *	Troiano of Stannard
Donahue of Northfield	McCullough of Williston	Vyhovsky of Essex
Durfee of Shaftsbury	McFaun of Barre Town	Walker of Swanton
Elder of Starksboro	Morgan, L. of Milton	Walz of Barre City
Emmons of Springfield	Morgan, M. of Milton	Webb of Shelburne
Fagan of Rutland City	Morris of Springfield	White of Bethel
Feltus of Lyndon	Morrissey of Bennington	White of Hartford
Gannon of Wilmington	Mulvaney-Stanak of Burlington	Whitman of Bennington
Garofano of Essex	Murphy of Fairfax	Williams of Granby
Goldman of Rockingham	Nicoll of Ludlow	Wood of Waterbury
	Nigro of Bennington	Yacovone of Morristown
		Yantachka of Charlotte

Goslant of Northfield

Norris of Sheldon
Norris of Shoreham

Those who voted in the negative are: none

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

Burditt of West Rutland
Donnally of Hyde Park

Mrowicki of Putney
Palasik of Milton

Smith of New Haven

Rep. Beck of St. Johnsbury explained his vote as follows:

“Madam Speaker:

I voted for S.286 because this is a large step in the correct direction. However, the expected investment rate of return of 7.0% and dated experience study are too optimistic, ensuring we will have to revisit contribution rates in the near future.”

Rep. Copeland Hanzas of Bradford explained her vote as follows:

“Madam Speaker:

Over the last 15 months, we have worked alongside members of the public employee unions to bring these reforms to legislative passage today. This has been a challenging process, and one had every opportunity to stumble and fall. When you assigned me to the Pension Task Force, it was clear we needed to make structural change, but that it needed to be a balanced solution that asked everyone to give a little more to stabilize our pension system. I wanted to be sure we didn't make the same missteps as the 2009 reform commission, which presented its recommendations a la carte, and therefore several recommendations failed to pass the legislative process. In July members of the Task Force committed to work toward consensus reforms we would advocate for as a package. The bill we pass today is the embodiment of those agreements. I am proud today to vote in favor of these reforms that will protect public employee retirement and health care funding for years to come.”

Rep. Higley of Lowell explained his vote as follows:

“Madam Speaker:

This is definitely a commitment we need to support; however, we need to understand this as a priority and find suspect new programs that would require new sources of revenue for funding. Vermonters don't need any new taxes!”

Rep. Long of Newfane explained her vote as follows:

“Madam Speaker:

I am proud to vote yes to reaffirm Vermont’s commitment to a secure retirement for educators and State employees. This bill makes significant progress, reducing \$2 billion dollars of retirement liabilities and putting our public pension systems on the road to sustainability. After difficult work and hard conversations, legislators and public employees have come together to secure a stable, dignified retirement for those who have spent their careers serving our State.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

I acknowledge the hard work of all committees involved to get this bill to the finish line. I am, however, disappointed we have not offered a choice for a Defined Contribution Plan and a risk sharing provision.

My fear is we will be back here in four to five years reworking these plans once again.”

Thereupon, third reading was ordered.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 127

Rep. Dolan of Essex, for the Committee on Corrections and Institutions, to which had been referred Senate bill, entitled

An act relating to the procedures and review of community supervision furlough revocation or interruption appeals

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 28 V.S.A. § 724 is amended to read:

§ 724. TERMS AND CONDITIONS OF COMMUNITY SUPERVISION
FURLOUGH

* * *

(c) Appeal.

(1) An offender whose community supervision furlough status is revoked or interrupted for 90 days or longer for a technical violation shall have

the right to appeal the Department's determination to the Civil Division of the Superior Court in accordance with Rule 74 of the Vermont Rules of Civil Procedure. The appeal shall be based on a de novo review of the record. The appellant may offer testimony, and, in its discretion for good cause shown, the court may accept additional evidence to supplement the record. If additional evidence is accepted by the court, the Department, through the Office of the Vermont Attorney General, shall have the opportunity to present rebuttal evidence, including testimony, for the court's consideration. The notice of appeal filed pursuant to Rule 74 shall include a certification that the court has subject matter jurisdiction. The Department shall file an objection to subject matter jurisdiction within 14 days, which shall stay the filing of the record on appeal until the court issues an order on the Department's objection. The appellant shall have the burden of proving by a preponderance of the evidence that the Department abused its discretion in imposing a furlough revocation or interruption for 90 days or longer pursuant to subsection (d) of this section.

(2) An appeal filed pursuant to this subsection shall be limited to determine whether the decision to interrupt or revoke an offender's community supervision furlough status was an abuse of discretion by the Department based on the criteria set forth in subdivision (d)(2) of this section. The length of interruption or revocation may be a consideration in the abuse of discretion determination.

(3) An appeal filed pursuant to this subsection shall be brought in the unit of the Superior Court in which the offender resided at the time that the offender's furlough status was revoked or interrupted or the unit in which the offender is detained after the offender's furlough status was revoked or interrupted. If an appeal is filed pursuant to this subsection in a unit lacking proper venue, the court, on its own motion or on timely motion of a party to the appeal, may transfer the appeal to a unit having proper venue.

(d) Technical violations.

(1) As used in this section, "technical violation" means a violation of conditions of furlough that does not constitute a new crime.

(2) It shall be abuse of the Department's discretion to revoke furlough or interrupt furlough status for 90 days or longer for a technical violation, unless:

(A) ~~the~~ The offender's risk to reoffend can no longer be adequately controlled in the community, and no other method to control noncompliance is suitable; ~~or,~~

(B) ~~the~~ The violation or pattern of violations indicate the offender poses a danger to others ~~or to the community or poses a threat to abscond or escape from furlough.~~

(C) The offender's violation is absconding from community supervision furlough. As used in this subdivision, "absconding" means:

(i) the offender has not met supervision requirements, cannot be located with reasonable efforts, and has not made contact with Department staff within three days if convicted of a listed crime as defined in 13 V.S.A. § 5301(7) or seven days if convicted of a crime not listed in 13 V.S.A. § 5301(7);

(ii) the offender flees from Department staff or law enforcement;
or

(iii) the offender left the State without Department authorization.

Sec. 2. 28 V.S.A. § 123 is amended to read:

§ 123. DEPARTMENT OF CORRECTIONS MONITORING COMMISSION

(a) Creation. There is created the Corrections Monitoring Commission to provide advice and counsel to the Commissioner of Corrections with regard to the Commissioner's responsibility to manage the reporting of sexual misconduct; promote adherence to anti-retaliation policies; ensure overall policy implementation and effectiveness; improve the transparency, accountability, and cultural impact of agency decisions; and ensure that the ~~determination of investigatory findings~~ Department's investigations and any resulting disciplinary actions are ~~just and appropriate~~ compliant with Department policies, procedures, and directives.

* * *

(c) Powers and duties. The Commission shall have the following duties:

(1) Provide advice and counsel to the Commissioner of Corrections in carrying out the Commissioner's responsibilities at the Department of Corrections to ~~monitor~~ review the reporting of sexual misconduct, ~~oversee~~ the ~~implementation of adherence to~~ the Department's anti-retaliation policy, ~~create~~ the transparency and implement implementation of policies relating to misconduct, and ~~review the disciplinary actions policies.~~

(2) Examine Review facility staffing needs, employee retention, employee working conditions, and employee morale. The Commission may engage with current and former Department employees and individuals in the custody of the Department, review the Analysis of State of Vermont Employee Engagement Survey Results from the Department of Human Resources, and

meet with the Vermont State Employees' Association to further the Commission's understanding of these issues. The Commission shall report annually on or before January 15 to the Commissioner of Corrections, the Secretary of Human Services, the House Committees on Corrections and Institutions and on Government Operations, and the Senate Committees on Judiciary and on Government Operations on:

* * *

(3) Monitor the Department in the following areas:

* * *

(F) ~~investigations of compliance with the policies, procedures, or directives governing employee misconduct; investigations; the movement of contraband in facilities; threats to personal safety; and the Department's response to major events that occur in the Department of Corrections; including the death of an individual in the custody of the Commissioner of Corrections and the escape of an individual from a Department facility or Department custody; and~~

* * *

(f) Assistance. The Commission shall have the administrative, and technical, and legal assistance of the Department of Corrections. The Commission shall have the legal assistance of the Office of the Attorney General.

(g) Commissioner of Correction's duties.

(1) The creation and existence of the Commission shall not relieve the Commissioner of ~~his or her~~ the Commissioner's duties under the law to manage, supervise, and control the Department of Corrections.

(2) The Commissioner or designee shall produce all relevant Department policies, procedures, and directives requested by the Commission pursuant to its monitoring duties under this section.

* * *

(i) Confidentiality. Any information or report related to employee or incarcerated individual misconduct or discipline that is provided to the Commission shall be in a form that does not include personally identifiable information of any of the parties to the alleged misconduct and does not disclose any information that is required to be kept confidential pursuant to applicable State and federal law or any applicable collective bargaining or employment contract.

(j) Definition. As used in subdivision (c)(3) of this section, “monitor” shall, when appropriate, include access to incident information in a form sufficient to discern the nature of the incident in question and compliance with the policies, procedures, or directives governing the incident.

Sec. 3. APPLICABILITY

Notwithstanding 1 V.S.A. §§ 213 and 214, the following provisions of Sec. 1 of this act shall apply retroactively to any pending appeal filed at any time prior to the effective date of this act:

(1) the provisions of 28 V.S.A. § 724(c)(1) related to subject matter jurisdiction certification and the Department’s ability to object to subject matter jurisdiction; and

(2) 28 V.S.A. § 724(c)(3) (venue).

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to clarifying community supervision furlough appeals and the powers of the Corrections Monitoring Commission”

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

Second Reading; Proposal of Amendment Agreed to; Third Reading Ordered

S. 195

Rep. Burrows of West Windsor, for the Committee on Health Care, to which had been referred Senate bill, entitled

An act relating to the certification of mental health peer support specialists

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds:

(1) The Centers for Medicare and Medicaid Services (CMS) recognizes that the experiences of peer support specialists, as part of an evidence-based model of care, can be an important component in a state’s delivery of effective

mental health treatment. CMS encourages states to offer comprehensive programs.

(2) Research studies have demonstrated that peer supports improve an individual's functioning, increase an individual's satisfaction, alleviate symptoms, reduce hospitalizations and hospital days, increase an individual's satisfaction with treatment, and enhance an individual's self-advocacy.

(3) Certification can encourage an increase in the number, diversity, and availability of peer support specialists.

(4) The U.S. Department of Veterans Affairs, more than 46 states, and the District of Columbia have created statewide mental health peer certification programs.

(5) Mental health peers in Vermont are currently providing individualized support, coaching facilitation, and education to individuals with mental health needs, in a variety of settings, yet no statewide scope of practice, standardized curriculum, training standards, supervision standards, or certification protocols are available.

Sec. 2. PEER SUPPORT SPECIALIST CERTIFICATION

(a) The Department of Mental Health shall initiate the next steps toward the creation of a statewide peer support specialist certification program through execution of the grant for advancing peer certification in Vermont included in the allocation of monies appropriated to the Department in 2022 Acts and Resolves No. 83, Sec. 72a(c)(4).

(b) On or before December 15, 2022, the Department shall submit a written report to the House Committee on Health Care and to the Senate Committee on Health and Welfare that:

(1) incorporates recommendations of the grantee selected pursuant to subsection (a) of this section; and

(2) provides policy guidance and recommendations for any legislation necessary to create the program.

(c) The report required pursuant to subsection (b) of this section shall include input from:

(1) the Office of Professional Regulation; and

(2) the Department of Vermont Health Access regarding the options and steps required to seek Medicaid funding for certified peer support specialists.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

and that after passage the title of the bill be amended to read: “An act relating to examining mental health peer support certification”

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

Message from the Senate No. 55

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 52. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

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

H. 510. An act relating to a Vermont Child Tax Credit and the Vermont Social Security income exclusion.

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

Adjournment

At three o'clock and thirty-one minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, April 27, 2022

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

Devotional Exercises

Devotional exercises were conducted by Rep. Masland of Thetford.

Bills Referred to Committee on Appropriations

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

S. 148

Senate bill, entitled

An act relating to environmental justice in Vermont

S. 220

Senate bill, entitled

An act relating to State-paid deputy sheriffs

Joint Resolution Adopted in Concurrence**J.R.S. 52**

By Senator Balint,

J.R.S. 52. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 29, 2022, it be to meet again no later than Tuesday, May 3, 2022.

Was taken up, read, and adopted in concurrence.

Ceremonial Reading**H.C.R. 135**

House concurrent resolution designating April 27, 2022 as Alzheimer's Awareness Day at the State House

Offered by: Representative Noyes of Wolcott and Senator Brock

Having been adopted in concurrence on Friday, April 8, 2022 in accord with Joint Rule 16b, was read.

Action on Bill Postponed**S. 247**

Senate bill, entitled

An act relating to prohibiting discrimination based on genetic information

Was taken up, and pending the reading of the report of the Committee on Health Care, on motion of **Rep. Cordes of Lincoln**, action on the bill was postponed until May 3, 2022.

Senate Proposal of Amendment Concurred in**H. 635**

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

An act relating to secondary enforcement of minor traffic offenses

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

Sec. 1. MOTOR VEHICLE OFFENSES REPORT

(a) The Executive Director of Racial Equity, the Commissioner of Motor Vehicles, and the Commissioner of Public Safety jointly shall examine all motor vehicle violations for the purpose of making recommendations on whether or not statutes should be repealed, modified, or limited to secondary enforcement.

(b) The Executive Director and Commissioners jointly shall provide an interim report to the House and Senate Committees on Judiciary and on Transportation on or before January 15, 2023 and a final written report to the committees on or before October 1, 2023.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Proposal of amendment was considered and concurred in.

Third Reading; Bill Passed

H. 743

House bill, entitled

An act relating to amending the charter of the Town of Hardwick

Was taken up, read the third time, and passed.

Third Readings; Bills Passed in Concurrence With Proposal of Amendment

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

S. 100

Senate bill, entitled

An act relating to universal school breakfast and the creation of the Task Force on Universal School Lunch

S. 127

Senate bill, entitled

An act relating to the procedures and review of community supervision furlough revocation or interruption appeals

S. 195

Senate bill, entitled

An act relating to the certification of mental health peer support specialists

**Amendment to Proposal of Amendment Offered and Withdrawn;
Third Reading; Bill Passed in Concurrence with Proposal of Amendment;
Rules Suspended; Bill Messaged to Senate Forthwith**

S. 286

Senate bill, entitled

An act relating to amending various public pension and other postemployment benefits

Was taken up, and pending third reading of the bill, **Rep. Beck of St. Johnsbury** moved to amend the House proposal of amendment as follows:

First: By striking out Sec. 11, 3 V.S.A. § 473, and inserting a new Sec. 11 to read as follows:

Sec. 11. 3 V.S.A. § 473 is amended to read:

§ 473. FUNDS

(a) Assets. All of the assets of the Retirement System shall be credited to the Vermont State Retirement Fund.

(b) Member contributions.

(1)(A) Allocations. Contributions deducted from the compensation of members together with any member contributions transferred thereto from the predecessor systems shall be accumulated in the Fund and separately recorded for each member. The amounts so transferred on account of Group A members shall be allocated between regular and additional contributions. The amounts so allocated as regular contributions shall be determined as if the rate of contribution of four percent has been continuously in effect in the predecessor system from which such amounts were transferred and the balance of any amount so transferred on account of any Group A member shall be deemed additional contributions. In the case of Group C members who were members as of the date of establishment and Group D members, all contributions transferred from predecessor systems shall be deemed regular contributions. Those members who, prior to the date of establishment of this system, had been contributing at a rate less than four percent shall have any benefit otherwise payable on their behalf actuarially reduced to reflect such prior contribution rate of less than four percent. Upon a member's retirement or other withdrawal from service on the basis of which a retirement allowance

is payable, the member's additional contributions, with interest thereon, shall be paid as an additional allowance equal to an annuity ~~which~~ that is the actuarial equivalent of such amount, in the same manner as the benefit otherwise payable under the System.

(B) Periodic review. When the State Employees' Retirement System has been determined by the actuary to have assets at least equal to its accrued liability, contribution rates will be reevaluated by the actuary with a subsequent recommendation to the General Assembly. In determining the amount earnable by a member in a payroll period, the Retirement Board may consider the annual or other periodic rate of earnable compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deduction from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as, on an annual basis, shall not exceed one-tenth of one percent of the annual earnable compensation upon the basis of which such deduction is to be made. Each of the amounts shall be deducted until the member retires or otherwise withdraws from service and when deducted shall be paid into the Annuity Savings Fund and shall be credited to the individual account of the member from whose compensation the deduction was made.

(2)(A) Group A members. Commencing Except as provided in subsection (g) of this section, commencing on July 1, 2016, contributions shall be 6.55 percent of compensation for Group A, D, and F members and 8.43 percent of compensation for Group C members. When the State Employees' Retirement System has been determined by the actuary to have assets at least equal to its accrued liability, contribution rates will be reevaluated by the actuary with a subsequent recommendation to the General Assembly. In determining the amount earnable by a member in a payroll period, the Retirement Board may consider the annual or other periodic rate of earnable compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deduction from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as, on an annual basis, shall not exceed one-tenth of one percent of the annual earnable compensation upon the basis of which such deduction is to be made. Each of the amounts shall be deducted until the member retires or otherwise withdraws from service, and when deducted shall be paid into the Annuity Savings Fund, and shall be credited to the individual account of the member from whose compensation the deduction was made.

(B) Group C members. Except as provided in subsection (g) of this section:

(i) Commencing the first full pay period in fiscal year 2023, the contribution rate for Group C members shall be 8.93 percent of compensation.

(ii) Commencing the first full pay period in fiscal year 2024, the contribution rate for Group C members shall be 9.43 percent of compensation.

(iii) Commencing the first full pay period in fiscal year 2025 and annually thereafter, the contribution rate for Group C members shall be 9.93 percent of compensation.

(C) Group D members. Except as provided in subsection (g) of this section, commencing on July 1, 2022, the contribution rate for Group D members shall be based on the quartile in which a member's hourly rate of pay falls. Quartiles shall be determined annually in the first full pay period of each fiscal year by the Department of Human Resources based on the hourly rate of pay by all Group D members. The contribution rates shall be based on the schedule set forth below:

(i) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period below the 25th percentile of Group D member hourly rates of pay, the contribution rate shall be 6.55 percent of compensation.

(ii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 25th percentile and below the 50th percentile of Group D member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation; and

(III) commencing in fiscal year 2025 and annually thereafter, 8.05 percent of compensation.

(iii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 50th percentile and below the 75th percentile of Group D member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation; and

(IV) commencing in fiscal year 2026 and annually thereafter, 8.55 percent of compensation.

(iv) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at or above the 75th percentile of Group D member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation;

(IV) commencing in fiscal year 2026, 8.55 percent of compensation; and

(V) commencing in fiscal year 2027 and annually thereafter, 9.05 percent of compensation.

(D) Group F members. Except as provided in subsection (g) of this section, commencing on July 1, 2022, the contribution rate for Group F members shall be based on the quartile in which a member's hourly rate of pay falls. Quartiles shall be determined annually in the first full pay period of each fiscal year by the Department of Human Resources based on the hourly rate of pay of all Group F members. The contribution rates shall be based on the schedule set forth below:

(i) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period below the 25th percentile of Group F member hourly rates of pay, the contribution rate shall be 6.55 percent of compensation.

(ii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for

members who have an hourly rate of pay in any pay period at the 25th percentile and below the 50th percentile of Group F member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation; and

(III) commencing in fiscal year 2025 and annually thereafter, 8.05 percent of compensation.

(iii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 50th percentile and below the 75th percentile of Group F member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation; and

(IV) commencing in fiscal year 2026 and annually thereafter, 8.55 percent of compensation.

(iv) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at or above the 75th percentile of Group F member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation;

(IV) commencing in fiscal year 2026, 8.55 percent of compensation; and

(V) commencing in fiscal year 2027 and annually thereafter, 9.05 percent of compensation.

(E) Group G members. Except as provided in subsection (g) of this section, commencing on July 1, 2023, the contribution rate for Group G members shall be based on the quartile in which a member's hourly rate of pay falls. Quartiles shall be determined annually in the first full pay period of each fiscal year by the Department of Human Resources based on the hourly rate of pay of all Group G members. The contribution rates shall be based on the schedule set forth below:

(i) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period below the 25th percentile of Group G member hourly rates of pay, the contribution rate shall be 11.23 percent of compensation.

(ii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 25th percentile and below the 50th percentile of Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2024, 12.23 percent of compensation; and

(II) commencing in fiscal year 2025 and annually thereafter, 12.73 percent of compensation.

(iii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 50th percentile and below the 75th percentile of Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2024, 12.23 percent of compensation;

(II) commencing in fiscal year 2025, 12.73 percent of compensation; and

(III) commencing in fiscal year 2026 and annually thereafter, 13.23 percent of compensation.

(iv) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at or above the

75th percentile of Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2024, 12.23 percent of compensation;

(II) commencing in fiscal year 2025, 12.73 percent of compensation;

(III) commencing in fiscal year 2026, 13.23 percent of compensation; and

(IV) commencing in fiscal year 2027 and annually thereafter, 13.73 percent of compensation.

(3) Deductions. The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided herein and shall receipt for full compensation, and payment of compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this subchapter.

(4) Additional contributions. Subject to the approval of the Retirement Board, in addition to the contributions deducted from compensation as hereinbefore provided, any member may redeposit in the Fund by a single payment or by an increased rate of contribution an amount equal to the total amount ~~which~~ that the member previously withdrew from this System or one of the predecessor systems; or any member may deposit therein by a single payment or by an increased rate of contribution an amount computed to be sufficient to purchase an additional annuity ~~which~~ that, together with prospective retirement allowance, will provide for the member a total retirement allowance not in excess of one-half of average final compensation at normal retirement date, with the exception of Group D members for whom creditable service shall be restored upon redeposits of amounts previously withdrawn from the System, or for whom creditable service shall be granted upon deposit of amounts equal to what would have been paid if payment had been made during any period of service during which such a member did not contribute. Such additional amounts so deposited shall become a part of the member's accumulated contributions as additional contributions.

(5) Beneficiaries. The contributions of a member and such interest as may be allowed thereon ~~which~~ that are withdrawn by the member or paid to the member estate or to a designated beneficiary in event of the member's death; shall be paid from the Fund.

(6) Scope. Contributions required under this subsection shall be limited to contributions from Group A, Group C, Group D, ~~and~~ Group F, ~~and~~ Group G members.

(7) [Repealed.]

(c) Employer contributions, earnings, and payments.

* * *

(8) Annually, the Board shall certify:

(A) an amount to pay the annual actuarially determined employer contribution, as calculated in this subsection, and additional amounts as follows:

(i) in fiscal year 2024, the amount of \$9,000,000.00;

(ii) in fiscal year 2025, the amount of \$12,000,000.00; and

(ii) in fiscal year 2026 and in any year thereafter when the Fund is calculated to have a funded ratio of less than 90 percent, the amount of \$15,000,000.00; and

(B) the amount that the annual actuarially determined employer contribution, as calculated in this subsection (c), has increased over the prior year amount.

* * *

(g) Employee cost-sharing. Notwithstanding any other provision of law, commencing on July 1, 2022, if, in any fiscal year, there is an increase by three and one-half percent or more in the annual actuarially determined employer contribution over the prior year's contribution amount, as certified in subdivision (c)(8) of this section, the contribution rates established in subsection (b) of this section shall be increased by not more than one-half percent.

Second: By striking out Sec. 19, 16 V.S.A. § 1944, by inserting a new Sec. 19 to read as follows:

Sec. 19. 16 V.S.A. § 1944 is amended to read:

§ 1944. VERMONT TEACHERS' RETIREMENT FUND

(a) Pension Fund. All of the assets of the System shall be credited to the Vermont Teachers' Retirement Fund.

(b) Member contributions.

(1) Contributions deducted from the compensation of members shall be accumulated in the Pension Fund and separately recorded for each member.

(2) The Except as provided in subsection (j) of this section, the proper authority or officer responsible for making up each employer payroll shall cause to be deducted from the compensation:

(A) of Of each Group A member, five and one-half percent of the member's total earnable compensation, including compensation paid for absence as provided by subsection 1933(d) of this title.

(B) from Of each Group C member with at least five years of membership service as of July 1, 2014, five percent of the member's earnable compensation; and from each Group C member with less than five years of membership service as of July 1, 2014, six percent of the member's earnable compensation, including the following shall apply:

(i) Beginning on July 1, 2022, a Group C member shall have the rate set forth in this subdivision (b)(2)(B)(i) applied to the member's total earnable compensation for the fiscal year, which shall include compensation paid for absence as provided by subsection 1933(d) of this title. A member's effective rate shall not be adjusted during any fiscal year.

(I) If a member's base salary is at or below \$40,000.00, the rate is 6.0 percent.

(II) If a member's base salary is \$40,000.01 or more but not more than \$50,000.00, the rate is 6.05 percent.

(III) If a member's base salary is \$50,000.01 or more but not more than \$60,000.00, the rate is 6.10 percent.

(IV) If a member's base salary is \$60,000.01 or more but not more than \$70,000.00, the rate is 6.20 percent.

(V) If a member's base salary is \$70,000.01 or more but not more than \$80,000.00, the rate is 6.25 percent.

(VI) If a member's base salary is \$80,000.01 or more but not more than \$90,000.00, the rate is 6.35 percent.

(VII) If a member's base salary is \$90,000.01 or more but not more than \$100,000.00, the rate is 6.50 percent.

(VIII) If a member's base salary is \$100,000.01 or more, the rate is 6.65 percent.

(ii) Beginning on July 1, 2023, a Group C member shall have the rate set forth in this subdivision (b)(2)(B)(ii) applied to the member's total earnable compensation for the fiscal year, which shall include compensation paid for absence as provided by subsection 1933(d) of this title. A member's rate shall not be adjusted during any fiscal year unless the member's full-time

equivalency status changes, which shall require that the member's rate be recalculated and the new rate applied for the remainder of that fiscal year.

(I) If a member's base salary is at or below \$40,000.00, the rate is 6.10 percent.

(II) If a member's base salary is \$40,000.01 or more but not more than \$50,000.00, the rate is 6.15 percent.

(III) If a member's base salary is \$50,000.01 or more but not more than \$60,000.00, the rate is 6.25 percent.

(IV) If a member's base salary is \$60,000.01 or more but not more than \$70,000.00, the rate is 6.35 percent.

(V) If a member's base salary is \$70,000.01 or more but not more than \$80,000.00, the rate is 6.50 percent.

(VI) If a member's base salary is \$80,000.01 or more but not more than \$90,000.00, the rate is 6.75 percent.

(VII) If a member's base salary is \$90,000.01 or more but not more than \$100,000.00, the rate is 7.0 percent.

(VIII) If a member's base salary is \$100,000.01 or more, the rate is 7.25 percent.

(iii) Beginning on July 1, 2024 and annually thereafter, a Group C member shall have an effective rate, rounded to the nearest hundredth of a percent, that is calculated based on the member's base salary as of July 1 each year, which equals the member's total earnable compensation, including compensation paid for absence as provided by subsection 1933(d) of this title, and any additional stipends identified as of July 1 for the next fiscal year. A member's effective rate shall not be adjusted during any fiscal year unless the member's full-time equivalency status changes, which shall require that the member's effective rate be recalculated and the new rate applied for the remainder of that fiscal year. For a member who works a part-time equivalency status, the effective rate shall apply to the member's total earnable compensation and not on an amount equal to an annualized base salary. If a member is employed on a part-time equivalency status with two or more employers, the highest effective rate shall be applied to the amounts deducted from each employer. A member's effective rate shall be calculated according to the following marginal rates and income brackets:

(I) if a member's base salary is at or below \$40,000.00, the rate is 6.25 percent;

(II) if a member's base salary is \$40,000.01 or more but not more than \$60,000.00, the rate is the equivalent of \$2,900.00 on \$40,000.00 and 6.75 percent of the member's salary that is \$40,000.01 or more;

(III) if a member's base salary of \$60,000.01 or more but not more than \$80,000.00, the rate is the equivalent of \$3,850.00 on \$60,000.00 and 7.5 percent of the member's salary that is \$60,000.01 or more;

(IV) if a member's base salary is \$80,000.01 or more but not more than \$100,000.00, the rate is the equivalent of \$5,350.00 on \$80,000.00 and 8.25 percent of the member's salary that is \$80,000.01 or more; and

(V) if a member's base salary is \$100,000.01 or more, the rate is the equivalent of \$7,000.00 on \$100,000.00 and 9.0 percent of the member's salary that is \$100,000.01 or more.

(C) In determining the amount earnable by a member set forth in this subdivision (2) in a payroll period, the Board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period, and it may omit deduction from compensation for any period less than a full payroll period if a teacher was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed one-tenth of one percent of the annual earnable compensation upon the basis of which such deduction is made. The actuary shall make annual valuations of the reduction to the recommended State contribution attributable to the increase from five to six percent, and the Board shall include the amount of this reduction in its written report pursuant to subsection 1942(r) of this title.

* * *

(c) State contributions, earnings, and payments.

(1) All State appropriations and all reserves for the payment for all pensions including all interest and dividends earned on the assets of the Retirement System shall be accumulated in the Pension Fund. All benefits payable under the System, except for retired teacher health and medical benefits, shall be paid from the Pension Fund. Annually, the Retirement Board shall allow regular interest on the individual accounts of members in the Pension Fund ~~which~~ that shall be credited to each member's account.

(2) Beginning with the actuarial valuation as of June 30, 2006, the contributions to be made to the Pension Fund by the State shall be determined on the basis of the actuarial cost method known as "entry age normal." On account of each member, there shall be paid annually by the State into the Pension Fund a percentage of the earnable compensation of each member to be

known as the “normal contribution” and an additional percentage of the member’s earnable compensation to be known as the “accrued liability contribution.” The percentage rate of such contributions shall be fixed on the basis of the liabilities of the System as shown by actuarial valuation. “Normal contributions” and “accrued liability contributions” shall be by separate appropriation in the annual budget enacted by the General Assembly.

(3) The normal contribution shall be the uniform percentage of the total compensation of members that, if contributed over each member’s prospective period of service and added to such member’s prospective contributions, if any, will be sufficient to provide for the payment of all future pension benefits after subtracting the sum of the unfunded accrued liability and the total assets of the Pension Fund.

(4) It is the policy of the State of Vermont to liquidate fully the unfunded accrued liability to the System. Beginning on July 1, 2008, until the unfunded accrued liability is liquidated, the accrued liability contribution shall be the annual payment required to liquidate the unfunded accrued liability over a closed period of 30 years ending on June 30, 2038, provided that:

(A) From July 1, 2009 to June 30, 2019, the amount of each annual basic accrued liability contribution shall be determined by amortization of the unfunded liability over the remainder of the closed 30-year period in installments increasing at a rate of five percent per year.

(B) Beginning on July 1, 2019 and annually thereafter, the amount of each annual basic accrued liability contribution shall be determined by amortization of the unfunded liability over the remainder of the closed 30-year period in installments increasing at a rate of three percent per year.

(C) Any variation in the contribution of normal or unfunded accrued liability contributions from those recommended by the actuary and any actuarial gains and losses shall be added or subtracted to the unfunded accrued liability and amortized over the remainder of the closed 30-year period.

* * *

(13) Annually, the Board shall certify:

(A) an amount to pay the annual actuarially determined employer contribution, as calculated in this subsection (c), and additional amounts as follows:

(i) in fiscal year 2024, the amount of \$9,000,000.00;

(ii) in fiscal year 2025, the amount of \$12,000,000.00; and

(ii) in fiscal year 2026 and in any year thereafter when the Fund is calculated to have a funded ratio of less than 90 percent, the amount of \$15,000,000.00; and

(B) the amount that the annual actuarially determined employer contribution, as calculated in this subsection (c), has increased over the prior year amount.

* * *

(j) Employee cost-sharing. Notwithstanding any other provision of law, commencing on July 1, 2022, if, in any fiscal year, there is an increase by three and one-half percent or more in the annual actuarially determined employer contribution over the prior year's contribution amount, as certified in subdivision (c)(13) of this section, the contribution rates established in subsection (b) of this section shall be increased by not more than one-half percent.

* * *

Thereafter, **Rep. Beck of St. Johnsbury** asked and was granted leave of the House to withdraw his amendment. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

On motion of **Rep. LaClair of Barre Town**, the rules were suspended and the House's actions on the bill were ordered messaged to the Senate forthwith.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 287

Rep. Kornheiser of Brattleboro, for the Committee on Ways and Means, to which had been referred Senate bill, entitled

An act relating to improving student equity by adjusting the school funding formula and providing education quality and funding oversight

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Findings and Goals * * *

Sec. 1. FINDINGS

(a) The Vermont Supreme Court, in *Brigham v. State*, 166 Vt. 246 (1997), held that education in Vermont is “a constitutionally mandated right” and that to “keep a democracy competitive and thriving, students must be afforded equal access to all that our educational system has to offer.” Therefore, the

Court held that in order to “fulfill its constitutional obligation the [S]tate must ensure substantial equality of educational opportunity throughout Vermont.”

(b) The General Assembly reflected this holding in statute, 16 V.S.A. § 1, stating that “the right to education is fundamental for the success of Vermont’s children in a rapidly-changing society and global marketplace as well as for the State’s own economic and social prosperity. To keep Vermont’s democracy competitive and thriving, Vermont students must be afforded substantially equal access to a quality basic education...it is the policy of the State that all Vermont children will be afforded educational opportunities that are substantially equal although educational programs may vary from district to district.”

(c) Students come to school with needs that may require different types and levels of educational support for them to achieve common standards or outcomes. Similarly, schools may also require different levels of resources. Therefore, school districts with similar education property tax rates may achieve significantly different student outcomes.

(d) 2018 Acts and Resolves No. 173, Sec. 11 directed the Agency of Education to study the efficacy of the current pupil weights, which are used in Vermont’s school funding formula to provide equitable tax capacity to local school districts for spending on various student needs, and to consider whether increased or additional weights should be included in the equalized pupil count.

(e) On December 24, 2019, the Agency issued its Pupil Weighting Factors Report, which was produced by a University of Vermont-Rutgers University team of researchers. The Report found that neither the cost factors incorporated in the weighting formula nor the values of the current weights reflect contemporary educational circumstances and costs and that stakeholders viewed the existing approach as “outdated.” The Report found that values for the existing weights have weak ties, if any, with evidence describing differences in the costs for educating students with disparate needs or operating schools in different contexts and recommended that the General Assembly increase certain existing weights and add certain new weights.

(f) 2021 Acts and Resolves No. 59 created the Task Force on the Implementation of the Pupil Weighting Factors Report composed of eight members of the General Assembly, four Senators and four Representatives, to recommend to the General Assembly an action plan and proposed legislation to ensure that all public school students have equitable access to educational opportunities, taking into account the Weighting Report. The Task Force unanimously recommended two systemic change options and a series of related provisions for either updating the weights or adopting a cost adjustment

approach to providing direct aid to school districts as set out in its “Report Prepared in Accordance with Act No. 59 of the 2021 Legislative Session” dated December 17, 2021.

(g) Under current law, 16 V.S.A. § 4010, a weight of 0.46 is applied to a student enrolled in a prekindergarten program. The Pupil Weighting Factors Report did not review whether this weight reflected the actual cost of providing prekindergarten educational services because that review was not within the scope of the authors’ mandate. That review is now being undertaken pursuant to 2021 Acts and Resolves No. 45. Therefore, although the 0.46 prekindergarten weight is in current law, its status should be viewed as transitional pending the outcome of this review.

Sec. 2. GOALS

By enacting this legislation, the General Assembly intends to fulfill Vermont’s constitutional mandate to ensure that all students receive substantial equality of educational opportunity throughout the State. The legislation is designed to:

(1) increase educational equity by ensuring that the financial resources available to local school districts for educating students living in poverty, English learners, students in small rural schools, students in sparsely populated school districts, and students in middle and high schools are sufficient to meet the cost of educating these students;

(2) improve educational outcomes of publicly funded students throughout Vermont;

(3) improve transparency in the distribution of financial resources to school districts by simplifying the school funding formula and better tying educational expenditures to student needs; and

(4) enhance educational and financial accountability by ensuring that equitable resources are budgeted and expended for the education of students in these circumstances or categories and that regular evaluation mechanisms are utilized to assess educational equity and outcomes.

* * * Updated Weights; Implementation * * *

Sec. 3. INTENT OF ACT

This act updates and adds new pupil weights for fiscal year 2025 and thereafter. Because this change will affect homestead property tax rates, this act limits the degree to which these rates can increase over fiscal years 2025–2029.

Sec. 4. 16 V.S.A. § 4010 is amended to read:

§ 4010. DETERMINATION OF WEIGHTED LONG-TERM MEMBERSHIP
AND PER PUPIL EDUCATION SPENDING

(a) On or before the first day of December during each school year, the Secretary shall determine the average daily membership of each school district for the current school year. The determination shall list separately:

- (1) resident prekindergarten children;
- (2) resident students being provided elementary or kindergarten education; and
- (3) resident students being provided secondary education.

(b) The Secretary shall determine the long-term membership for each school district for each student group described in subsection (a) of this section. The Secretary shall use the actual average daily membership over two consecutive years, the latter of which is the current school year.

(c) The Secretary shall determine the weighted long-term membership for each school district using the long-term membership from subsection (b) of this section and the following weights for each class:

Prekindergarten 0.46

Elementary or kindergarten 1.0

Secondary 1.13

(d) The weighted long-term membership calculated under subsection (c) of this section shall be increased for each school district to compensate for additional costs imposed by students from economically deprived backgrounds. The adjustment shall be equal to the total from subsection (c) of this section, multiplied by 25 percent, and further multiplied by the poverty ratio of the district.

(e) The weighted long-term membership calculated under subsection (c) of this section shall be further increased by 0.2 for each student in average daily membership for whom English is not the primary language.

(f) For purposes of determining weighted membership under this section, a district's equalized pupils shall in no case be less than 96 and one-half percent of the actual number of equalized pupils in the district in the previous year, prior to making any adjustment under this section.

(g) The Secretary shall develop guidelines to enable clear and consistent identification of students to be counted under this section.

(h) On December 1 each year, the Secretary shall determine the equalized pupil count for the next fiscal year for district review. The Secretary shall

make any necessary corrections on or before December 15, on which date the count shall become final for that year:

~~(i) The Secretary shall evaluate the accuracy of the weights established in subsection (c) of this section and, at the beginning of each biennium, shall propose to the House and Senate Committees on Education whether the weights should stay the same or be adjusted. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.~~

(a) Definitions. As used in this section:

(1) "EL pupils" means pupils described under section 4013 of this title.

(2) "FPL" means the Federal Poverty Level.

(3) "Weighting categories" means the categories listed under subsection (b) of this section.

(b) Determination of average daily membership and weighting categories. On or before the first day of December during each school year, the Secretary shall determine the average daily membership, as defined in subdivision 4001(1) of this title, of each school district for the current school year and shall perform the following tasks.

(1) Using average daily membership, list for each school district the number of:

(A) pupils in prekindergarten;

(B) pupils in kindergarten through grade five;

(C) pupils in grades six through eight;

(D) pupils in grades nine through 12;

(E) pupils whose families are at or below 185 percent of FPL, using the highest number of pupils in the district:

(i) that meet this definition under the universal income declaration form; or

(ii) who are directly certified for free-and reduced-priced meals;
and

(F) EL pupils.

(2)(A) Identify all school districts that have low population density, measured by the number of persons per square mile residing within the land area of the geographic boundaries of the district as of July 1 of the year of determination, equaling:

(i) fewer than 36 persons per square mile;

(ii) 36 or more persons per square mile but fewer than 55 persons per square mile; or

(iii) 55 or more persons per square mile but fewer than 100 persons per square mile.

(B) Population density data shall be based on the best available U.S. Census data as provided to the Agency of Education by the Vermont Center for Geographic Information.

(C) Using average daily membership, list for each school district that has low population density the number of pupils in each of subdivisions (A)(i)–(iii) of this subdivision (2).

(3)(A) Identify all school districts that have one or more small schools, which are schools that have an average two-year enrollment of:

(i) fewer than 100 pupils; or

(ii) 100 or more pupils but fewer than 250 pupils.

(B) As used in subdivision (A) of this subdivision (3), “average two-year enrollment” means the average enrollment of the two most recently completed school years, and “enrollment” means the number of pupils who are enrolled in a school operated by the district on October 1. A pupil shall be counted as one whether the pupil is enrolled as a full-time or part-time student.

(C) Using average two-year enrollment, list for each school district that has a small school the number of pupils in each of subdivisions (A)(i)–(ii) of this subdivision (3).

(c) Reporting on weighting categories to the Agency of Education. Each school district shall annually report to the Agency of Education by a date established by the Agency the information needed in order for the Agency to compute the weighting categories under subsection (b) of this section for that district. In order to fulfill this obligation, a school district that pays public tuition on behalf of a resident student (sending district) to a public school in another school district, an approved independent school, or an out-of-state school (each a receiving school) may request the receiving school to collect this information on the sending district’s resident student, and if requested, the receiving school shall provide this information to the sending district in a timely manner.

(d) Determination of weighted long-term membership. For each weighting category except the small schools weighting category under subdivision (b)(3)

of this section, the Secretary shall compute the weighting count by using the long-term membership in that category.

(1) The Secretary shall first apply grade level weights. Each pupil included in long-term membership from subsection (b) of this section shall count as one, multiplied by the following amounts:

(A) prekindergarten—negative 0.54;

(B) grades six through eight—0.36; and

(C) grades nine through 12—0.39.

(2) The Secretary shall next apply a weight for pupils whose family is at or below 185 percent of FPL. Each pupil included in long-term membership from subsection (b) of this section whose family is at or below 185 percent of FPL shall receive an additional weighting amount of 1.03.

(3) The Secretary shall next apply a weight for EL pupils. Each EL pupil included in long-term membership from subsection (b) of this section shall receive an additional weighting amount of 2.49.

(4) The Secretary shall then apply a weight for pupils living in low population density school districts. Each pupil included in long-term membership from subsection (b) of this section residing in a low population density school district, measured by the number of persons per square mile residing within the land area of the geographic boundaries of the district as of July 1 of the year of determination, shall receive an additional weighting amount of:

(A) 0.15, where the number of persons per square mile is fewer than 36 persons;

(B) 0.12, where the number of persons per square mile is 36 or more but fewer than 55 persons; or

(C) 0.07, where the number of persons per square mile is 55 or more but fewer than 100.

(5) The Secretary shall lastly apply a weight for pupils who attend a small school. If the number of persons per square mile residing within the land area of the geographic boundaries of a school district as of July 1 of the year of determination is 55 or fewer, then, for each pupil listed under subdivision (b)(3)(C) of this section (pupils who attend small schools):

(A) where the school has fewer than 100 pupils in average two-year enrollment, the school district shall receive an additional weighting amount of 0.21 for each pupil included in the small school's average two-year enrollment; or

(B) where the small school has 100 or more but fewer than 250 pupils, the school district shall receive an additional weighting amount of 0.07 for each pupil included in the small school's average two-year enrollment.

(6) A school district's weighted long-term membership shall equal long-term membership plus the cumulation of the weights assigned by the Secretary under this subsection.

(e) Hold harmless. A district's weighted long-term membership shall in no case be less than 96 and one-half percent of its actual weighted long-term membership the previous year prior to making any adjustment under this subsection.

(f) Determination of per pupil education spending. As soon as reasonably possible after a school district budget is approved by voters, the Secretary shall determine the per pupil education spending for the next fiscal year for the school district. Per pupil education spending shall equal a school district's education spending divided by its weighted long-term membership.

(g) Guidelines. The Secretary shall develop guidelines to enable clear and consistent identification of pupils to be counted under this section.

(h) Updates to weights. On or before January 1, 2027 and on or before January 1 of every fifth year thereafter, the Agency of Education and the Joint Fiscal Office shall calculate, based on their consensus view, updates to the weights to account for cost changes underlying those weights and shall issue a written report on their work to the House and Senate Committees on Education, the House Committee on Ways and Means, and the Senate Committee on Finance. The General Assembly shall update the weights under this section and transportation reimbursement under section 4016 of this title not less than every five years and the implementation date for the updated weights and transportation reimbursement shall be delayed by a year in order to provide school districts with time to prepare their budgets. Updates to the weights may include recalibration, recalculation, adding or eliminating weights, or any combination of these actions.

Sec. 5. COLLABORATION BY THE AGENCY OF EDUCATION AND JOINT FISCAL OFFICE

The Agency of Education and the Joint Fiscal Office shall:

(1) on or before August 1, 2022, enter into a memorandum of understanding to share data, models, and other information that is needed to update the weights; and

(2) each host the statistical model used to provide modeling for the Weighting Report dated December 24, 2019 and for ensuing memos and ensure that this model is updated and maintained on both systems in parallel.

Sec. 6. VERMONT CENTER FOR GEOGRAPHIC INFORMATION

The Vermont Center for Geographic Information created under 3 V.S.A. § 2475 shall assist the Agency of Education in determining the number of persons per square mile residing within the land area of the geographic boundaries of each school district in the State.

Sec. 7. CALCULATION OF TAX RATES; TAX RATE REVIEW;

FISCAL YEARS 2025–2029

(a) Notwithstanding 16 V.S.A. chapter 133, 32 V.S.A. chapter 135, and any other provision of law to the contrary, if, in fiscal year 2025 when applying the funding formula created under this act, a school district's homestead property tax rate increases by five percent or more over the school district's homestead property tax rate in fiscal year 2024, then the school district's homestead property tax rate shall be increased by not more than five percent over the prior fiscal year in each fiscal year for five fiscal years, from fiscal year 2025 through fiscal year 2029. In fiscal years 2026–2029, this subsection shall only apply if the school district's property tax rate increase was limited pursuant to this subsection in the prior fiscal year.

(b)(1) In order to determine which school districts shall be subject to a Tax Rate Review, the Secretary of Education shall calculate the fiscal year 2024 per pupil education spending of each school district subject to subsection (a) of this section as though the funding formula created under this act applied to fiscal year 2024. In fiscal year 2025, if a school district's per pupil education spending calculated using the funding formula created under this act increases by 10 percent or more over the school district's fiscal year 2024 per pupil education spending as calculated by the Secretary under this subsection, then the school district shall be subject to a Tax Rate Review. In fiscal years 2026–2029, if a school district's per pupil education spending calculated using the funding formula created under this act increases by 10 percent or more over the school district's prior fiscal year per pupil education spending, then the school district shall be subject to a Tax Rate Review. Upon request of the Secretary, a school district shall submit its budget to a Tax Rate Review to determine whether its increase in per pupil education spending was beyond the school district's control or for other good cause. In conducting the Review, the Secretary shall select three business managers and three superintendents to serve in an advisory role in the Review. The Review shall consider at least the following factors:

(A) the extent to which the increase in per pupil education spending is caused by declining enrollment in the school district; and

(B) the extent to which the increase in per pupil education spending is caused by increases in tuition paid by the school district.

(2) If, at the conclusion of the Review, the Secretary determines that the school district's budget contains excessive increases in per pupil education spending that are within the school district's control and are not supported by good cause, then the homestead property tax rate of the school district that would otherwise be increased by not more than five percent in each fiscal year pursuant to subsection (a) of this section shall be increased to the actual homestead property tax rate calculated pursuant to this act.

Sec. 8. SUSPENSION OF LAWS

(a) Suspension of excess spending penalty. Notwithstanding any provision of law to the contrary, the excess spending penalty under 16 V.S.A. § 4001(6)(B) and 32 V.S.A. § 5401(12) is suspended during fiscal years 2024–2029.

(b) Suspension of hold harmless provision. Notwithstanding any provision of law to the contrary, the hold harmless provision under 16 V.S.A. § 4010(e) is suspended during fiscal years 2025–2029.

(c) Suspension of ballot language requirement. Notwithstanding 16 V.S.A. § 563(11)(D), which requires specified language for a school budget ballot, this requirement is suspended during fiscal years 2025–2029.

* * * Universal Income Declaration Form * * *

Sec. 9. UNIVERSAL INCOME DECLARATION FORM

(a) It is the intention of the General Assembly that, beginning with the 2023–24 school year and thereafter, the determination of whether a pupil is from an economically deprived background be changed from qualification for nutrition benefits to eligibility based upon family income of 185 percent or less of the current year Federal Poverty Level, with data collected from a universal income declaration form.

(b) A universal income declaration form is used by some other states and school districts in Vermont with universal school meals programs to collect household size and income information. A universal income declaration form is used to collect income bracket information from all families, reducing stigma and resulting in the collection of more accurate pupil eligibility counts throughout a school district.

(c) On or before October 1, 2022, the Agency of Education shall convene a working group that includes school staff and hunger and nutrition experts to develop the universal income declaration form that shall be fully accessible to all Vermont families both in paper form and electronically. On or before July 1, 2023, the new form shall be implemented statewide for the 2023–24 school year and thereafter.

(d) The Agency of Education shall establish a process for verifying the accuracy of data collected through the universal income declaration form on a community level, which may include using other sources of income data available to the Agency, including census and direct certification for free and reduced-priced meals.

(e) The sum of \$200,000.00 is appropriated from the General Fund to the Agency of Education for fiscal year 2023 to fund operating expenses associated with the creation of the electronic universal income declaration form.

* * * English Learners * * *

Sec. 10. 16 V.S.A. § 4013 is added to read:

§ 4013. ENGLISH LEARNERS SERVICES; STATE AID

(a) Definitions. As used in this section:

(1) “Applicable federal laws” mean the Equal Education Opportunities Act (20 U.S.C. § 1703), Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.), and Titles I and III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. §§ 6301 et seq. and 20 U.S.C. §§ 6801 et seq.), each as amended.

(2) “EL services” mean instructional and support personnel and services that are required under applicable federal laws for EL students and their families.

(3) “EL students” or “EL pupils” mean students who have been identified as English learners through the screening protocols required under 20 U.S.C. § 6823(b)(2).

(b) Required EL services. Each school district shall:

(1) screen students to determine which students are EL students and therefore qualify for EL services;

(2) assess and monitor the progress of EL students;

(3) provide EL services;

(4) budget sufficient resources through a combination of State and federal categorical aid and local education spending to provide EL services;

(5) report expenditures on EL services annually to the Agency of Education through the financial reporting system as required by the Agency; and

(6) evaluate the effectiveness of their EL programs and report educational outcomes of EL students as required by the Agency and applicable federal laws.

(c) Agency of Education support and quality assurance. The Agency of Education shall:

(1) provide guidance and program support to all school districts with EL students as required under applicable federal law, including:

(A) professional development resources for EL teachers and support personnel; and

(B) information on best practices and nationally recognized language development standards; and

(2) prescribe, collect, and analyze financial and student outcome data from school districts to ensure that districts are providing high quality EL services and expending sufficient resources to provide these services.

(d) Categorical aid. In addition to the EL weight under section 4010 of this title, a school district that has, as determined annually on October 1 of the year:

(1) one to five EL students enrolled shall receive State aid of \$25,000.00 for that school year; or

(2) six to 25 EL students enrolled shall receive State aid of \$50,000.00 for that school year.

(e) Annual appropriation. Annually, the General Assembly shall include in its appropriation for statewide education spending under subsection 4011(a) of this title an appropriation to provide aid to school districts for EL services under this section.

(f) Payment. On or before November 1 of each year, the State Treasurer shall withdraw from the Education Fund, based on warrant of the Commissioner of Finance and Management, and shall forward to each school district the aid amount it is owed under this section.

Sec. 11. JOINT FISCAL OFFICE REPORT; ENGLISH LEARNERS
SERVICES; CATEGORICAL AID

(a) On or before December 15, 2022, the Joint Fiscal Office shall issue a written report to the House and Senate Committees on Education, the House Committee on Ways and Means, and the Senate Committee on Finance on the advantages and disadvantages of:

(1) changing the weight for EL students under 16 V.S.A. § 4010, as amended by this act, to reflect the cost of providing different levels of required EL services, such as different services levels based on the degree of English proficiency of EL students; and

(2) changing the amount or eligibility, or both, for the categorical aid provided to school districts with 25 or fewer EL students under 16 V.S.A. § 4013(d) as added by this act.

(b) The Joint Fiscal Office shall consult with the Agency of Education in drafting its report under subsection (a) of this section. On or before September 1, 2022, the Agency of Education shall provide the Joint Fiscal Office with information on the different levels of required EL services and the number of EL students in each service-level category and shall assist the Joint Fiscal Office in estimating the cost of providing EL services for each service level category.

(c) The Joint Fiscal Office may contract with a third party to perform the work required of it under this section.

* * * Agency of Education; Staffing * * *

Sec. 12. AGENCY OF EDUCATION; STAFFING

(a) The following six positions are created in the Agency of Education:

(1) one full-time, classified position to provide guidance and support to school districts for English learner students;

(2) two full-time, classified positions to develop and maintain the universal income declaration form and provide guidance to school districts on its use; and

(3) three full-time, classified positions to provide financial and data analysis for the Agency of Education.

(b) There is appropriated to the Agency of Education from the General Fund for fiscal year 2023 the amount of \$600,000.00 for salaries, benefits, and operating expenses for the positions created under subsection (a) of this section.

* * * Education Quality Standards; Evaluation and Reporting * * *

Sec. 13. 16 V.S.A. § 165 is amended to read:

* * *

(g) In addition to the education quality standards provided in section (a) of this section, each Vermont school district shall meet the school district quality standards adopted by rule of the Agency of Education regarding the business, facilities management, and governance practices of school districts. These standards shall include a process for school district quality reviews to be conducted by the Agency of Education. Annually, the Secretary shall publish metrics regarding the outcomes of school district quality reviews.

Sec. 14. EDUCATION QUALITY STANDARDS; RULEMAKING

On or before February 1, 2023, the Agency of Education shall initiate rulemaking to update education quality standards as required under 16 V.S.A. § 165. Prior to the filing of the draft updated rules with the Interagency Committee on Administrative Rules, the Agency of Education shall engage stakeholders for input on the draft rules in accordance with a written plan approved by the State Board of Education.

Sec. 15. EVALUATION AND REPORTING ON IMPLEMENTATION OF
ACT

The Joint Fiscal Office shall design and contract for an evaluation of the impact of the changes required under this act in achieving the goals under Sec. 2 of this act. On or before December 15, 2029, the Joint Fiscal Office shall submit to the House and Senate Committees on Education, the House Committee on Ways and Means, and the Senate Committee on Finance its written evaluation report.

* * * Career Technical Education * * *

Sec. 16. [Deleted.]

Sec. 17. FUNDING AND GOVERNANCE STRUCTURES OF
CAREER TECHNICAL EDUCATION IN VERMONT

(a) The Joint Fiscal Office shall contract for services to:

(1) complete a systematic examination of the existing funding structures of career technical education (CTE) in Vermont and how these structures impede or promote the State's educational and workforce development goals;

(2) examine CTE governance structures in relationship to those funding structures;

(3) examine the funding and alignment of early college and dual enrollment as they relate to CTE;

(4) examine the barriers to enrollment in CTE, early college, and dual enrollment and provide recommendations for addressing these barriers; and

(5) identify and prioritize potential new models of CTE funding and governance structures to reduce barriers to enrollment and to improve the quality, duration, impact, and access to CTE statewide.

(b) The contractor shall work with the consultant and any other stakeholders who were involved in completing the report on the design, implementation, and costs of an integrated and coherent adult basic education, adult secondary education, and postsecondary career and technical education system pursuant to 2021 Acts and Resolves No. 74, Sec. H.3.

(c) On or before March 1, 2023, the Joint Fiscal Office shall issue a written report to the House and Senate Committees on Education, the House Committee on Commerce and Economic Development, the Senate Committee on Economic Development, Housing and General Affairs, the House Committee on Ways and Means, and the Senate Committee on Finance on the work performed pursuant to subsection (a) of this section.

(d)(1) The Agency of Education shall consider the work performed and report issued pursuant to subsection (c) of this section and shall develop an implementation plan, including recommended steps to design and implement new funding and governance models.

(2) On or before July 1, 2023, the Agency shall issue a written report to the House and Senate Committees on Education, the House Committee on Commerce and Economic Development, the Senate Committee on Economic Development, Housing and General Affairs, the House Committee on Ways and Means, and the Senate Committee on Finance that describes the results of its work under this subsection and the implementation plan and makes recommendations for legislative action.

* * * Education Tax-Related Reports * * *

Sec. 18. REPORT; INCOME-BASED EDUCATION TAX SYSTEM;

DEPARTMENT OF TAXES

On or before January 1, 2023, the Department of Taxes, in consultation with the Agency of Education and the Joint Fiscal Office, shall submit a written report to the House Committees on Education and on Ways and Means and the Senate Committees on Education and on Finance that makes recommendations regarding the implementation of an income-based education tax system to replace the homestead property tax system, including:

(1) restructuring the renter credit under 32 V.S.A. chapter 154 or creating a new credit or other mechanisms to ensure that Vermonters who rent a primary residence participate fairly in the education income tax system;

(2) transitioning from the current homestead property tax system to the new income-based education tax system;

(3) accurate modelling, given the differences between household income for homestead property tax purposes and adjusted gross income for income tax purposes; and

(4) administering a new proposed education income tax system.

Sec. 19. REPORTS; PROPERTY TAX RATES; JOINT FISCAL OFFICE

Vermont's system of equalized pupils within a shared education fund creates significant opportunities to meet the needs of schools and students. However, certain aspects of the current system distort or prevent a fully equitable and progressive education finance system. Therefore, the Joint Fiscal Office shall explore the issues set forth in this section. On or before January 15, 2023, the Joint Fiscal Office shall examine and provide options to the House Committees on Education and on Ways and Means and the Senate Committees on Education and on Finance for structuring the following:

(1) methods for cost containment that create equity in school districts' ability to spend sufficiently on education to meet student needs;

(2) in collaboration with the Department of Taxes and the Agency of Education, the mechanics for setting the yields in a manner that creates a constitutionally adequate education spending amount for school districts at a level that is determined by education funding experts to be sufficient to meet student needs; and

(3) funding similar school districts in an equitable manner regardless of their per pupil education spending decisions.

* * * Joint Fiscal Office; Appropriation * * *

Sec. 20. JOINT FISCAL OFFICE; APPROPRIATION

There is appropriated to the Joint Fiscal Office from the General Fund for fiscal year 2023 the amount of \$205,000.00 for the studies and reports required by the Joint Fiscal Office under this act.

* * * Conforming and Technical Changes to Titles 16 and 32 * * *

Sec. 21. 16 V.S.A. § 828 is amended to read:

§ 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL

A school district shall not pay the tuition of a student except to a public school, an approved independent school, an independent school meeting education quality standards, a tutorial program approved by the State Board,

an approved education program, or an independent school in another state or country approved under the laws of that state or country, that complies with the reporting requirement under subsection 4010(c) of this title, nor shall payment of tuition on behalf of a person be denied on account of age. Unless otherwise provided, a person who is aggrieved by a decision of a school board relating to eligibility for tuition payments, the amount of tuition payable, or the school ~~he or she~~ the person may attend, may appeal to the State Board and its decision shall be final.

Sec. 22. 16 V.S.A. § 1531 is amended to read:

§ 1531. RESPONSIBILITY OF STATE BOARD

* * *

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

Sec. 23. 16 V.S.A. § 1546 is amended to read:

§ 1546. COMPREHENSIVE HIGH SCHOOLS

* * *

(c) Two or more comprehensive high schools for which the State Board has designated a service region shall be a career technical center for the purposes of accountability to the State Board under subchapter 2 of this chapter, responsibilities of the career technical center under subchapter 3 of this chapter, and receiving State financial assistance under subchapter 5 of this chapter, excluding the ~~per-equalized-pupil~~ general State support grant under subsection 1561(b) of this title. The regional advisory board shall determine how funds received under subchapter 5 shall be distributed. A comprehensive high school aggrieved by a decision of the regional advisory board may appeal to the Secretary who, after opportunity for hearing, may affirm or modify the decision.

Sec. 24. 16 V.S.A. § 4001 is amended to read:

§ 4001. DEFINITIONS

As used in this chapter:

* * *

(3) ~~“Equalized pupils” means the long-term weighted average daily membership multiplied by the ratio of the statewide long-term average daily membership to the statewide long-term weighted average daily membership. [Repealed.]~~

* * *

(7) “Long-term membership” of a school district in any school year means the:

(A) ~~mean~~ average of the district’s average daily membership, excluding full-time equivalent enrollment of State-placed students, over two school years, the latter of which is the current school year, plus

(B) full-time equivalent enrollment of State-placed students for the most recent of the two years.

* * *

(8) ~~“Poverty ratio” means the number of persons in the school district who are aged six through 17 and who are from economically deprived backgrounds, divided by the long-term membership of the school district. A person from an economically deprived background means a person who resides with a family unit receiving nutrition benefits. A person who does not reside with a family unit receiving nutrition benefits but for whom English is not the primary language shall also be counted in the numerator of the ratio. The Secretary shall use a method of measuring the nutrition benefits population that produces data reasonably representative of long-term trends. Persons for whom English is not the primary language shall be identified pursuant to subsection 4010(e) of this title. [Repealed.]~~

* * *

(14) ~~“Adjusted education payment” means the district’s education spending per equalized pupil “Per pupil education spending” of a school district in any school year means the per pupil education spending of that school district as determined under subsection 4010(e) of this title.~~

* * *

Sec. 25. 16 V.S.A. § 4011 is amended to read:

§ 4011. EDUCATION PAYMENTS

* * *

(c) Annually, each school district shall receive an education spending payment for support of education costs. An unorganized town or gore shall receive an amount equal to its adjusted education payment per pupil education spending for that year for each student ~~based on the weighted average daily membership count, which shall not be equalized. In fiscal years 2007 and after,~~ no ~~No~~ district shall receive more than its education spending amount.

* * *

(i) Annually, ~~by~~ on or before October 1, the Secretary shall send to school boards for inclusion in town reports and publish on the Agency website the following information:

(1) the statewide average district ~~spending per equalized pupil per pupil education spending~~ for the current fiscal year ~~and 125 percent of that average spending;~~ and

(2) a statewide comparison of student-teacher ratios among schools that are similar in number of students and number of grades.

Sec. 26. 16 V.S.A. § 4015 is amended to read:

§ 4015. ~~SMALL SCHOOL~~ MERGER SUPPORT FOR MERGED
DISTRICTS

(a) ~~In this section:~~

(1) ~~“Eligible school district” means a school district that:~~

(A) ~~operates at least one school with an average grade size of 20 or fewer; and~~

(B) ~~has been determined by the State Board, on an annual basis, to be eligible due to either:~~

(i) ~~the lengthy driving times or inhospitable travel routes between the school and the nearest school in which there is excess capacity; or~~

(ii) ~~the academic excellence and operational efficiency of the school, which shall be based upon consideration of:~~

(I) ~~the school’s measurable success in providing a variety of high-quality educational opportunities that meet or exceed the educational quality standards adopted by the State Board pursuant to section 165 of this title;~~

~~(II) — the percentage of students from economically deprived backgrounds, as identified pursuant to subsection 4010(d) of this title, and those students’ measurable success in achieving positive outcomes;~~

~~(III) — the school’s high student-to-staff ratios; and~~

~~(IV) — the district’s participation in a merger study and submission of a merger report to the State Board pursuant to chapter 11 of this title or otherwise.~~

~~(2) “Enrollment” means the number of students who are enrolled in a school operated by the district on October 1. A student shall be counted as one whether the student is enrolled as a full-time or part-time student.~~

~~(3) “Two-year average enrollment” means the average enrollment of the two most recently completed school years.~~

~~(4) “Average grade size” means two-year average enrollment divided by the number of grades taught in the district on October 1. For purposes of this calculation, kindergarten and prekindergarten programs shall be counted together as one grade.~~

~~(5) “AGS factor” means the following factors for each average grade size:~~

Average grade size		
More than: — but less than or equal to:		Factor:
0	7	0.19
7	9	0.175
9	10	0.16
10	11	0.145
11	12	0.13
12	13	0.115
13	14	0.10
14	15	0.085
15	16	0.070
16	17	0.055
17	18	0.040
18	19	0.025
19	20	0.015

(6) “School district” means a town, city, incorporated, interstate, or union school district or a joint contract school established under chapter 11, subchapter 1 of this title.

(b) ~~Small schools support grant. Annually, the Secretary shall pay a small schools support grant to any eligible school district. The amount of the grant shall be the greater of:~~

~~(1) the amount determined by multiplying the two-year average enrollment in the district by \$500.00 and subtracting the product from \$50,000.00, with a maximum grant of \$2,500.00 per enrolled student; or~~

~~(2) the amount of 87 percent of the base education amount for the current year, multiplied by the two-year average enrollment, multiplied by the AGS factor.~~

~~(c) [Repealed.]~~

~~(d) [Repealed.]~~

~~(e) In the event that a school or schools that have received a grant under this section merge in any year following receipt of a grant, and the consolidated school is not eligible for a grant under this section or the small school grant for the consolidated school is less than the total amount of grant aid the schools would have received if they had not combined, the consolidated school shall continue to receive a grant for three years following consolidation. The amount of the annual grant shall be:~~

~~(1) in the first year following consolidation, an amount equal to the amount received by the school or schools in the last year of eligibility;~~

~~(2) in the second year following consolidation, an amount equal to two-thirds of the amount received in the previous year; and~~

~~(3) in the third year following consolidation, an amount equal to one-third of the amount received in the first year following consolidation.~~

~~(f)(1) Notwithstanding anything to the contrary in this section, a school district that received a small schools grant in fiscal year 2020 shall continue to receive an annual small schools grant.~~

~~(2) Payment of the grant under this subsection shall continue annually unless explicitly repealed by the General Assembly; provided, however, that the Secretary shall discontinue payment of the grant in the fiscal year following the cessation of operations of the school that made the district eligible for the small schools grant, and further provided that if the building that houses the school that made the district eligible for the small schools grant is consolidated with another school into a renovated or new school building,~~

then the Secretary shall continue to pay the grant during the repayment term of any bonded indebtedness incurred in connection with the consolidation-related renovation or construction.

~~(3) A school district that is eligible to receive an annual small schools grant under this subsection shall not also be eligible to receive a small school grant or its equivalent under subsection (b) of this section or under any other provision of law.~~

(a) A school district that was voluntarily formed under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and Resolves No. 46, each as amended, and received a merger support grant shall continue to receive that merger support grant, subject to the provisions in subsection (c) of this section.

(b) A school district that was involuntarily formed under the Final Report of Decisions and Order on Statewide School District Merger Decisions Pursuant to Act 46, Secs. 8(b) and 10 dated November 28, 2018 and that received a small schools grant in fiscal year 2020 shall receive an annual merger support grant in that amount, subject to the provisions in subsection (c) of this section.

(c)(1) Payment of a merger support grant under this section shall not be made in any year that the school district receives a small school weight under section 4010 of this title.

(2) Payment of a merger support grant under this section shall continue annually unless explicitly repealed by the General Assembly; provided, however, that the Secretary shall discontinue payment of the grant in the fiscal year following the cessation of operations of the school that made the district originally eligible for the grant, and further provided that if the building that houses the school that made the district originally eligible for the grant is consolidated with another school into a renovated or new school building, then the Secretary shall continue to pay the grant during the repayment term of any bonded indebtedness incurred in connection with the consolidation-related renovation or construction.

Sec. 27. 16 V.S.A. § 4030 is amended to read:

§ 4030. DATA SUBMISSION; CORRECTIONS

* * *

(b) The Secretary shall use data submitted on or before January 15 prior to the fiscal year that begins the following July 1, in order to calculate the amounts due each school district for any fiscal year for ~~the following:~~

~~(1) transportation aid due under section 4016 of this title; and~~

(2) ~~the small school support grant due under section 4015 of this title.~~

* * *

(d) The Secretary shall not use data corrected due to an error submitted following the deadlines to recalculate ~~the equalized pupil ratio under subdivision 4001(3)~~ weighted long-term membership under section 4010 of this title. The Secretary shall not adjust average daily membership counts if an error or change is reported more than three fiscal years following the date that the original data was due.

* * *

Sec. 28. 32 V.S.A. § 5401 is amended to read:

§ 5401. DEFINITIONS

As used in this chapter:

* * *

(13)(A) “Education property tax spending adjustment” means the greater of one or a fraction in which the numerator is the district’s per pupil education spending plus excess spending, ~~per equalized pupil~~, for the school year, and the denominator is the property dollar equivalent yield for the school year, as defined in subdivision (15) of this section.

(B) “Education income tax spending adjustment” means the greater of one or a fraction in which the numerator is the district’s per pupil education spending plus excess spending, ~~per equalized pupil~~, for the school year, and the denominator is the income dollar equivalent yield for the school year, as defined in subdivision (16) of this section.

* * *

(15) “Property dollar equivalent yield” means the amount of per pupil education spending ~~per equalized pupil~~ that would result if the homestead tax rate were \$1.00 per \$100.00 of equalized education property value, and the statutory reserves under 16 V.S.A. § 4026 and section 5402b of this title were maintained.

(16) “Income dollar equivalent yield” means the amount of per pupil education spending ~~per equalized pupil~~ that would result if the income percentage in subdivision 6066(a)(2) of this title were 2.0 percent, and the statutory reserves under 16 V.S.A. § 4026 and section 5402b of this title were maintained.

Sec. 29. 32 V.S.A. § 5402(e) is amended to read:

(e) The Commissioner of Taxes shall determine a homestead education tax rate for each municipality that is a member of a union or unified union school district as follows:

(1) For a municipality that is a member of a unified union school district, use the base rate determined under subdivision (a)(2) of this section and a spending adjustment under subdivision 5401(13) of this title based upon the per pupil education spending ~~per equalized pupil~~ of the unified union.

(2) For a municipality that is a member of a union school district:

(A) Determine the municipal district homestead tax rate using the base rate determined under subdivision (a)(2) of this section and a spending adjustment under subdivision 5401(13) of this title based on the per pupil education spending ~~per total equalized pupil~~ in the municipality who attends a school other than the union school.

(B) Determine the union district homestead tax rate using the base rate determined under subdivision (a)(2) of this section and a spending adjustment under subdivision 5401(13) of this title based on the per pupil education spending ~~per equalized pupil~~ of the union school district.

(C) Determine a combined homestead tax rate by calculating the weighted average of the rates determined under subdivisions (A) and (B) of this subdivision (2), with weighting based upon the ratio of union school ~~equalized~~ pupils from the member municipality to total ~~equalized~~ pupils of the member municipality; and the ratio of ~~equalized~~ pupils attending a school other than the union school to total ~~equalized~~ pupils of the member municipality. Total ~~equalized~~ pupils of the member municipality is based on the number of pupils who are legal residents of the municipality and attending school at public expense. If necessary, the Commissioner may adopt a rule to clarify and facilitate implementation of this subsection (e).

* * * Effective Dates * * *

Sec. 30. EFFECTIVE DATES

(a) The following sections shall take effect on July 1, 2022:

(1) Sec. 1 (findings);

(2) Sec. 2 (goals);

(3) Sec. 3 (intent of act);

(4) Sec. 5 (collaboration by the Agency of Education and Joint Fiscal Office);

-
- (5) Sec. 6 (Vermont Center for Geographic Information);
 - (6) Sec. 7 (calculation of tax rates; tax rate review; fiscal years 2025–2029);
 - (7) Sec. 8 (suspension of laws);
 - (8) Sec. 9 (universal income declaration form);
 - (9) Sec. 11 (Joint Fiscal Office report; English learners services; categorical aid);
 - (10) Sec. 12 (Agency of Education; staffing);
 - (11) Sec. 14 (education quality standards; rulemaking);
 - (12) Sec. 15 (evaluation and reporting on implementation of act);
 - (13) Sec. 17 (funding and governance structures of career technical education in Vermont);
 - (14) Sec. 18 (report; income-based education tax system; Department of Taxes);
 - (15) Sec. 19 (reports; property tax rates; Joint Fiscal Office);
 - (16) Sec. 20 (Joint Fiscal Office; appropriation); and
 - (17) this section (effective dates).
 - (b) The following sections shall take effect on July 1, 2024:
 - (1) Sec. 4 (amendment to 16 V.S.A. § 4010; determination of weighted long-term membership and per pupil education spending);
 - (2) Sec. 10 (adding 16 V.S.A. § 4013; English learners services; State aid);
 - (3) Sec. 13 (amendment to 16 V.S.A. § 165; education quality standards);
 - (4) Sec. 21 (amendment to 16 V.S.A. § 828; tuition to approved schools; age; appeal);
 - (5) Sec. 22 (amendment to 16 V.S.A. § 1531; responsibility of State Board);
 - (6) Sec. 23 (amendment to 16 V.S.A. § 1546; comprehensive high schools);
 - (7) Sec. 24 (amendment to 16 V.S.A. § 4001; definitions);
 - (8) Sec. 25 (amendment to 16 V.S.A. § 4011; education payments);

(9) Sec. 26 (amendment to 16 V.S.A. § 4015; merger support for merged districts);

(10) Sec. 27 (amendment to 16 V.S.A. § 4030; data submission; corrections);

(11) Sec. 28 (amendment to 32 V.S.A. § 5401; definitions); and

(12) Sec. 29 (amendment to 32 V.S.A. § 5402(e); determination of homestead education tax rate).

Rep. Long of Newfane presiding.

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the Committee on Ways and Means and when further amended as follows:

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

Sec. 12. AGENCY OF EDUCATION; STAFFING

(a) The following five positions are created in the Agency of Education:

(1) one full-time, classified position to provide guidance and support to school districts for English learner students;

(2) two full-time, classified positions to develop and maintain the universal income declaration form and provide guidance to school districts on its use; and

(3) two full-time, classified positions to provide financial and data analysis for the Agency of Education.

(b) There is appropriated to the Agency of Education from the General Fund for fiscal year 2023 the amount of \$200,000.00 for salaries, benefits, and operating expenses for the positions created under subdivision (a)(2) of this section.

(c) On or before December 15, 2022, the Agency of Education shall submit a plan as part of the budget process to the House and Senate Committees on Education and on Appropriations, House Committee on Ways and Means, and Senate Committee on Finance that sets out the duties of each position under subdivisions (a)(1) and (3) of this section and identifies the funding source or sources for these positions in the transition to the new pupil weights under this act.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Ways and Means was amended as recommended by the Committee on Appropriations.

Rep. Krowinski of Burlington presiding.

Thereupon, the report of the Committee on Ways and Means, as amended, was agreed to and third reading was ordered.

Senate Proposal of Amendment Concurred in

H. 534

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

An act relating to sealing criminal history records

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

Sec. 1. 13 V.S.A. § 7601 is amended to read:

§ 7601. DEFINITIONS

As used in this chapter:

(1) “Court” means the Criminal Division of the Superior Court.

(2) “Criminal history record” means all information documenting an individual’s contact with the criminal justice system, including data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.

(3) ~~“Predicate offense” means a criminal offense that can be used to enhance a sentence levied for a later conviction and includes operating a vehicle under the influence of alcohol or other substance in violation of 23 V.S.A. § 1201, domestic assault in violation of section 1042 of this title, and stalking in violation of section 1062 of this title. “Predicate offense” shall not include misdemeanor possession of cannabis, a disorderly conduct offense under section 1026 of this title, or possession of a controlled substance in violation of 18 V.S.A. § 4230(a), 4231(a), 4232(a), 4233(a), 4234(a), 4234a(a), 4234b(a), 4235(b), or 4235a(a). [Repealed.]~~

(4) “Qualifying crime” means:

(A) ~~a misdemeanor offense that is not:~~

(i) ~~a listed crime as defined in subdivision 5301(7) of this title;~~

(ii) ~~an offense involving sexual exploitation of children in violation of chapter 64 of this title;~~

~~(iii) — an offense involving violation of a protection order in violation of section 1030 of this title;~~

~~(iv) — prostitution as defined in section 2632 of this title, or prohibited conduct under section 2601a of this title; or~~

~~(v) a predicate offense;~~

~~(B) a violation of subsection 3701(a) of this title related to criminal mischief;~~

~~(C) a violation of section 2501 of this title related to grand larceny;~~

~~(D) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title;~~

~~(E) a violation of 18 V.S.A. § 4223 related to fraud or deceit;~~

~~(F) a violation of section 1802 of this title related to uttering a forged or counterfeited instrument;~~

~~(G) a violation of 18 V.S.A. § 4230(a) related to possession and cultivation of cannabis;~~

~~(H) a violation of 18 V.S.A. § 4231(a) related to possession of cocaine;~~

~~(I) a violation of 18 V.S.A. § 4232(a) related to possession of LSD;~~

~~(J) a violation of 18 V.S.A. § 4233(a) related to possession of heroin;~~

~~(K) a violation of 18 V.S.A. § 4234(a) related to possession of depressant, stimulant, and narcotic drugs;~~

~~(L) a violation of 18 V.S.A. § 4234a(a) related to possession of methamphetamine;~~

~~(M) a violation of 18 V.S.A. § 4234b(a) related to possession of ephedrine and pseudoephedrine;~~

~~(N) a violation of 18 V.S.A. § 4235(b) related to possession of hallucinogenic drugs;~~

~~(O) a violation of 18 V.S.A. § 4235a(a) related to possession of ecstasy; or~~

~~(P) any offense for which a person has been granted an unconditional pardon from the Governor.~~

(A) all misdemeanor offenses except:

(i) a listed crime as defined in subdivision 5301(7) of this title;

(ii) a violation of chapter 64 of this title relating to sexual exploitation of children;

(iii) a violation of section 1030 of this title relating to a violation of an abuse prevention order, an order against stalking or sexual assault, or a protective order concerning contact with a child;

(iv) a violation of chapter 28 of this title related to abuse, neglect, and exploitation of a vulnerable adult;

(v) a violation of subsection 2605(b) or (c) of this title related to voyeurism;

(vi) a violation of subdivisions 352(1)–(10) of this title related to cruelty to animals;

(vii) a violation of section 5409 of this title related to failure to comply with sex offender registry requirements;

(viii) a violation of section 2802, 2802a, 2803, 2804, or 2804b of this title related to obscenity;

(ix) a violation of section 1455 of this title related to hate motivated crimes; and

(x) a violation of section 1456 of this title related to burning of a religious symbol; and

(B) the following felonies:

(i) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, unless the person was 25 years of age or younger at the time of the offense and did not carry a dangerous or deadly weapon during the commission of the offense;

(ii) designated felony property offenses as defined in subdivision (5) of this section;

(iii) offenses relating to possessing, cultivating, selling, dispensing, or transporting regulated drugs, including violations of 18 V.S.A. § 4230(a) and (b), 4231(a) and (b), 4232(a) and (b), 4233(a) and (b), 4233a(a), 4234(a) and (b), 4234a(a) and (b), 4234b(a) and (b), 4235(b) and (c), or 4235a(a) and (b); and

(iv) any offense for which a person has been granted an unconditional pardon from the Governor.

(5) “Designated felony property offense” means:

(A) a felony violation of 9 V.S.A. § 4043 related to fraudulent use of a credit card;

(B) section 1801 of this title related to forgery and counterfeiting;

(C) section 1802 of this title related to uttering a forged or counterfeited instrument;

(D) section 1804 of this title related to counterfeiting paper money;

(E) section 1816 of this title related to possession or use of credit card skimming devices;

(F) section 2001 of this title related to false personation;

(G) section 2002 of this title related to false pretenses or tokens;

(H) section 2029 of this title related to home improvement fraud;

(I) section 2030 of this title related to identity theft;

(J) section 2501 of this title related to grand larceny;

(K) section 2531 of this title related to embezzlement;

(L) section 2532 of this title related to embezzlement by officers or servants of an incorporated bank;

(M) section 2533 of this title related to embezzlement by a receiver or trustee;

(N) section 2561 of this title related to receiving stolen property;

(O) section 2575 of this title related to retail theft;

(P) section 2582 of this title related to theft of services;

(Q) section 2591 of this title related to theft of rented property;

(R) section 2592 of this title related to failure to return a rented or leased motor vehicle;

(S) section 3016 of this title related to false claims;

(T) section 3701 of this title related to unlawful mischief;

(U) section 3705 of this title related to unlawful trespass;

(V) section 3733 of this title related to mills, dams, or bridges;

(W) section 3761 of this title related to unauthorized removal of human remains;

(X) section 3767 of this title related to grave markers and ornaments;

(Y) chapter 87 of this title related to computer crimes; and

(Z) 18 V.S.A. § 4223 related to fraud or deceit in obtaining a regulated drug.

(6) “Subsequent offense” means the conviction of a crime committed by the person who is the subject of a petition to seal a criminal history record that arose out of a new incident or occurrence after the person was convicted of the crime to be sealed.

Sec. 2. 13 V.S.A. § 7606 is amended to read:

§ 7606. EFFECT OF EXPUNGEMENT

(a) Order and notice. Upon finding that the requirements for expungement have been met, the court shall issue an order that shall include provisions that its effect is to annul the record of the arrest, conviction, and sentence and that such person shall be treated in all respects as if ~~he or she~~ the person had never been arrested, convicted, or sentenced for the offense. The court shall provide notice of the expungement to the respondent, Vermont Crime Information Center (VCIC), the arresting agency, the Restitution Unit of the Vermont Center for Crime Victim Services, and any other entity that may have a record related to the order to expunge. The VCIC shall provide notice of the expungement to the Federal Bureau of Investigation’s National Crime Information Center.

* * *

Sec. 3. 13 V.S.A. § 7607 is amended to read:

§ 7607. EFFECT OF SEALING

(a) Order and notice. Upon entry of an order to seal, the order shall be legally effective immediately and the person whose record is sealed shall be treated in all respects as if ~~he or she~~ the person had never been arrested, convicted, or sentenced for the offense and that its effect is to annul the record of arrest, conviction, and sentence. The court shall provide notice of the sealing to the respondent, Vermont Crime Information Center (VCIC), the arresting agency, the Restitution Unit of the Vermont Center for Crime Victim Services, and any other entity that may have a record related to the order to seal. The VCIC shall provide notice of the sealing to the Federal Bureau of Investigation’s National Crime Information Center.

* * *

Sec. 4. 13 V.S.A. § 7611 is added to read:

§ 7611. UNAUTHORIZED ACCESS OR DISCLOSURE

A state or municipal employee or contractor or any agent of the court, including an attorney and an employee or contractor of the attorney, who knowingly accesses or discloses sealed criminal history record information without authorization shall be assessed a civil penalty of not more than

\$1,000.00. Each unauthorized disclosure shall constitute a separate civil violation.

Sec. 5. 24 V.S.A. § 2002 is added to read:

§ 2002. EXPUNGEMENT OF MUNICIPAL VIOLATION RECORDS

(a) Expungement. Three years following the satisfaction of a judgment resulting from an adjudication of a municipal violation, the Judicial Bureau shall make an entry of “expunged” and notify the municipality of such action, provided the person has not been adjudicated for any subsequent municipal violations during that time. The data transfer to the municipality shall include the name, date of birth, ticket number, and offense. Violations of offenses adopted pursuant to chapter 117 of this title shall not be eligible for expungement under this section.

(b) Effect of expungement.

(1) Upon entry of an expungement order, the order shall be legally effective immediately and the individual whose record is expunged shall be treated in all respects as if the individual had never been adjudicated of the violation.

(2) Upon an entry of expunged, the case will be accessible only by the Clerk of the Court for the Judicial Bureau or the Clerk’s designee. Adjudications that have been expunged shall not appear in the results of any Judicial Bureau database search by name, date of birth, or any other data identifying the defendant. Except as provided in subsection (c) of this section, any documents or other records related to an expunged adjudication that are maintained outside the Judicial Bureau’s case management system shall be destroyed.

(3) Upon receiving an inquiry from any person regarding an expunged record, the Judicial Bureau and the municipality shall respond that “NO RECORD EXISTS.”

(c) Exception for research entities. Research entities that maintain adjudication records for purposes of collecting, analyzing, and disseminating criminal justice data shall not be subject to the expungement requirements established in this section. Research entities shall abide by the policies established by the Court Administrator and shall not disclose any identifying information from the records they maintain.

(d) Policies for implementation. The Court Administrator shall establish policies for implementing this section.

(e) Application. This section shall apply to municipal violations that occur on and after July 1, 2022.

Sec. 6. 23 V.S.A. § 2303 is amended to read:

§ 2303. EXPUNGEMENT OF VIOLATION RECORDS

* * *

(e) Application. This section shall apply to municipal violations that occur on and after July 1, 2021.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

Proposal of amendment was considered and concurred in.

Action on Bill Postponed

H. 736

House bill, entitled

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Lanpher of Vergennes**, action on the bill was postponed until April 28, 2022.

Message from the Senate No. 56

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

Madam Speaker:

I am directed to inform the House that:

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

H. 293. An act relating to creating the State Youth Council.

H. 655. An act relating to telehealth licensure and registration and to provisional licensure for professions regulated by the Office of Professional Regulation.

H. 741. An act relating to approval of amendments to the charter of the City of St. Albans.

H. 744. An act relating to approval of an amendment to the charter of the City of Burlington.

And has passed the same in concurrence.

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

H. 266. An act relating to health insurance coverage for hearing aids.

H. 411. An act relating to the retrieval and use of covered wild animals.

H. 462. An act relating to miscellaneous Department of Health programs.

H. 505. An act relating to reclassification of penalties for unlawfully possessing, dispensing, and selling a regulated drug.

H. 515. An act relating to banking, insurance, and securities.

H. 548. An act relating to miscellaneous cannabis establishment procedures.

H. 711. An act relating to the creation of the Opioid Settlement Advisory Committee and the Opioid Abatement Special Fund.

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

Adjournment

At three o'clock and five minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, April 28, 2022

At one o'clock in the afternoon Rep. Long of Newfane called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 27th day of April, 2022, he signed bills originating in the House of the following titles:

H.461 An act relating to excluding the income of asylum seekers and refugees from household income

H.718 An act relating to approval of the dissolution of Colchester Fire District No. 1

Bills Referred to Committee on Ways and Means

S. 11

Senate bill, entitled

An act relating to prohibiting robocalls

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

S. 161

Senate bill, entitled

An act relating to extending the baseload renewable power portfolio requirement

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

Bills Referred to Committee on Appropriations

S. 234

Senate bill, entitled

An act relating to changes to Act 250

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

S. 283

Senate bill, entitled

An act relating to miscellaneous changes to education laws

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

Ceremonial Readings

H.C.R. 140

House concurrent resolution congratulating E.J. Barrette & Sons Inc. of Swanton on its centennial

Offered by: Norris of Sheldon and Walker of Swanton

Having been adopted in concurrence on Friday, April 15, 2022 in accord with Joint Rule 16b, was read.

H.C.R. 143

House concurrent resolution in memory of George H. Severance of Hinesburg

Offered by: Lefebvre of Orange and Lippert of Hinesburg

Having been adopted in concurrence on Friday, April 15, 2022 in accord with Joint Rule 16b, was read.

Action on Bill Postponed**H. 736**

House bill, entitled

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Lanpher of Vergennes**, action on the bill was postponed until April 29, 2022.

**Amendment to Proposal of Amendment Agreed to; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 287

Senate bill, entitled

An act relating to improving student equity by adjusting the school funding formula and providing education quality and funding oversight

Was taken up, and pending third reading of the bill, **Rep. Kornheiser of Brattleboro, Ancel of Calais, Beck of St. Johnsbury, Brennan of Colchester, Canfield of Fair Haven, Durfee of Shaftsbury, Elder of Starksboro, Masland of Thetford, Mattos of Milton, Ode of Burlington, and Till of Jericho** moved to amend the House proposal of amendment as follows:

First: In Sec. 4, 16 V.S.A. § 4010, in the new subsection (d), in the first sentence, after “long-term membership”, by inserting “, as defined in subdivision 4001(7) of this title,”

Second: In Sec. 4, 16 V.S.A. § 4010, in the new subdivisions (d)(2), (3), and (4), by striking out “from subsection (b) of this section” where they appear

Third: In Sec. 17, funding and governance structures of career technical education in Vermont, in subsection (b), in the first sentence, after “with the consultant”, by inserting “, the Agency of Education,”

Fourth: In Sec. 24, 16 V.S.A. § 4001, in subdivision (14), by striking out “subsection 4010(e)” and inserting in lieu thereof “subsection 4010(f)”

Fifth: In Sec. 29, 32 V.S.A. § 5402(e), by striking out subdivision (e)(2)(C) in its entirety and inserting in lieu thereof the following:

(C) Determine a combined homestead tax rate by calculating the weighted average of the rates determined under subdivisions (A) and (B) of this subdivision (2), with weighting based upon the ratio of union school ~~equalized pupils~~ long-term membership, as defined in 16 V.S.A. § 4001(7), from the member municipality to total ~~equalized pupils~~ long-term membership of the member municipality; and the ratio of ~~equalized pupils~~ long-term membership attending a school other than the union school to total ~~equalized pupils~~ long-term membership of the member municipality. Total ~~equalized pupils~~ long-term membership of the member municipality is based on the number of pupils who are legal residents of the municipality and attending school at public expense. If necessary, the Commissioner may adopt a rule to clarify and facilitate implementation of this subsection (e).

Rep. Krowinski of Burlington presiding.

Amendment to House proposal of amendment was agreed to. Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment?, **Rep. Toof of St. Albans Town** 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 pass in concurrence with proposal of amendment?, was decided in the affirmative. Yeas, 132. Nays, 11.

Those who voted in the affirmative are:

Achey of Middletown Springs	Goldman of Rockingham	Nigro of Bennington
Ancel of Calais	Goslant of Northfield	Norris of Sheldon
Anthony of Barre City	Grad of Moretown	Norris of Shoreham
Arrison of Weathersfield	Graham of Williamstown	Noyes of Wolcott
Austin of Colchester	Gregoire of Fairfield	O'Brien of Tunbridge
Bartholomew of Hartland	Hango of Berkshire	Ode of Burlington
Beck of St. Johnsbury	Higley of Lowell	Pajala of Londonderry
Birong of Vergennes	Hooper of Montpelier	Parsons of Newbury
Black of Essex	Hooper of Randolph	Partridge of Windham
Bluemle of Burlington	Hooper of Burlington	Patt of Worcester
Bock of Chester	Houghton of Essex	Pearl of Danville
Bongartz of Manchester	Howard of Rutland City	Pugh of South Burlington
Bos-Lun of Westminster	James of Manchester	Rachelson of Burlington
Brady of Williston	Jerome of Brandon	Rogers of Waterville
Brennan of Colchester	Jessup of Middlesex	Satcowitz of Randolph
Briglin of Thetford	Kascenska of Burke	Scheu of Middlebury
Brown of Richmond	Killacky of South Burlington	Shaw of Pittsford
Brownell of Pownal	Kimbell of Woodstock	Sheldon of Middlebury
Brumsted of Shelburne	Kornheiser of Brattleboro	Sibilia of Dover
	Labor of Morgan	Sims of Craftsbury

Burditt of West Rutland	LaLonde of South	Small of Winooski
Burke of Brattleboro	Burlington	Smith of Derby
Burrows of West Windsor	Lanpher of Vergennes	Squirrell of Underhill
Campbell of St. Johnsbury	Laroche of Franklin	Stebbins of Burlington
Canfield of Fair Haven	Lefebvre of Newark	Stevens of Waterbury
Chase of Colchester	Lefebvre of Orange	Strong of Albany
Cina of Burlington	Lippert of Hinesburg	Sullivan of Dorset
Coffey of Guilford	Long of Newfane	Surprenant of Barnard
Colburn of Burlington	Marcotte of Coventry	Taylor of Colchester
Colston of Winooski	Martel of Waterford	Till of Jericho
Conlon of Cornwall	Masland of Thetford	Toleno of Brattleboro
Copeland Hanzas of	Mattos of Milton	Townsend of South
Bradford	McCarthy of St. Albans City	Burlington
Corcoran of Bennington	McCormack of Burlington	Troiano of Stannard
Cordes of Lincoln	McCoy of Poultney	Vyhovsky of Essex
Cupoli of Rutland City	McCullough of Williston	Walker of Swanton
Dolan of Essex	McFaun of Barre Town	Walz of Barre City
Dolan of Waitsfield	Morgan, L. of Milton	Webb of Shelburne
Donnally of Hyde Park	Morgan, M. of Milton	White of Bethel
Durfee of Shaftsbury	Morris of Springfield	White of Hartford
Elder of Starksboro	Morrissey of Bennington	Whitman of Bennington
Emmons of Springfield	Mrowicki of Putney	Williams of Granby
Fagan of Rutland City	Mulvaney-Stanak of	Wood of Waterbury
Feltus of Lyndon	Burlington	Yacovone of Morristown
Gannon of Wilmington	Murphy of Fairfax	Yantachka of Charlotte
Garofano of Essex	Nicoll of Ludlow	

Those who voted in the negative are:

Dickinson of St. Albans	Helm of Fair Haven	Peterson of Clarendon
Town	LaClair of Barre Town	Rosenquist of Georgia
Donahue of Northfield	Leffler of Enosburgh	Scheuermann of Stowe
Harrison of Chittenden	Page of Newport City	Toof of St. Albans Town

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

Christie of Hartford	Notte of Rutland City	Smith of New Haven
Kitzmiller of Montpelier	Palasik of Milton	Terenzini of Rutland Town

Action on Bill Postponed

S. 285

Senate bill, entitled

An act relating to health care reform initiatives, data collection, and access to home- and community-based services

Was taken up, and pending the reading of the report of the Committee on Health Care, on motion of **Rep. Houghton of Essex**, action on the bill was postponed until April 29, 2022.

**Senate Proposal of Amendment Not Concurred in; Committee of
Conference Requested and Appointed**

H. 510

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

An act relating to a Vermont Child Tax Credit and the Vermont Social Security income exclusion

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

* * * Child Tax Credit * * *

Sec. 1. 32 V.S.A. § 5830f is added to read:

§ 5830f. VERMONT CHILD TAX CREDIT

(a) A resident individual or part-year resident individual who is entitled to a child tax credit under the laws of the United States shall be entitled to a refundable credit against the tax imposed by section 5822 of this title for the taxable year. The total credit per taxable year shall be in the amount of \$1,000.00 per qualifying child, as defined under 26 U.S.C. § 152(c), who is five years of age or younger as of the close of the calendar year in which the taxable year of the taxpayer begins. For a part-year resident individual, the amount of the credit shall be multiplied by the percentage that the individual's income that is earned or received during the period of the individual's residency in this State bears to the individual's total income.

(b) Notwithstanding subsection (a) of this section, the amount of the credit per child under this section shall be reduced, but not below zero, by \$125.00 for each \$10,000.00, or fraction thereof, by which the individual's adjusted gross income exceeds \$55,000.00, irrespective of the individual's filing status. For purposes of this subsection, spouses filing jointly shall be considered an individual.

(c) Notwithstanding any provision of law to the contrary, the refundable credit and its payment authorized under this section shall be treated in the same manner as the federal Earned Income Tax Credit and shall not be considered as assets, income, or resources to the same extent the credit and its payment would be disregarded pursuant to 26 U.S.C. § 6409 and the general welfare doctrine for purposes of determining eligibility for benefits or assistance, or the amount or extent of those benefits or assistance, under any State or local program, including programs established under 33 V.S.A. § 3512 and chapters 11, 17, 19, 21, 25, and 26. This subsection shall only apply to the extent that it does not conflict with federal law relating to the benefit or assistance program and that any required federal approval or waiver is first

obtained for that program.

(d) An individual who is eligible for the credit under this section but who is not required to file a tax return under section 5861 of this title may claim the credit in the form and manner prescribed by the Commissioner of Taxes, provided the form and manner are as simple and easy to understand as possible.

* * * Child and Dependent Care Tax Credit * * *

Sec. 2. 32 V.S.A. § 5822(d) is amended to read:

(d)(1) A taxpayer shall be entitled to a credit against the tax imposed under this section of 24 percent of each of the credits allowed against the taxpayer's federal income tax for the taxable year as follows: the credit for people who are elderly or permanently totally disabled; and the investment tax credit attributable to the Vermont-property portion of the investment;~~and child care and dependent care credits.~~

* * *

Sec. 3. 32 V.S.A. § 5828c is amended to read:

§ 5828c. ~~LOW-INCOME CHILD AND DEPENDENT CARE CREDIT~~

A resident of this State ~~with federal adjusted gross income less than \$30,000.00 (or \$40,000.00 for married, filing jointly)~~ shall be eligible for a refundable credit against the tax imposed under section 5822 of this title. The credit shall be equal to ~~50 percent of the federal child and dependent care credit allowed to the taxpayer for the taxable year for child or dependent care services provided in this State in a registered home or licensed facility certified by the Agency of Human Services as meeting national accreditation or national credential standards endorsed by the Agency.~~ A credit under this section shall be in lieu of any child and dependent care credit available under subsection 5822(d) of this title.

* * * Student Loan Interest Deduction * * *

Sec. 4. 32 V.S.A. § 5811 is amended to read:

§ 5811. DEFINITIONS

~~The following definitions shall apply throughout~~ As used in this chapter unless the context requires otherwise:

* * *

(21) "Taxable income" means, in the case of an individual, federal adjusted gross income determined without regard to 26 U.S.C. § 168(k) and:

* * *

(B) decreased by the following items of income (to the extent such

income is included in federal adjusted gross income):

* * *

(iv) the portion of federally taxable benefits received under the federal Social Security Act that is required to be excluded under section 5830e of this chapter; and

* * *

(vi) the amount of interest paid by a qualified resident taxpayer during the taxable year on a qualified education loan for the costs of attendance at an eligible educational institution; and

* * *

(29) As used in subdivision (21)(B)(vi) of this section:

(A) “Qualified education loan” and “eligible educational institution” shall have the same meanings as under 26 U.S.C. § 221(d).

(B) “Qualified resident taxpayer” means an individual qualifying for residency as defined under subdivision (11) of this section and whose adjusted gross income is equal to or less than:

(i) \$120,000.00 if the individual’s filing status is single, head of household, or married filing separately; or

(ii) \$200,000.00 if the individual’s filing status is married filing jointly.

* * * Statutory Purposes for Tax Expenditures * * *

Sec. 5. 32 V.S.A. § 5813 is amended to read:

§ 5813. STATUTORY PURPOSES

* * *

~~(c) The statutory purpose of the Vermont credit for child and dependent care in subsection 5822(d) of this title is to provide financial assistance to employees who must incur dependent care expenses to stay in the workforce in the absence of prekindergarten programming. [Repealed.]~~

* * *

(r) The statutory purpose of the Vermont ~~low-income~~ child and dependent care tax credit in section 5828c of this title is to provide cash relief to ~~lower-income~~ employees who incur dependent care expenses in ~~certified centers~~ to enable them to remain in the workforce.

* * *

(y) The statutory purpose of the Vermont child tax credit in section 5830f of this title is to provide financial support to families with young children.

(z) The statutory purpose of the exclusion from income of student loan interest paid in subdivision 5811(21)(B)(vi) of this title is to lessen the financial impact of higher education debt on Vermonters.

* * * Sunsets; Tax Credits and Deduction * * *

Sec. 6. REPEAL; CHILD TAX CREDIT

32 V.S.A. § 5830f (Vermont child tax credit) is repealed.

Sec. 7. 32 V.S.A. § 5822(d) is amended to read:

(d)(1) A taxpayer shall be entitled to a credit against the tax imposed under this section of 24 percent of each of the credits allowed against the taxpayer's federal income tax for the taxable year as follows: the credit for people who are elderly or permanently totally disabled, and the investment tax credit attributable to the Vermont-property portion of the investment, and child care and dependent care credits.

* * *

Sec. 8. 32 V.S.A. § 5828c is amended to read:

§ 5828c. LOW-INCOME CHILD AND DEPENDENT CARE CREDIT

A resident of this State with federal adjusted gross income less than \$30,000.00 (or \$40,000.00 for married, filing jointly) shall be eligible for a refundable credit against the tax imposed under section 5822 of this title. The credit shall be equal to 50 percent of the federal child and dependent care credit allowed to the taxpayer for the taxable year for child or dependent care services provided in this State in a registered home or licensed facility certified by the Agency of Human Services as meeting national accreditation or national credential standards endorsed by the Agency. A credit under this section shall be in lieu of any child and dependent care credit available under subsection 5822(d) of this title.

Sec. 9. 32 V.S.A. § 5811(21)(B) is amended to read:

(B) decreased by the following items of income (to the extent such income is included in federal adjusted gross income):

* * *

(iv) the portion of federally taxable benefits received under the federal Social Security Act that is required to be excluded under section 5830e of this chapter; and

* * *

(vi) ~~the amount of interest paid by a qualified resident taxpayer during the taxable year on a qualified education loan for the costs of attendance at an eligible educational institution; and [Repealed.]~~

* * *

(29) ~~As used in subdivision (21)(B)(vi) of this section:~~

(A) ~~“Qualified education loan” and “eligible educational institution” shall have the same meanings as under 26 U.S.C. § 221(d).~~

(B) ~~“Qualified resident taxpayer” means an individual qualifying for residency as defined under subdivision (11) of this section and whose adjusted gross income is equal to or less than:~~

~~(i) \$120,000.00 if the individual’s filing status is single, head of household, or married filing separately; or~~

~~(ii) \$200,000.00 if the individual’s filing status is married filing jointly. [Repealed.]~~

Sec. 10. 32 V.S.A. § 5813 is amended to read:

§ 5813. STATUTORY PURPOSES

* * *

(c) The statutory purpose of the Vermont credit for child and dependent care in subsection 5822(d) of this title is to provide financial assistance to employees who must incur dependent care expenses to stay in the workforce in the absence of prekindergarten programming.

* * *

(r) The statutory purpose of the Vermont low-income child and dependent care tax credit in section 5828c of this title is to provide cash relief to lower-income employees who incur dependent care expenses in certified centers to enable them to remain in the workforce.

* * *

~~(y) The statutory purpose of the Vermont child tax credit in section 5830f of this title is to provide financial support to families with young children. [Repealed.]~~

~~(z) The statutory purpose of the exclusion from income of student loan interest paid in subdivision 5811(21)(B)(vi) of this title is to lessen the financial impact of higher education debt on Vermonters. [Repealed.]~~

* * * Retirement Income Exclusions * * *

Sec. 11. 32 V.S.A. § 5811(21)(B)(iv) is amended to read:

(iv) the portion of certain retirement income and federally taxable benefits received under the federal Social Security Act that is required to be excluded under section 5830e of this chapter; and

Sec. 12. 32 V.S.A. § 5830e is amended to read:

§ 5830e. RETIREMENT INCOME; SOCIAL SECURITY INCOME

(a) Social Security income. The portion of federally taxable Social Security benefits excluded from taxable income under subdivision 5811(21)(B)(iv) of this chapter shall be as follows:

(1) For taxpayers whose filing status is single, married filing separately, head of household, or ~~qualifying widow or widower~~ surviving spouse:

(A) If the federal adjusted gross income of the taxpayer is less than or equal to ~~\$45,000.00~~ \$50,000.00, all federally taxable benefits received under the federal Social Security Act shall be excluded.

(B) If the federal adjusted gross income of the taxpayer is greater than ~~\$45,000.00~~ \$50,000.00 but less than ~~\$55,000.00~~ \$60,000.00, the percentage of federally taxable benefits received under the Social Security Act to be excluded shall be proportional to the amount of the taxpayer's federal adjusted gross income over ~~\$45,000.00~~ \$50,000.00, determined by:

(i) subtracting the federal adjusted gross income of the taxpayer from ~~\$55,000.00~~ \$60,000.00;

(ii) dividing the value under subdivision (i) of this subdivision (B) by ~~\$10,000.00~~; and

(iii) multiplying the value under subdivision (ii) of this subdivision (B) by the federally taxable benefits received under the Social Security Act.

(C) If the federal adjusted gross income of the taxpayer is equal to or greater than ~~\$55,000.00~~ \$60,000.00, no amount of the federally taxable benefits received under the Social Security Act shall be excluded under this section.

(2) For taxpayers whose filing status is married filing jointly:

(A) If the federal adjusted gross income of the taxpayer is less than or equal to ~~\$60,000.00~~ \$65,000.00, all federally taxable benefits received under the Social Security Act shall be excluded.

(B) If the federal adjusted gross income of the taxpayer is greater than ~~\$60,000.00~~ \$65,000.00 but less than ~~\$70,000.00~~ \$75,000.00, the percentage of federally taxable benefits received under the Social Security Act

to be excluded shall be proportional to the amount of the taxpayer's federal adjusted gross income over ~~\$60,000.00~~ \$65,000.00, determined by:

(i) subtracting the federal adjusted gross income of the taxpayer from ~~\$70,000.00~~ \$75,000.00;

(ii) dividing the value under subdivision (i) of this subdivision (B) by \$10,000.00; and

(iii) multiplying the value under subdivision (ii) of this subdivision (B) by the federally taxable benefits received under the Social Security Act.

(C) If the federal adjusted gross income of the taxpayer is equal to or greater than ~~\$70,000.00~~ \$75,000.00, no amount of the federally taxable benefits received under the Social Security Act shall be excluded under this section.

(b) Civil Service Retirement System income. The portion of income received from the Civil Service Retirement System excluded from taxable income under subdivision 5811(21)(B)(iv) of this title shall be subject to the limitations under subsection (e) of this section and shall be determined as follows:

(1) For taxpayers whose filing status is single, married filing separately, head of household, or surviving spouse:

(A) If the federal adjusted gross income of the taxpayer is less than or equal to \$50,000.00, the first \$10,000.00 of income received from the Civil Service Retirement System shall be excluded.

(B) If the federal adjusted gross income of the taxpayer is greater than \$50,000.00 but less than \$60,000.00, the percentage of the first \$10,000.00 of income received from the Civil Service Retirement System to be excluded shall be proportional to the amount of the taxpayer's federal adjusted gross income over \$50,000.00, determined by:

(i) subtracting the federal adjusted gross income of the taxpayer from \$60,000.00;

(ii) dividing the value under subdivision (i) of this subdivision (B) by \$10,000.00; and

(iii) multiplying the value under subdivision (ii) of this subdivision (B) by the income received from the Civil Service Retirement System.

(C) If the federal adjusted gross income of the taxpayer is equal to or greater than \$60,000.00, no amount of the income received from the Civil

Service Retirement System shall be excluded under this section.

(2) For taxpayers whose filing status is married filing jointly:

(A) If the federal adjusted gross income of the taxpayer is less than or equal to \$65,000.00, the first \$10,000.00 of income received from the Civil Service Retirement System shall be excluded.

(B) If the federal adjusted gross income of the taxpayer is greater than \$65,000.00 but less than \$75,000.00, the percentage of the first \$10,000.00 of income received from the Civil Service Retirement System to be excluded shall be proportional to the amount of the taxpayer's federal adjusted gross income over \$65,000.00, determined by:

(i) subtracting the federal adjusted gross income of the taxpayer from \$75,000.00;

(ii) dividing the value under subdivision (i) of this subdivision (B) by \$10,000.00; and

(iii) multiplying the value under subdivision (ii) of this subdivision (B) by the income received from the Civil Service Retirement System.

(C) If the federal adjusted gross income of the taxpayer is equal to or greater than \$75,000.00, no amount of the income received from the Civil Service Retirement System shall be excluded under this section.

(c) Other contributory retirement systems; earnings not covered by Social Security. Other retirement income, except U.S. military retirement income pursuant to subsection (d) of this section, received by a taxpayer of this State shall be excluded pursuant to subsection (b) of this section as though the income were received from the Civil Service Retirement System and shall be subject to the limitations under subsection (e) of this section, provided that:

(1) the income is received from a contributory annuity, pension, endowment, or retirement system of:

(A) the U.S. government or a political subdivision or instrumentality of the U.S. government;

(B) this State or a political subdivision or instrumentality of this State; or

(C) another state or a political subdivision or instrumentality of another state; and

(2) the contributory system from which the income is received was based on earnings that were not covered by the Social Security Act.

(d) U.S. military retirement income. U.S. military retirement income received by a taxpayer of this State shall be excluded pursuant to subsection (b) of this section as though the income were received from the Civil Service Retirement System and shall be subject to the limitations under subsection (e) of this section.

(e) Requirement to elect one exclusion. A taxpayer of this State who is eligible during the taxable year for the Social Security income exclusion under subsection (a) of this section and any of the exclusions under subsections (b)–(d) of this section shall elect either one of the exclusions for which the taxpayer is eligible under subsections (b)–(d) of this section or the Social Security income exclusion under subsection (a) of this section, but not both, for the taxable year.

* * * Affordable Housing Tax Credit; Manufactured Homes * * *

Sec. 13. 32 V.S.A. § 5930u(g) is amended to read:

(g)(1) In any fiscal year, the allocating agency may award up to:

(A) \$400,000.00 in total first-year credit allocations to all applicants for rental housing projects, for an aggregate limit of \$2,000,000.00 over any given five-year period that credits are available under this subdivision (A);

(B) ~~\$425,000.00~~ \$675,000.00 in total first-year credit allocations for loans or grants for owner-occupied unit financing or down payment loans as provided in subdivision (b)(2) of this section consistent with the allocation plan, including for new construction and manufactured housing, for an aggregate limit of ~~\$2,125,000.00~~ \$3,375,000.00 over any given five-year period that credits are available under this subdivision (B). Of the total first-year credit allocations made under this subdivision (B), \$250,000.00 shall be used each fiscal year for manufactured home purchase and replacement.

(2) If the full amount of first-year credits authorized by an award are not allocated to a taxpayer, the Agency may reclaim the amount not allocated and re-award such allocations to other applicants, and such re-awards shall not be subject to the limits set forth in subdivision (1) of this subsection.

* * * Appropriations * * *

Sec. 14. APPROPRIATION; AID FOR THE AGED, BLIND, AND DISABLED

(a) In fiscal year 2023, in addition to other funds provided to the Department for Children and Families, a total of \$1,700,000.00 in Global Commitment funds is appropriated to increase the payments to eligible individuals in the Aid for the Aged, Blind, and Disabled program. It is the intent of the General Assembly that this increase should be incorporated into

the annual budget funding for the Aid for the Aged, Blind, and Disabled program in fiscal year 2024 and after.

(b) In fiscal year 2023, to fund the Global Commitment investment authorized under subsection (a) of this section, there is appropriated to the Secretary's Office of the Agency of Human Services:

(1) the sum of \$750,000.00 from the General Fund; and

(2) the sum of \$950,000.00 from federal funds.

(c) To the extent permitted under federal law, any increase in payments provided under subsection (a) of this section is intended to be retained by recipients in residential care settings by increasing the individuals' personal needs allowance.

Sec. 15. FY 2023 APPROPRIATION; CHILD CARE WORKER
RETENTION GRANT PROGRAM

In fiscal year 2023, the sum of \$3,500,000.00 is appropriated from the General Fund to the Department for Children and Families to continue to fund the early childhood staff and home-based provider retention grant program established in 2021 Acts and Resolves No. 74, Sec. G.300(a)(30), as added by 2022 Acts and Resolves No. 83, Sec. 68.

* * * Effective Dates * * *

Sec. 16. EFFECTIVE DATES

(a) This section shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Secs. 1–5 (income tax credits and exclusions) and 11 and 12 (retirement income exclusions) shall take effect retroactively on January 1, 2022 and shall apply to taxable years beginning on and after January 1, 2022.

(c) Secs. 6–10 (sunsets; tax credits and deduction) shall take effect on January 1, 2025.

(d) Secs. 13 (affordable housing tax credit) and 14 and 15 (appropriations) shall take effect on July 1, 2022.

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

An act relating to tax reductions and other aid for Vermonters.

Pending the question, Shall the House concur in the Senate proposal of amendment?, **Rep. Ancel of Calais** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker

appointed as members of the Committee of Conference on the part of the House:

Rep. Ancel of Calais

Rep. Kornheiser of Brattleboro

Rep. Beck of St. Johnsbury

Action on Bill Postponed

S. 254

Senate bill, entitled

An act relating to recovering damages for Article 11 violations by law enforcement and a report on qualified immunity

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment?, on motion of **Rep. LaLonde of South Burlington**, action on the bill was postponed until April 29, 2022.

Rules Suspended; House Actions Messaged to Senate Forthwith

H. 510

House bill, entitled

An act relating to a Vermont Child Tax Credit and the Vermont Social Security income exclusion

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

Adjournment

At one o'clock and forty-six minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, April 29, 2022

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Message from the Senate No. 57

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

Madam Speaker:

I am directed to inform the House that:

The Governor has informed the Senate that on the 27th day of April, 2022, he approved and signed bills originating in the Senate of the following titles:

S. 74. An act relating to modifications to Vermont's patient choice at end of life laws.

S. 163. An act relating to State court petitions for vulnerable noncitizen youth.

S. 239. An act relating to enrollment in Medicare supplemental insurance policies.

Bill Referred to Committee on Ways and Means

S. 226

Senate bill, entitled

An act relating to expanding access to safe and affordable housing

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

House Resolution Placed on Calendar

H.R. 26

House resolution relating to the remote authority of the House Ethics Panel, the House Sexual Harassment Prevention Panel, and the House Discrimination Prevention Panel

Offered by: Committee on Rules

Resolved by the House of Representatives:

That Rule 90 of the Rules and Orders of the House of Representatives is amended to read:

90. It is the policy of the House to provide a professional work environment. All members and officers of the House are responsible for ensuring that each legislative employee and colleague enjoys a workplace free from discrimination and sexual harassment and that members conduct themselves in a manner that promotes public confidence through ethical behavior in accordance with the Vermont Constitution and the House Rules.

(a) Discrimination

* * *

(4) The Panel shall elect a chair, adopt procedures to conduct its

business to implement this ~~policy rule~~, and shall provide copies of ~~the policy set forth in~~ this rule and the adopted procedures to all members of the House and employees of the Speaker's Office and the House Clerk's ~~offices~~ Office.

(5) The Panel shall receive and investigate complaints of alleged discrimination made against members of the House or an employee of the Speaker's Office or House Clerk's ~~office~~ Office. The Panel may meet remotely during adjournment to consider complaints as set forth in the Panel's adopted procedures. However, if the Panel conducts a hearing at which arguments are presented, evidence is presented, or witnesses are questioned, at least a quorum of the members of the Panel shall be physically present at the hearing. The Panel, at the discretion of the Panel Chair, may allow members, witnesses, or other necessary participants to participate using contemporaneous video or audio conference transmission from one or more different remote locations.

* * *

(b) Ethics

* * *

(2) House Ethics Panel. The House Rules Committee shall, at the beginning of the biennium, appoint an Ethics Panel composed of five members of the House who shall serve until successors are appointed.

(A) The Panel shall elect a chair, adopt procedures to conduct its business to implement the provisions of this ethics rule, and provide copies of the adopted procedures to all members of the House and persons employed in the Speaker's Office and House Clerk's Office. The Panel may meet remotely during adjournment to consider complaints as set forth in the Panel Procedure for Handling Ethics Complaints. However, if the Panel conducts a hearing at which arguments are presented, evidence is presented, or witnesses are questioned, at least a quorum of the members of the Panel shall be physically present at the hearing. The Panel, at the discretion of the Panel Chair, may allow members, witnesses, or other necessary participants to participate using contemporaneous video or audio conference transmission from one or more different remote locations.

* * *

(c) Sexual Harassment

* * *

(3) The Rules Committee shall, at the beginning of the biennium, appoint a Sexual Harassment Prevention Panel composed of five members of the House who shall serve until successors are appointed.

* * *

(5) The Panel shall receive and investigate complaints of alleged sexual

harassment made against members of the House or an employee of the Speaker's Office or the Office of the Clerk of the House. The Panel may meet remotely during adjournment to consider complaints as set forth in the Panel's adopted procedures. However, if the Panel conducts a hearing at which arguments are presented, evidence is presented, or witnesses are questioned, at least a quorum of the Panel members shall be physically present at the hearing. The Panel, at the discretion of the Panel Chair, may allow members, witnesses, or other necessary participants to participate using contemporaneous video or audio conference transmission from one or more different remote locations.

* * *

Was read by title and placed on the Action Calendar on the next legislative day pursuant to House Rule 33.

Ceremonial Readings

H.C.R. 128

House concurrent resolution congratulating the 2022 Milton High School Yellowjackets Division II boys' ice hockey championship team

Offered by: Representatives Mattos of Milton, Morgan, L. of Milton, Morgan, M. of Milton, and Palasik of Milton

Having been adopted in concurrence on Friday, April 1, 2022 in accord with Joint Rule 16b, was read.

H.C.R. 144

House concurrent resolution congratulating Blake Hill Preserves' owners Vicki Allard and Joe Hanglin on being named the U.S. Small Business Administration's 2022 Vermont Small Business Persons of the Year

Offered by: Representatives Bartholomew of Hartland, Burrows of West Windsor, Goldman of Rockingham, and Partridge of Windham; and Senators Balint, Clarkson, McCormack, Nitka, and White

Having been adopted in concurrence on Friday, April 22, 2022 in accord with Joint Rule 16b, was read.

Second Reading; Proposal of Amendment Agreed to; Third Reading Ordered

S. 285

Rep. Houghton of Essex, for the Committee on Health Care, to which had been referred Senate bill, entitled

An act relating to health care reform initiatives, data collection, and access to home- and community-based services

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Payment and Delivery System Reform; Appropriations * * *

Sec. 1. DEVELOPMENT OF PROPOSAL FOR SUBSEQUENT

ALL-PAYER MODEL AGREEMENT

(a)(1) The Director of Health Care Reform in the Agency of Human Services, in collaboration with the Green Mountain Care Board, shall develop a proposal for a subsequent agreement with the Center for Medicare and Medicaid Innovation to secure Medicare's sustained participation in multi-payer alternative payment models in Vermont. In developing the proposal, the Director shall consider:

(A) total cost of care targets;

(B) global payment models;

(C) strategies and investments to strengthen access to:

(i) primary care;

(ii) home- and community-based services;

(iii) subacute services;

(iv) long-term care services; and

(v) mental health and substance use disorder treatment services;

and

(D) strategies and investments to address health inequities and social determinants of health.

(2)(A) The development of the proposal shall include consideration of alternative payment and delivery system approaches for hospital services and community-based providers such as primary care providers, mental health providers, substance use disorder treatment providers, skilled nursing facilities, home health agencies, and providers of long-term services and supports.

(B) The alternative payment models to be explored shall include, at a minimum:

(i) value-based payments for hospitals, including global payments, that take into consideration the sustainability of Vermont's hospitals and the State's rural nature, as set forth in subdivision (b)(1) of this section;

(ii) geographically or regionally based global budgets for health care services;

(iii) existing federal value-based payment models; and

(iv) broader total cost of care and risk-sharing models to address patient migration patterns across systems of care.

(C) The proposal shall:

(i) include appropriate mechanisms to convert fee-for-service reimbursements to predictable payments for multiple provider types, including those described in subdivision (A) of this subdivision (2);

(ii) include a process to ensure reasonable and adequate rates of payment and a reasonable and predictable schedule for rate updates;

(iii) meaningfully impact health equity and address inequities in terms of access, quality, and health outcomes; and

(iv) support equal access to appropriate mental health care that meets standards of quality, access, and affordability equivalent to other components of health care as part of an integrated, holistic system of care.

(3)(A) The Director of Health Care Reform, in collaboration with the Green Mountain Care Board, shall ensure that the process for developing the proposal includes opportunities for meaningful participation by the full continuum of health care and social service providers, payers, and other interested stakeholders in all stages of the proposal's development.

(B) The Director shall seek to minimize the administrative burden of and duplicative processes for stakeholder input.

(C) To promote engagement with diverse stakeholders and ensure the prioritization of health equity, the process may utilize existing local and regional forums, including those supported by the Agency of Human Services.

(b) As set forth in subdivision (a)(2)(B)(i) of this section and notwithstanding any provision of 18 V.S.A. § 9375(b)(1) to the contrary, the Green Mountain Care Board shall:

(1) in collaboration with the Agency of Human Services and using the stakeholder process described in subsection (a) of this section, build on successful health care delivery system reform efforts by developing value-based payments, including global payments, from all payers to Vermont hospitals or accountable care organizations, or both, that will:

(A) help move the hospitals away from a fee-for-service model;

(B) provide hospitals with predictable, sustainable funding that is aligned across multiple payers, consistent with the principles set forth in

18 V.S.A. § 9371, and sufficient to enable the hospitals to deliver high-quality, affordable health care services to patients;

(C) take into consideration the necessary costs and operating expenses of providing services and not be based solely on historical charges; and

(D) take into consideration Vermont's rural nature, including that many areas of the State are remote and sparsely populated;

(2) determine how best to incorporate value-based payments, including global payments to hospitals or accountable care organizations, or both, into the Board's hospital budget review, accountable care organization certification and budget review, and other regulatory processes, including assessing the impacts of regulatory processes on the financial sustainability of Vermont hospitals and identifying potential opportunities to use regulatory processes to improve hospitals' financial health; and

(3) recommend a methodology for determining the allowable rate of growth in Vermont hospital budgets, which may include the use of national and regional indicators of growth in the health care economy and other appropriate benchmarks, such as the Hospital Producer Price Index, Medical Consumer Price Index, bond-rating metrics, and labor cost indicators, as well as other metrics that incorporate differentials as appropriate to reflect the unique needs of hospitals in highly rural and sparsely populated areas of the State.

(c) On or before January 15, 2023, the Director of Health Care Reform and the Green Mountain Care Board shall each report on their activities pursuant to this section to the House Committees on Health Care and on Human Services and the Senate Committees on Health and Welfare and on Finance.

Sec. 2. HOSPITAL SYSTEM TRANSFORMATION; PLAN FOR ENGAGEMENT PROCESS; REPORT

(a) The Green Mountain Care Board shall develop a plan for a data-informed, patient-focused, community-inclusive engagement process for Vermont's hospitals to reduce inefficiencies, lower costs, improve population health outcomes, reduce health inequities, and increase access to essential services while maintaining sufficient capacity for emergency management.

(b) The plan for the engagement process shall include:

(1) which organization or agency will lead the engagement process;

(2) a timeline that shows the engagement process occurring after the development of the all-payer model proposal as set forth in Sec. 1 of this act;

(3) how to hear from and share data, information, trends, and insights with communities about the current and future states of the hospital delivery system, unmet health care as identified through the community health needs assessment, and opportunities and resources necessary to address those needs; and

(4) a description of the opportunities to be provided for meaningful participation in all stages of the process by employers; consumers; health care professionals and health care providers, including those providing primary care services; Vermonters who have direct experience with all aspects of Vermont's health care system; and Vermonters who are diverse with respect to race, income, age, and disability status;

(5) a description of the data, information, and analysis necessary to support the process, including information and trends relating to the current and future states of the health care delivery system in each hospital service area, the effects of the hospitals in neighboring states on the health care services delivered in Vermont, the potential impacts of hospital system transformation on Vermont's nonhospital health care and social service providers, the workforce challenges in the health care and human services systems, and the impacts of the pandemic;

(6) how to assess the impact of any changes to hospital services on nonhospital providers, including on workforce recruitment and retention;

(7) the amount of the additional appropriations needed to support the engagement process; and

(8) a process for determining the amount of resources that will be needed to support hospitals in implementing the transformation initiatives to be developed as a result of the engagement process.

(c) On or before January 15, 2023, the Green Mountain Care Board shall report on its activities pursuant to this section to the House Committees on Health Care and on Human Services and the Senate Committees on Health and Welfare and on Finance.

Sec. 3. PAYMENT AND DELIVERY SYSTEM REFORM;

APPROPRIATIONS

(a) The sum of \$1,400,000.00 is appropriated from the General Fund to the Agency of Human Services in fiscal year 2023 to support the work of the Director of Health Care Reform as set forth in Sec. 1 of this act.

(b) The sum of \$3,600,000.00 is appropriated from the General Fund to the Green Mountain Care Board in fiscal year 2023 to support the work of the Board as set forth in Sec. 1 of this act.

* * * Health Care Data * * *

Sec. 4. HEALTH INFORMATION EXCHANGE STEERING
COMMITTEE; DATA STRATEGY

The Health Information Exchange (HIE) Steering Committee shall continue its work to create one health record for each person that integrates data types to include health care claims data; clinical, mental health, and substance use disorder services data; and social determinants of health data. In furtherance of these goals, the HIE Steering Committee shall include a data integration strategy in its 2023 HIE Strategic Plan to merge and consolidate claims data in the Vermont Health Care Uniform Reporting and Evaluation System (VHCURES) with the clinical data in the HIE.

Sec. 5. 18 V.S.A. § 9410 is amended to read:

§ 9410. HEALTH CARE DATABASE

(a)(1) The Board shall establish and maintain a unified health care database to enable the Board to carry out its duties under this chapter, chapter 220 of this title, and Title 8, including:

- (A) determining the capacity and distribution of existing resources;
- (B) identifying health care needs and informing health care policy;
- (C) evaluating the effectiveness of intervention programs on improving patient outcomes;
- (D) comparing costs between various treatment settings and approaches;
- (E) providing information to consumers and purchasers of health care; and
- (F) improving the quality and affordability of patient health care and health care coverage.

(2) [Repealed.]

(b) The database shall contain unique patient and provider identifiers and a uniform coding system; and shall reflect all health care utilization, costs, and resources in this State; and health care utilization and costs for services provided to Vermont residents in another state.

* * *

~~(e) Records or information protected by the provisions of the physician-patient privilege under 12 V.S.A. § 1612(a), or otherwise required by law to be~~

~~held confidential, shall be filed in a manner that does not disclose the identity of the protected person. [Repealed.]~~

(f) The Board shall adopt a confidentiality code to ensure that information obtained under this section is handled in an ethical manner.

* * *

(h)(1) All health insurers shall electronically provide to the Board in accordance with standards and procedures adopted by the Board by rule:

(A) their health insurance claims data, provided that the Board may exempt from all or a portion of the filing requirements of this subsection data reflecting utilization and costs for services provided in this State to residents of other states;

(B) cross-matched claims data on requested members, subscribers, or policyholders; and

(C) member, subscriber, or policyholder information necessary to determine ~~third-party~~ third-party liability for benefits provided.

(2) The collection, storage, and release of health care data and statistical information that are subject to the federal requirements of the Health Insurance Portability and Accountability Act (HIPAA) shall be governed exclusively by the regulations adopted thereunder in 45 C.F.R. Parts 160 and 164.

* * *

(3)(A) The Board shall collaborate with the Agency of Human Services and participants in the Agency's initiatives in the development of a comprehensive health care information system. The collaboration is intended to address the formulation of a description of the data sets that will be included in the comprehensive health care information system, the criteria and procedures for the development of limited-use data sets, the criteria and procedures to ensure that HIPAA compliant limited-use data sets are accessible, and a proposed time frame for the creation of a comprehensive health care information system.

(B) To the extent allowed by HIPAA, the data shall be available as a resource for insurers, employers, providers, purchasers of health care, and State agencies to continuously review health care utilization, expenditures, and performance in Vermont. In presenting data for public access, comparative considerations shall be made regarding geography, demographics, general economic factors, and institutional size.

(C) Consistent with the dictates of HIPAA, and subject to such terms and conditions as the Board may prescribe by rule, the Vermont Program for

Quality in Health Care shall have access to the unified health care database for use in improving the quality of health care services in Vermont. In using the database, the Vermont Program for Quality in Health Care shall agree to abide by the rules and procedures established by the Board for access to the data. The Board's rules may limit access to the database to limited-use sets of data as necessary to carry out the purposes of this section.

(D) Notwithstanding HIPAA or any other provision of law, the comprehensive health care information system shall not publicly disclose any data that contain direct personal identifiers. For the purposes of this section, "direct personal identifiers" include information relating to an individual that contains primary or obvious identifiers, such as the individual's name, street address, e-mail address, telephone number, and Social Security number.

* * *

* * * Blueprint for Health * * *

Sec. 6. 18 V.S.A. § 702(d) is amended to read:

(d) The Blueprint for Health shall include the following initiatives:

* * *

(8) The use of quality improvement facilitation and other means to support quality improvement activities, including using integrated clinical and claims data, where available, to evaluate patient outcomes and promoting best practices regarding patient referrals and care distribution between primary and specialty care.

Sec. 7. BLUEPRINT FOR HEALTH; COMMUNITY HEALTH TEAMS;
QUALITY IMPROVEMENT FACILITATION; REPORT

On or before January 15, 2023, the Director of Health Care Reform in the Agency of Human Services shall recommend to the House Committees on Health Care and on Appropriations and the Senate Committees on Health and Welfare, on Appropriations, and on Finance the amounts by which health insurers and Vermont Medicaid should increase the amount of the per-person, per month payments they make toward the shared costs of operating the Blueprint for Health community health teams and providing quality improvement facilitation, in furtherance of the goal of providing additional resources necessary for delivery of comprehensive primary care services to Vermonters and to sustain access to primary care services in Vermont. The Agency shall also provide an estimate of the State funding that would be needed to support the increase for Medicaid, both with and without federal financial participation.

* * * Options for Extending Moderate Needs Supports * * *

Sec. 8. OPTIONS FOR EXTENDING MODERATE NEEDS SUPPORTS;
WORKING GROUP; GLOBAL COMMITMENT WAIVER;
REPORT

(a) As part of developing the Vermont Action Plan for Aging Well as required by 2020 Acts and Resolves No. 156, Sec. 3, the Department of Disabilities, Aging, and Independent Living shall convene a working group comprising representatives of older Vermonters, home- and community-based service providers, the Office of the Long-Term Care Ombudsman, the Agency of Human Services, and other interested stakeholders to consider extending access to long-term home- and community-based services and supports to a broader cohort of Vermonters who would benefit from them, and their family caregivers, including:

(1) the types of services, such as those addressing activities of daily living, falls prevention, social isolation, medication management, and case management that many older Vermonters need but for which many older Vermonters may not be financially eligible or that are not covered under many standard health insurance plans;

(2) the most promising opportunities to extend supports to additional Vermonters, such as expanding the use of flexible funding options that enable beneficiaries and their families to manage their own services and caregivers within a defined budget and allowing case management to be provided to beneficiaries who do not require other services;

(3) how to set clinical and financial eligibility criteria for the extended supports, including ways to avoid requiring applicants to spend down their assets in order to qualify;

(4) how to fund the extended supports, including identifying the options with the greatest potential for federal financial participation;

(5) how to proactively identify Vermonters across all payers who have the greatest need for extended supports;

(6) how best to support family caregivers, such as through training, respite, home modifications, payments for services, and other methods; and

(7) the feasibility of extending access to long-term home- and community-based services and supports and the impact on existing services.

(b) The working group shall also make recommendations regarding changes to service delivery for persons who are dually eligible for Medicaid

and Medicare in order to improve care, expand options, and reduce unnecessary cost shifting and duplication.

(c) On or before January 15, 2024, the Department shall report to the House Committees on Human Services, on Health Care, and on Appropriations and the Senate Committees on Health and Welfare and on Appropriations regarding the working group's findings and recommendations, including its recommendations regarding service delivery for dually eligible individuals, and an estimate of any funding that would be needed to implement the working group's recommendations.

(d) If so directed by the General Assembly, the Department shall collaborate with others in the Agency of Human Services as needed in order to incorporate the working group's recommendations on extending access to long-term home- and community-based services and supports as an amendment to the Global Commitment to Health Section 1115 demonstration in effect in 2024 or into the Agency's proposals to and negotiations with the Centers for Medicare and Medicaid Services for the iteration of Vermont's Global Commitment to Health Section 1115 demonstration that will take effect following the expiration of the demonstration currently under negotiation.

* * * Summaries of Green Mountain Care Board Reports * * *

Sec. 9. 18 V.S.A. § 9375 is amended to read:

§ 9375. DUTIES

* * *

(e)(1) The Board shall summarize and synthesize the key findings and recommendations from reports prepared by and for the Board, including its expenditure analyses and focused studies. The Board shall develop, in consultation with the Office of the Health Care Advocate, a standard for creating plain language summaries that the public can easily use and understand.

(2) All reports and summaries prepared by the Board shall be available to the public and shall be posted on the Board's website.

* * * Primary Care Providers; Medicaid Reimbursement Rates * * *

Sec. 10. MEDICAID REIMBURSEMENT RATES; PRIMARY CARE AT
100 PERCENT OF MEDICARE FISCAL YEAR 2024

It is the intent of the General Assembly that Vermont's health care system should reimburse all Medicaid participating providers at rates that are equal to 100 percent of the Medicare rates for the services provided, with first priority for primary care providers. In support of this goal, in its fiscal year 2024

budget proposal, the Department of Vermont Health Access shall either provide reimbursement rates for Medicaid participating providers for primary care services at rates that are equal to 100 percent of the Medicare rates for the services or, in accordance with 32 V.S.A. § 307(d)(6), provide information on the additional amounts that would be necessary to achieve full reimbursement parity for primary care services with the Medicare rates.

* * * Prior Authorizations * * *

Sec. 11. DEPARTMENT OF FINANCIAL REGULATION; GREEN
MOUNTAIN CARE BOARD; PRIOR AUTHORIZATIONS;
ADMINISTRATIVE COST REDUCTION; REPORT

(a) The Department of Financial Regulation shall explore the feasibility of requiring health insurers and their prior authorization vendors to access clinical data from the Vermont Health Information Exchange whenever possible to support prior authorization requests in situations in which a request cannot be automatically approved.

(b) The Department of Financial Regulation shall direct health insurers to provide prior authorization information to the Department in a format required by the Department in order to enable the Department to analyze opportunities to align and streamline prior authorization request processes. The Department shall share its findings and recommendations with the Green Mountain Care Board, and the Department and the Board shall collaborate to provide recommendations to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance on or before January 15, 2023 regarding the statutory changes necessary to align and streamline prior authorization processes and requirements across health insurers.

* * * Effective Dates * * *

Sec. 12. EFFECTIVE DATES

(a) Sec. 3 (payment and delivery system reform; appropriations) shall take effect on July 1, 2022.

(b) The remainder of this act shall take effect on passage.

Rep. Yacovone of Morristown, for the Committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the Committee on Health Care and when further amended as follows:

In Sec. 3, payment and delivery system reform; appropriations, in subsection (a), by striking out “\$1,400,000.00” and inserting in lieu thereof “\$900,000.00”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Health Care was amended as recommended by the Committee on Appropriations. Thereupon, the report of the Committee on Health Care, as amended, was agreed to and third reading was ordered.

**Senate Proposal of Amendment to House Proposal of Amendment
Concurred in**

S. 254

The Senate concurred in House proposal of amendment with further proposal of amendment on Senate bill, entitled

An act relating to recovering damages for Article 11 violations by law enforcement and a report on qualified immunity

The Senate concurred in the House proposal of amendment with the following proposal of amendment thereto:

By adding a new Sec. 1 to read as follows:

Sec. 1. 20 V.S.A. § 2370 is added to read:

§ 2370. RECORD OF CASE DISPOSITION

Each law enforcement agency shall maintain a record of all final judgments and settlements paid by the law enforcement agency for court claims related to alleged violations of constitutional rights established under the Constitution of the State of Vermont. All judgments, settlements, and their underlying complaints are subject to public disclosure unless an exemption applies pursuant to the Vermont Public Records Act. Any record disclosed shall include the name of the law enforcement agency and the monetary amount paid pursuant to the judgment or settlement.

And by renumbering the remaining sections to be numerically correct.

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

An act relating to maintaining records of judgments and settlements paid by law enforcement agencies and a legal analysis of qualified immunity.

Which was agreed to.

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

S. 220

Rep. Mrowicki of Putney, for the Committee on Government Operations, to which had been referred Senate bill, entitled

An act relating to State-paid deputy sheriffs

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 902 is amended to read:

§ 902. DEFINITIONS

As used in this chapter:

* * *

(5) “State employee” means any individual employed on a permanent or limited status basis by the State of Vermont, the Vermont State Colleges, the University of Vermont, ~~or the State’s Attorneys’ offices,~~ or as a full-time deputy sheriff paid by the State pursuant to 24 V.S.A. § 290(b), including permanent part-time employees, and an individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, but excluding an individual:

(A) exempt or excluded from the State classified service under the provisions of section 311 of this title, except that the State Police in the Department of Public Safety; employees of the Defender General, excluding attorneys employed directly by the Defender General and attorneys contracted to provide legal services; deputy State’s Attorneys; ~~and employees of State’s Attorneys’ offices;~~ and full-time deputy sheriffs paid by the State pursuant to 24 V.S.A. § 290(b) are included within the meaning of “State employee”;

* * *

(7)(A) “Employer” means the State of Vermont, excluding the Legislative and Judiciary Departments, represented by the Governor or designee, the Office of the Defender General represented by the Defender General or designee, Vermont State Colleges represented by the Chancellor or designee, and the University of Vermont represented by the President or designee.

(B) With respect to employees of State's Attorneys' offices and full-time deputy sheriffs paid by the State pursuant to 24 V.S.A. § 290(b), "employer" means the Department of State's Attorneys and Sheriffs represented by the Executive Director or designee. Nothing in this subdivision (7)(B) shall be construed to affect a sheriff's deputation authority pursuant to 24 V.S.A. § 307(a).

* * *

Sec. 2. 3 V.S.A. § 906 is amended to read:

§ 906. DESIGNATION OF MANAGERIAL, SUPERVISORY, AND
CONFIDENTIAL EMPLOYEES

* * *

(b)(1) The Executive Director of the Department of State's Attorneys and Sheriffs may determine positions in the State's Attorneys' offices whose incumbents the Executive Director believes should be designated as managerial, supervisory, or confidential employees. Any disputes arising from the determination shall be finally resolved by the Board.

(2) The Executive Director of the Department of State's Attorneys and Sheriffs may designate as a confidential employee not more than one deputy sheriff paid by the State pursuant to 24 V.S.A. § 290(b) who is assigned to the Department of State's Attorneys and Sheriffs' central office to serve as the coordinator for the other State-paid deputies.

Sec. 3. 3 V.S.A. § 911 is added to read:

§ 911. DESIGNATION OF DEPUTY SHERIFFS PAID BY STATE;
STATEWIDE BARGAINING RIGHTS

(a) Deputy sheriffs paid by the State pursuant to 24 V.S.A. § 290(b) shall be part of a single, separate statewide bargaining unit, as determined to be appropriate by the Board pursuant to section 941 of this title, for the purpose of bargaining collectively pursuant to this chapter.

(b) The bargaining unit created pursuant to this section shall be referred to as the State-Paid Deputy Sheriffs Unit.

Sec. 4. EXISTING BARGAINING UNIT; DECERTIFICATION

On the effective date of this act, the existing bargaining unit and certification of an exclusive bargaining representative for the State-paid deputy sheriffs in the Chittenden County Sheriff's Department shall be dissolved.

Sec. 5. 3 V.S.A. § 904 is amended to read:

§ 904. SUBJECTS FOR BARGAINING

(a) All matters relating to the relationship between the employer and employees shall be the subject of collective bargaining except those matters that are prescribed or controlled by statute. The matters appropriate for collective bargaining to the extent they are not prescribed or controlled by statute include:

* * *

(8) terms of coverage and amount of employee financial participation in insurance programs, except that the Department of State's Attorneys and Sheriffs and the deputy State's Attorneys ~~and~~ other employees of the State's Attorneys' offices, and deputy sheriffs paid by the State pursuant to 24 V.S.A. § 290(b) shall not bargain in relation to terms of coverage and the amount of employee financial participation in insurance programs;

* * *

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

Rep. Squirrel of Underhill, for the Committee on Appropriations, recommended the bill ought to pass in concurrence with the proposal of amendment recommended by the Committee on Government Operations.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Government Operations 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. Thereupon, bill was read the third time and passed in concurrence with proposal of amendment.

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

Action on Bill Postponed

S. 258

Senate bill, entitled

An act relating to agricultural water quality, enforcement, and dairy farming

Was taken up, and pending the reading of the report of the Committee on Agriculture and Forestry, on motion of **Rep. Partridge of Windham**, action on the bill was postponed one legislative day.

**Second Reading; Proposal of Amendment Offered; Favorable Report;
Consideration Postponed**

S. 281

Rep. McCullough of Williston, for the Committee on Natural Resources, Fish, and Wildlife, to which had been referred Senate bill, entitled

An act relating to hunting coyotes with dogs

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. §§ 5008 and 5009 are added to read:

§ 5008. HUNTING COYOTE WITH AID OF DOGS; PERMIT

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

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

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

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

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

(2) The application fee for a nonresident permit issued under this section shall be \$10.00, and the fee for a nonresident permit issued under this section shall be \$200.00 for a successful applicant.

§ 5009. PURSUING COYOTE WITH AID OF DOGS; LANDOWNER

PERMISSION

(a) A person shall not release a dog onto land posted in accordance with section 5201 of this title for the purpose of pursuing coyote with the aid of dogs unless the dog owner or handler of the hunting dog has obtained a courtesy permission card from the landowner or landowner's agent allowing the pursuit of coyote with the aid of dogs on the land.

(b) A person shall not release onto land a dog for the purpose of pursuing coyote with the aid of dogs if in the previous 365 days a dog had been previously found on the land, and the dog owner, a handler of the dog, or a person participating in the hunt has been personally informed by law enforcement that hunting dogs are not permitted on the property.

(c)(1) For a first offense, a person who violates this section shall have committed a minor fish and wildlife violation and shall be assessed a five-point violation under subdivision 4502(b)(1) of this title.

(2) For a second or subsequent violation of this section, a person shall be assessed a 10-point violation under subdivision 4502(b)(2) of this title and shall be fined under section 4515 of this title.

Sec. 2. MORATORIUM ON HUNTING COYOTE WITH AID OF DOGS

(a) A person shall not pursue coyote with the aid of dogs, either for the training of dogs or for the taking of coyote, except that a person may pursue coyote with the aid of dogs in defense of a person or property if the person pursuing coyote with the aid of dogs:

(1) is the landowner; or

(2) has obtained a courtesy permission card from the landowner or landowner's agent allowing the release of a dog onto the land for the purpose of pursuing coyote with the aid of dogs.

(b) This section shall be repealed on the effective date of the Fish and Wildlife Board rules required by Sec. 3 of this act.

Sec. 3. FISH AND WILDLIFE BOARD RULES; PURSUING COYOTE WITH THE AID OF DOGS

(a) The General Assembly through the rules required under this section intends to reduce conflicts between landowners and persons pursuing coyote with the aid of dogs by reducing the frequency that dogs or persons pursuing coyote enter onto land that is posted against hunting or land where pursuit of coyote with dogs is not authorized. In addition, the General Assembly intends that the rules required under this section support the humane taking of coyote, the management of the population in concert with sound ecological principles, and the development of reasonable and effective means of control.

(b) The Fish and Wildlife Board shall adopt a rule regarding the pursuit of coyote with the aid of dogs, either for the training of dogs or for the taking of coyote. The rule shall include at least the following provisions:

(1) a limit on the number of dogs that may be used to pursue coyote;

(2) a prohibition on the substitution of any new dog for another dog during pursuit of a coyote;

(3) the legal method of taking coyote pursued with the aid of dogs, such as rifle, muzzle loader, crossbow, or bow and arrow;

(4) a definition of control to minimize the risk that dogs pursuing coyote;

Rep. Brennan of Colchester, for the Committee on Ways and Means, recommended the bill ought to pass in concurrence with proposal of amendment recommended by the Committee on Natural Resources, Fish, and Wildlife.

The bill, having appeared on the Notice Calendar, was taken up and read the second time. On motion of **Rep. Sheldon of Middlebury**, action on the bill was postponed until later in the day to correct an error in the publication of the report of the Committee on Natural Resources, Fish, and Wildlife in the House Calendar.

Senate Proposal of Amendment Concurred in

H. 266

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

An act relating to health insurance coverage for hearing aids

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

First: By striking out Sec. 2, essential health benefits; benchmark plan; hearing aids; report, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

**Sec. 2. ESSENTIAL HEALTH BENEFITS; BENCHMARK PLAN;
HEARING AIDS; REPORT**

On or before November 1, 2022, the Departments of Vermont Health Access and of Financial Regulation shall provide an update to the Health Reform Oversight Committee regarding the status of the State's application to the Center for Medicare and Medicaid Innovation within the Centers for Medicare and Medicaid Services to modify the essential health benefits in Vermont's benchmark plan to include coverage of hearing aids and related services beginning in plan year 2024.

Second: In Sec. 3, 33 V.S.A. § 1901k, following “as defined by the”, by striking out “Department of Vermont Health Access” and inserting in lieu thereof Agency of Human Services

Third: In Sec. 4, 8 V.S.A. § 4088l, in subdivision (a)(2), in the second sentence, following “does not include”, by striking out “cords,”

Fourth: In Sec. 4, 8 V.S.A. § 4088l, by striking out subsections (b) and (c) in their entirety and inserting in lieu thereof new subsections (b) and (c) to read as follows:

(b)(1) A health insurance plan shall cover the cost of a hearing aid for each ear and the associated hearing aid professional services when the hearing aid or aids are prescribed, fitted, and dispensed by a hearing care professional. The coverage shall include hearing aid batteries when prescribed by a hearing care professional.

(2) A health insurance plan may limit coverage to not more than one hearing aid per ear every three years, except that a plan shall cover the cost of one or more new hearing aids for a covered individual prior to the expiration of the three-year period based on a hearing care professional’s determination that a new hearing aid for one or both ears is medically necessary.

(c)(1) Subject to the limitations set forth in subdivision (b)(2) of this section, the coverage provided by a health plan for hearing aids and associated services shall be limited only by medical necessity.

(2) A covered individual may select a hearing aid that exceeds the limits set forth in subdivision (1) of this subsection and pay the additional cost.

Proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 411

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

An act relating to the retrieval and use of covered wild animals

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

In Sec. 1, 10 V.S.A. chapter 113, subchapter 7, section 4922, retrieval of covered wild animals, after “A person shall not” and before “kill a covered wild animal” by striking out “intentionally, knowingly, or recklessly” and inserting in lieu thereof the words intentionally or knowingly

Proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 462

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

An act relating to miscellaneous Department of Health programs

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

* * * Division of Substance Use Programs * * *

Sec. 1. 3 V.S.A. § 3004 is amended to read:

§ 3004. PERSONNEL DESIGNATION

The Secretary, Deputy Secretary, commissioners, deputy commissioners, attorneys, Directors of the Offices of State Economic Opportunity, ~~of Alcohol and Drug Abuse Programs~~, and of Child Support, and all members of boards, committees, commissions, or councils attached to the Agency for support are exempt from the classified State service. Except as authorized by section 311 of this title or otherwise by law, all other positions shall be within the classified service.

Sec. 2. 18 V.S.A. § 4255 is amended to read:

§ 4255. VERMONT PRESCRIPTION DRUG ADVISORY COUNCIL

* * *

(b)(1) The Advisory Council shall consist of the following members:

(A) the Commissioner of Health or designee, who shall serve as chair;

(B) ~~the Deputy Commissioner of Health for Alcohol and Drug Abuse~~ a designee of the Division of Substance Use Programs ~~or designee~~;

* * *

(CC) a drug and alcohol abuse counselor licensed pursuant to 26 V.S.A. chapter 62, to be selected by the ~~Deputy Commissioner of Health for Alcohol and Drug Abuse Programs~~;

* * *

Sec. 3. 18 V.S.A. 4806 is amended to read:

§ 4806. ~~DIVISION OF ALCOHOL AND DRUG ABUSE~~ SUBSTANCE USE PROGRAMS

(a) ~~The Division of Alcohol and Drug Abuse~~ Substance Use Programs shall plan, operate, and evaluate a consistent, effective program of substance ~~abuse~~ use programs. All duties, responsibilities, and authority of the Division shall be carried out and exercised by and within the Department of Health.

* * *

(c) Under the direction of the Commissioner of Health, ~~the Deputy~~

~~Commissioner of Alcohol and Drug Abuse Programs~~ the Division shall review and approve all alcohol and drug programs developed or administered by any State agency or department, ~~except for alcohol and drug education programs developed by the Agency of Education in conjunction with the Alcohol and Drug Abuse Council pursuant to 16 V.S.A. § 909.~~

* * *

Sec. 4. 18 V.S.A. § 7253 is amended to read:

§ 7253. CLINICAL RESOURCE MANAGEMENT AND OVERSIGHT

The Commissioner of Mental Health, in consultation with health care providers as defined in section 9432 of this title, including designated hospitals, designated agencies, individuals with mental conditions or psychiatric disabilities, and other stakeholders, shall design and implement a clinical resource management system that ensures the highest quality of care and facilitates long-term, sustained recovery for individuals in the custody of the Commissioner.

* * *

(2) For the purpose of maintaining the integrity and effectiveness of the clinical resource management system, the Department of Mental Health shall:

* * *

(B) coordinate care across the mental and physical health care systems as well as ensure coordination within the Agency of Human Services, particularly the Department of Corrections, the Department of Health's ~~Alcohol and Drug Abuse~~ Division of Substance Use Programs, and the Department of Disabilities, Aging, and Independent Living;

* * *

Sec. 5. 23 V.S.A. § 1216 is amended to read:

§ 1216. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL
CONCENTRATION OF 0.02 OR MORE

* * *

(g) The Alcohol and Driving Program required under this section shall be administered by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's Division of Substance Use Programs and shall take into consideration any particular treatment needs of operators under ~~the age of 21 years of age.~~

* * *

Sec. 6. 23 V.S.A. § 3207f is amended to read:

§ 3207f. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL
CONCENTRATION OF 0.02 OR MORE

* * *

(f) The alcohol program required under this section shall be administered by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's Division of Substance Use Programs and shall take into consideration any particular treatment needs of operators under ~~the age of 21~~ years of age.

* * *

Sec. 7. 23 V.S.A. § 3323a is amended to read:

§ 3323a. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL
CONCENTRATION OF 0.02 OR MORE

* * *

(f) The alcohol program required under this section shall be administered by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's Division of Substance Use Programs and shall take into consideration any particular treatment needs of operators under ~~the age of 21~~ years of age.

* * *

Sec. 8. 33 V.S.A. § 5272 is amended to read:

§ 5272. JUVENILE JUSTICE UNIT; JUVENILE JUSTICE DIRECTOR

* * *

(c) The Juvenile Justice Director shall ensure that the following occur:

* * *

(3) cooperation among appropriate departments, including the Department; the Agency of Education; the Departments of Corrections, of Labor, of Mental Health, of Public Safety, and of Disabilities, Aging, and Independent Living; and the Department of Health's Division of Alcohol and Drug Abuse Substance Use Programs;

* * *

* * * Expansion of Drug Disposal Kiosks * * *

Sec. 9. 18 V.S.A. § 4224 is amended to read:

§ 4224. UNUSED PRESCRIPTION DRUG DISPOSAL PROGRAM

(a) The Department of Health shall establish and maintain the Statewide Unused Prescription Drug Disposal Program to provide for the safe disposal of Vermont residents' unused and unwanted prescription drugs. The Program

may include establishing secure collection and disposal sites and providing medication envelopes for sending unused prescription drugs to an authorized collection facility for destruction.

(b) Pharmacies that operate 10 or more establishments in the United States, while concurrently conducting business in Vermont, shall enroll in a drug disposal kiosk program on or before July 1, 2023. If the physical dimensions of a pharmacy make an onsite collection receptacle impossible under State and federal law, a pharmacy shall provide a mail-back option for consumers.

* * * Child Fatality Review Team * * *

Sec. 10. 18 V.S.A. § 1561 is amended to read:

§ 1561. CHILD FATALITY REVIEW TEAM

* * *

(g)(4) Confidentiality.

(1)(A) The records produced or acquired by the Team are exempt from public inspection and copying under the Public Records Act and shall be kept confidential. The records of the Team are not subject to subpoena, discovery, or introduction into evidence in a civil or criminal action. Nothing in this section shall be construed to limit or restrict the right to discover or use in any civil or criminal proceedings information or records that are available from another source and entirely outside the Team's review. The Team shall not use the information or records generated during the course of its review for purposes other than those described in this section.

(B) The Department may share deidentified data produced or acquired by the Team with other states that have child fatality review panels, provided access under such agreements is consistent with the privacy, security, and disclosure protections in this chapter.

* * *

* * * Autopsy Reports * * *

Sec. 11. 18 V.S.A. § 5205 is amended to read:

§ 5205. DEATH CERTIFICATE WHEN NO ATTENDING PHYSICIAN
AND IN OTHER CIRCUMSTANCES; AUTOPSY

* * *

(f) The State's Attorney or Chief Medical Examiner, if either deem it necessary and in the interest of public health, welfare, and safety, or in furtherance of the administration of the law, may order an autopsy to be performed by the Chief Medical Examiner or under ~~his or her~~ the Chief

Medical Examiner's direction. Upon completion of the autopsy, the Chief Medical Examiner shall submit a report to such State's Attorney and the Attorney General and shall submit a report of death to the State Registrar. Upon the written request of a federal prosecutor or a prosecutor in another state, the Chief Medical Examiner shall submit a report of a death to the requesting office.

* * *

* * * Regulation of Health Care Professions * * *

Sec. 12. 26 V.S.A. § 3108 is amended to read:

§ 3108. PRELIMINARY ASSESSMENT OF SCOPE OF PRACTICE

* * *

(d) Impacted persons; statements and replies.

* * *

(e) Consultation with Commissioner and boards.

(1) If an assessment under this section addresses activities that would constitute the "practice of medicine" as defined in subdivision 1311(1) of this title, the Office shall give written notice to the Commissioner of Health and any professional regulatory board or boards having jurisdiction over some or all of the regulated acts. The Office shall include with such notice a copy of the supporting information received from the requestor pursuant to subsection (b) of this section. Notice shall be given within 14 days after receipt of the requestor's supporting information.

(2) The Office shall consult the Commissioner and relevant board or boards with respect to the requestor's assertions under subsection (b) of this section. After consulting with the Office, and on or before November 15 of the year preceding the next regular session of the General Assembly, the Commissioner or relevant board or boards may file with the Office any written commentary they wish the Office to consider. Submitted commentary shall be appended to the Office's final report or assessment filed with the General Assembly.

* * * Working Group on Services for Individuals with Eating Disorders * * *

Sec. 13. WORKING GROUP ON SERVICES FOR INDIVIDUALS WITH
EATING DISORDERS; REPORT

(a) Creation. There is created the Working Group on Services for Individuals with Eating Disorders to assess those services available to individuals with an eating disorder in Vermont and make recommendations to

the General Assembly as to how access for services might be improved.

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

(1) the Commissioner of Mental Health or designee, who shall serve as Chair;

(2) the Commissioner of Health or designee;

(3) a representative, appointed by Vermont Care Partners;

(4) a representative, appointed by the Vermont State School Nurses Association;

(5) a representative of Vermont colleges and universities, appointed by the Vermont Higher Education Council;

(6) a physician with relevant expertise, appointed by the Vermont Medical Society; and

(7) a representative, appointed by the Vermont chapter of the American Nutrition Association.

(c) Powers and duties.

(1) The Working Group shall:

(A) conduct an inventory of existing services in Vermont for individuals with eating disorders; and

(B) provide recommendations for expanding and improving existing services for individuals with eating disorders.

(2) In completing its duties pursuant to this section, the Working Group shall consult with individuals with lived experience with eating disorders, parents of individuals with eating disorders, medical or public health professionals with expertise in treatment and research related to eating disorders, and other relevant stakeholders.

(d) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Department of Mental Health.

(e) Report. On or before February 1, 2023, the Working Group shall submit a written report to the House Committees on Health Care and on Human Services and to the Senate Committee on Health and Welfare with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Chair shall call the first meeting of the Working Group to occur on or before September 1, 2022.

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

(3) The Working Group shall cease to exist on February 1, 2023.

* * * Effective Date * * *

Sec. 14. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

Proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 505

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

An act relating to reclassification of penalties for unlawfully possessing, dispensing, and selling a regulated drug

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

Sec. 1. 18 V.S.A. § 4230 is amended to read:

§ 4230. CANNABIS

* * *

(d) ~~Canabis-infused~~ Cannabis-infused products. Only the portion of a cannabis-infused product that is attributable to cannabis shall count toward the possession limits of this section. ~~The weight of cannabis that is attributable to cannabis-infused products shall be determined according to methods set forth in rule by the Department of Public Safety in accordance with chapter 86 of this title (therapeutic use of cannabis).~~

Sec. 2. 18 V.S.A. § 4231 is amended to read:

§ 4231. COCAINE

* * *

(c) Trafficking.

(1) ~~Trafficking.~~ A person knowingly and unlawfully possessing cocaine in an amount consisting of 150 grams or more of one or more preparations, compounds, mixtures, or substances containing cocaine with the intent to sell or dispense the cocaine shall be imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both. There shall be a permissive inference that a person who possesses cocaine in an amount consisting of 150 grams or more of one or more preparations, compounds, mixtures, or substances containing cocaine intends to sell or dispense the cocaine. The amount of

possessed cocaine under this subdivision to sustain a charge of conspiracy under 13 V.S.A. § 1404 shall be ~~no~~ not less than 400 grams in the aggregate.

~~(2) A person knowingly and unlawfully possessing crack cocaine in an amount consisting of 60 grams or more of one or more preparations, compounds, mixtures, or substances containing crack cocaine with the intent to sell or dispense the crack cocaine shall be imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both. There shall be a permissive inference that a person who possesses crack cocaine in an amount consisting of 60 grams or more of one or more preparations, compounds, mixtures, or substances containing crack cocaine intends to sell or dispense the crack cocaine. [Repealed.]~~

Sec. 3. 13 V.S.A. § 5453 is added to read:

§ 5453. DRUG USE STANDARDS ADVISORY BOARD

(a) There is hereby created the Drug Use Standards Advisory Board established within the Vermont Sentencing Commission composed of experts in the fields of general and mental health care, substance use disorder treatment, and drug user communities.

(b) The primary objective of the Board shall be to determine, for each regulated and unregulated drug, the benchmark personal use dosage and the benchmark personal use supply. The benchmarks determined pursuant to this subsection shall be determined with a goal of preventing and reducing the criminalization of personal drug use. The Board may provide additional recommendations to the Commission and the General Assembly regarding how to transition from a criminal justice approach to a public health approach to addressing drug possession.

(c)(1) The Board shall be convened and chaired by the Deputy Commissioner of Alcohol and Drug Abuse Programs. After receiving nominations from harm reduction service providers, the Deputy Commissioner shall appoint three consumer representatives to the Board who have lived experience in drug use and consumption practices. The Deputy Commissioner, after consulting with the three consumer representatives, shall strive for geographic diversity in appointing the remaining Board members as follows:

- (A) two representatives from harm reduction service providers;
- (B) an expert on medication-assisted treatment programs;
- (C) an expert on human behavior and addiction;
- (D) an expert on substance use disorder treatment;

(E) an expert on legal reform from the Vermont Law School Center for Justice Reform;

(F) an academic researcher specializing in drug use or drug policy;
and

(G) a representative of law enforcement.

(2) The Chief Prevention Officer shall be a nonvoting member of the Board.

(d) The Board shall have the administrative assistance of the Division of Alcohol and Drug Abuse Programs.

(e) Members of the Board shall be entitled to per diems pursuant to 32 V.S.A. § 1010 for not more than three meetings to develop initial recommendations required by subsection (f) of this section and once annually thereafter.

(f) On or before September 1, 2022, the Board shall provide to the Commission and the General Assembly:

(1) the recommended quantities for both the benchmark personal use dosage and benchmark personal use supply for each category of regulated drug listed in 18 V.S.A. § 4201(29); and

(2) a recommendation as to whether 18 V.S.A. § 4233 (heroin) and 18 V.S.A. § 4233a (fentanyl) should be combined into one statute.

(g) On or before December 1, 2022, based on the benchmark personal use dosage and benchmark personal use supply recommendations of the Board, the Commission shall make recommendations to the General Assembly regarding adjustments in the amounts for possession, dispensing, and sale of regulated drugs under this chapter and a proposal for combining the heroin and fentanyl statutes if recommended by the Board.

(h) Starting in 2023, the Board shall convene at least one time per year to review benchmarks established pursuant to this section and recommend any necessary amendments to the Commission and the General Assembly.

(i) As used in this section:

(1) “Benchmark personal use dosage” means the quantity of a drug commonly consumed over a 24-hour period for any therapeutic, medicinal, or recreational purpose.

(2) “Benchmark personal use supply” means the quantity of a drug commonly possessed for consumption by an individual for any therapeutic, medicinal, or recreational purpose.

Sec. 4. SUNSET OF DRUG USE STANDARDS ADVISORY BOARD

13 V.S.A. § 5453 (Drug Use Standards Advisory Board) is repealed on July 1, 2027.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

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

An act relating to the creation of the Drug Use Standards Advisory Board within the Vermont Sentencing Commission.

Proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in**H. 515**

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

An act relating to banking, insurance, and securities

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

First: In Sec. 10, 8 V.S.A. chapter 148, section 7122, subsection (b), by striking out “~~herein~~”

Second: In Sec. 20, 8 V.S.A. § 4728, subdivision (c)(2), by striking out “~~but not limited to~~”

Third: In Sec. 20, 8 V.S.A. § 4728, subdivision (c)(3)(A), immediately preceding “~~process~~” by inserting the word protective

Fourth: By adding a new section 23a to read as follows:

Sec. 23a. DEPARTMENT OF FINANCIAL REGULATION; BROADBAND
CONSTRUCTION; INSURANCE; GUIDANCE

(a) The availability of significant federal funds coupled with the State’s commitment to achieving universal broadband connectivity has resulted in an unprecedented period of broadband construction in our State. It is the purpose of this section to provide educational risk management guidance to broadband service providers engaged in broadband construction projects to reduce the risk of harm or injury to Vermonters, generally. It is not the intent of this section to establish new or expand existing rights, obligations, or remedies. Broadband service providers should consult with insurance professionals and legal counsel when developing specific contractual terms and conditions.

(b) The Department of Financial Regulation, in consultation with the Public Utility Commission, shall develop a guidance document that includes

recommendations related to standard insurance requirements and measures that ensure adequate coverage is in force for the duration of broadband construction projects. The guidance shall be posted on a website maintained by the Public Utility Commission and shall be distributed by the Commission to every broadband service provider that registers with the State as well as to the Vermont Community Broadband Board for distribution to recipients of State broadband construction grants.

(c) The Department of Financial Regulation may include in the guidance any recommendations for mitigating liability risk through safe cleanup practices on a broadband construction worksite and may include notification of the requirements pertaining to the proper disposal of solid waste as established in 24 V.S.A. § 2201.

(d) The guidance required by this section shall be published on or before September 15, 2022.

Proposal of amendment was considered and concurred in.

Action on Bill Postponed

H. 548

House bill, entitled

An act relating to miscellaneous cannabis establishment procedures

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Gannon of Wilmington**, action on the bill was postponed until May 4, 2022.

Senate Proposal of Amendment Concurred in

H. 711

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

An act relating to the creation of the Opioid Settlement Advisory Committee and the Opioid Abatement Special Fund

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

First: In Sec. 1, 18 V.S.A. chapter 93, section 4772, subsection (c), in the second sentence by striking out “Substance Misuse Advisory Council” and inserting in lieu thereof Substance Misuse Oversight Prevention and Advisory Council

Second: In Sec. 1, 18 V.S.A. chapter 93, section 4774, subsection (a), by striking out subdivisions (1) and (2) in their entireties and inserting in lieu thereof the following:

(a)(1) There is created the Opioid Abatement Special Fund, a special fund

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

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

Third: By striking out Sec. 2, sunset; Opioid Settlement Advisory Committee, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. SUNSET; OPIOID SETTLEMENT ADVISORY COMMITTEE

The Opioid Settlement Advisory Committee shall cease to exist upon written certification by the Chair of the Opioid Settlement Advisory Committee to the Governor, the Speaker of the House, and the President Pro Tempore that Vermont's share of monies from the national settlement fund administrator, the national opioid abatement trust, the supplemental opioid abatement fund, or any other settlement funds that must be utilized exclusively for opioid prevention, intervention, treatment, recovery, and harm reduction services has been fully expended.

Fourth: In Sec. 1, 18 V.S.A. chapter 93, section 4774, subsection (a), in both subdivisions (1) and (2), and in Sec. 2, sunset; Opioid Settlement Advisory Committee, by striking out the phrase "national settlement fund administrator" and inserting in lieu thereof national abatement account fund

Proposal of amendment was considered and concurred in.

Recess

At eleven o'clock and eleven minutes in the forenoon, the Speaker declared a recess until the fall of the gavel. At twelve o'clock and twenty-seven minutes in the afternoon, the Speaker called the House to order.

**Consideration Resumed; Committee Report Amended;
Proposal of Amendment Agreed to; Third Reading Ordered**

S. 281

Consideration resumed on Senate bill, entitled

An act relating to hunting coyotes with dogs

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Natural Resources, Fish, and Wildlife?, **Rep. McCullough of Williston** moved to amend the report of Committee on Natural Resources, Fish, and Wildlife as follows:

By striking out Sec. 3, Fish and Wildlife Board rules, in its entirety and inserting in lieu thereof two new sections to be Secs. 3 and 4 to read as follows:

**Sec. 3. FISH AND WILDLIFE BOARD RULES; PURSUING COYOTE
WITH THE AID OF DOGS**

(a) The General Assembly through the rules required under this section intends to reduce conflicts between landowners and persons pursuing coyote with the aid of dogs by reducing the frequency that dogs or persons pursuing coyote enter onto land that is posted against hunting or land where pursuit of coyote with dogs is not authorized. In addition, the General Assembly intends that the rules required under this section support the humane taking of coyote, the management of the population in concert with sound ecological principles, and the development of reasonable and effective means of control.

(b) The Fish and Wildlife Board shall adopt a rule regarding the pursuit of coyote with the aid of dogs, either for the training of dogs or for the taking of coyote. The rule shall include at least the following provisions:

(1) a limit on the number of dogs that may be used to pursue coyote;

(2) a prohibition on the substitution of any new dog for another dog during pursuit of a coyote;

(3) the legal method of taking coyote pursued with the aid of dogs, such as rifle, muzzle loader, crossbow, or bow and arrow;

(4) a definition of control to minimize the risk that dogs pursuing coyote:

(A) enter onto land that is posted against hunting;

(B) enter onto land where pursuit of coyote with dogs is not authorized;

(C) harass or harm people or domestic animals; and

(D) cause other unintentional damages to people or property;

(5) provisions to encourage persons pursuing coyote with the aid of dogs to seek landowner permission before entering or releasing dogs onto land that is not posted in accordance with 10 V.S.A. § 5201; and

(6) required reporting of every coyote killed during pursuit with the aid of dogs.

(c) The Board shall consider whether to include within the rule required by this section provisions related to seasonal restrictions and baiting.

(d) As used in this section, “harass” means to annoy a person or domestic animal to such an extent as to significantly disrupt normal behavioral patterns.

Sec. 4. EFFECTIVE DATES

(a) This section and Sec. 3 (Fish and Wildlife Board rules) shall take effect on passage.

(b) Sec. 2 (moratorium on hunting coyote with aid of dogs) shall take effect on July 1, 2022.

(c) Sec. 1 (permit requirement and prohibition on pursuing coyote with aid of dogs) shall take effect on the effective date of the Fish and Wildlife Board rules required under Sec. 3 of this act.

Which was agreed to. Thereupon, the report of the Committee on Natural Resources, Fish, and Wildlife, as amended, was agreed to, and third reading was ordered.

Senate Proposal of Amendment Concurred in With a Further Amendment Thereto; Rules Suspended; Bill Messaged to the Senate Forthwith

H. 736

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

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation

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

* * * Transportation Program Adopted as Amended; Definitions * * *

Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

(a) The Agency of Transportation’s Proposed Fiscal Year 2023 Transportation Program appended to the Agency of Transportation’s proposed

fiscal year 2023 budget, as amended by this act, is adopted to the extent federal, State, and local funds are available.

(b) As used in this act, unless otherwise indicated:

(1) “Agency” means the Agency of Transportation.

(2) “Candidate project” means a project approved by the General Assembly that is not anticipated to have significant expenditures for preliminary engineering or right-of-way expenditures, or both, during the budget year and funding for construction is not anticipated within a predictable time frame.

(3) “Development and evaluation (D&E) project” means a project approved by the General Assembly that is anticipated to have preliminary engineering expenditures or right-of-way expenditures, or both, during the budget year and that the Agency is committed to delivering to construction on a timeline driven by priority and available funding.

(4) “Electric vehicle supply equipment (EVSE)” has the same meaning as in 30 V.S.A. § 201.

(5) “Front-of-book project” means a project approved by the General Assembly that is anticipated to have construction expenditures during the budget year or the following three years, or both, with expected expenditures shown over four years.

(6) “Level 3 charger,” “level 3 EVSE,” or “direct-current fast charger (DCFC),” means EVSE that uses dedicated direct current (DC) to provide energy to a plug-in electric vehicle.

(7) “Secretary” means the Secretary of Transportation.

(8) “TIB funds” means monies deposited in the Transportation Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

(9) The table heading “As Proposed” means the Proposed Transportation Program referenced in subsection (a) of this section; the table heading “As Amended” means the amendments as made by this act; the table heading “Change” means the difference obtained by subtracting the “As Proposed” figure from the “As Amended” figure; and the terms “change” or “changes” in the text refer to the project- and program-specific amendments, the aggregate sum of which equals the net “Change” in the applicable table heading.

* * * Summary of Transportation Investments * * *

Sec. 2. FISCAL YEAR 2023 TRANSPORTATION INVESTMENTS
INTENDED TO REDUCE TRANSPORTATION-RELATED
GREENHOUSE GAS EMISSIONS, REDUCE FOSSIL FUEL
USE, AND SAVE VERMONT HOUSEHOLDS MONEY

This act includes the State's fiscal year 2023 transportation investments intended to reduce transportation-related greenhouse gas emissions, reduce fossil fuel use, and save Vermont households money in furtherance of the policies articulated in 19 V.S.A. § 10b and the goals of the Comprehensive Energy Plan and to satisfy the Executive and Legislative Branches' commitments to the Paris Agreement climate goals. In fiscal year 2023, these efforts will include the following:

(1) Park and Ride Program. This act provides for a fiscal year expenditure of \$4,043,060.00, which will fund one construction project to create a new park and ride facility; the design of one additional park and ride facility scheduled for construction in future fiscal years; the design of improvements to one additional park and ride facility; and paving projects for existing park and ride facilities. This year's Park and Ride Program will create 254 new State-owned spaces. Specific additions and improvements include:

(A) Berlin (Exit 6)—design for 62 spaces;

(B) Manchester—design for 50 new spaces; and

(C) Williston—construction of 142 new spaces.

(2) Bike and Pedestrian Facilities Program. This act, in concert with 2020 Acts and Resolves No. 139, Sec. 12(b)(1), provides for a fiscal year expenditure, including local match, of \$19,793,776.00, which will fund 29 bike and pedestrian construction projects and 18 bike and pedestrian design, right-of-way, or design and right-of way projects for construction in future fiscal years. The construction projects include the creation, improvement, or rehabilitation of walkways, sidewalks, shared-use paths, bike paths, and cycling lanes. In addition to completing the Lamoille Valley Rail Trail, which will run from Swanton to St. Johnsbury, projects are funded in Arlington, Bennington, Brattleboro, Bristol, Burlington, Chester, Colchester, Coventry, Dover, Enosburg Falls, Fairfax, Hardwick, Hartford, Hartland, Hinesburg, Lyndon, Manchester, Middlebury, Middlesex, Montpelier, Montpelier-Berlin, Moretown, New Haven, Pawlet, Plainfield, Poultney, Proctor, Richford, Roxbury, Royalton, Rutland City, Shelburne, South Burlington, Springfield, St. Albans City, Swanton, Vergennes, Waterbury, and Winooski. This act also provides State funding for some of Local Motion's operation costs to run the Bike Ferry on the Colchester Causeway, which is part of the Island Line Trail;

funding for the small-scale municipal bicycle and pedestrian grant program for projects to be selected during the fiscal year; funding for projects funded through the Safe Routes to School program; and funding for education and outreach to K–8 schools to encourage higher levels of walking and bicycling to school.

(3) Transportation Alternatives Program. This act provides for a fiscal year expenditure of \$5,665,880.00, including local funds, which will fund 18 transportation alternatives construction projects and 24 transportation alternatives design, right-of-way, or design and right-of-way projects. Of these 42 projects, 12 involve environmental mitigation related to clean water or stormwater concerns, or both clean water and stormwater concerns, and 23 involve bicycle and pedestrian facilities. Projects are funded in Bennington, Berlin, Brandon, Bridgewater, Bridport, Brighton, Burlington, Castleton, Chester, Colchester, Derby, Duxbury, Enosburg, Essex, Fair Haven, Fairfax, Franklin, Hartford, Hyde Park, Jericho, Montgomery, Newfane, Norwich, Pittsford, Proctor, Rutland Town, South Burlington, St. Johnsbury, Vergennes, Warren, West Rutland, Williston, Wilmington, and Winooski.

(4) Public Transit Program. This act authorizes \$50,239,278.00 in funding for public transit uses throughout the State, which is a 9.6 percent increase over fiscal year 2022 levels, a 21.8 percent increase over fiscal year 2021 levels, and a 30 percent increase over fiscal year 2020 levels. Included in the authorization are:

(A) Go! Vermont, with an authorization of \$873,000.00. This authorization supports transportation demand management (TDM) strategies, including the State's Trip Planner and commuter services, to promote the use of carpools and vanpools.

(B) Vermont Kidney Association Grant, with an authorization of \$50,000.00. This authorization supports the transit needs of Vermonters in need of dialysis services.

(C) Mobility and Transportation Innovation (MTI) Grant Program, with an authorization of \$1,500,000.00, through Sec. 15 of this act. This authorization continues to support projects that improve both mobility and access to services for transit-dependent Vermonters, reduce the use of single-occupancy vehicles, and reduce greenhouse gas emissions. Not less than \$1,250,000.00 of this authorization shall go towards microtransit projects.

(D) One-time public transit monies, with an authorization of \$1,200,000.00, through Sec. 16 of this act. This authorization will allow public transit providers to, as practicable, provide zero-fare public transit on routes other than commuter and LINK Express and restore service to pre-

COVID-19 levels.

(5) Rail Program. This act authorizes \$35,363,182.00, including local funds, for intercity passenger rail service and rail infrastructure throughout the State, including the return of New York City–Burlington passenger rail service.

(6) Transformation of the State Vehicle Fleet. The Department of Buildings and General Services, which manages the State Vehicle Fleet, currently has 18 plug-in hybrid electric vehicles and 11 battery electric vehicles in the State Vehicle Fleet. In fiscal year 2023, the Commissioner of Buildings and General Services will continue to purchase and lease vehicles for State use in accordance with 29 V.S.A. § 903(g), which requires, to the maximum extent practicable, that the Commissioner purchase or lease hybrid or plug-in electric vehicles, as defined in 23 V.S.A. § 4(85), with not less than 75 percent of the vehicles purchased or leased be hybrid or plug-in electric vehicles.

(7) Electric vehicle supply equipment. In furtherance of the State’s goal to increase the presence of EVSE in Vermont:

(A) Sec. 3 of this act authorizes up to \$6,250,000.00 to install level 3 EVSE along the State highway network and to cover capped administrative costs.

(B) Sec. 4 of this act amends a State goal to have a level 3 EVSE charging port available to the public within one driving mile, down from five miles, of every exit of the Dwight D. Eisenhower National System of Interstate and Defense Highways within the State and 25 driving miles, down from 50 miles, of another level 3 EVSE charging port available to the public along a State highway.

(C) The fiscal year 2023 budget authorizes up to \$10,000,000.00 to install EVSE at multiunit dwellings, workplaces, and public venues and attractions, such as parks, State parks and access areas, downtowns, museums, and ski mountains, and to cover capped administrative costs.

(8) Vehicle incentive programs and expansion of the PEV market.

(A) Incentive Program for New PEVs. Sec. 5(a) of this act authorizes \$12,000,000.00 for PEV purchase and lease incentives under the Incentive Program for New PEVs, which is the State’s program to incentivize the purchase and lease of new PEVs, and capped administrative costs.

(B) MileageSmart. Sec. 5(b) of this act authorizes up to \$3,000,000.00 for purchase incentives under MileageSmart, which is the State’s used high-fuel-efficiency vehicle incentive program, and capped

administrative costs.

(C) Replace Your Ride Program. Sec. 5(c) of this act authorizes \$3,000,000.00 for incentives under Replace Your Ride, which will be the State's program to incentivize Vermonters to remove older low-efficiency vehicles from operation and switch to modes of transportation that produce fewer greenhouse gas emissions, and capped administrative costs.

(D) Drive Electric Vermont. Sec. 5(d) of this act authorizes up to \$2,000,000.00 for the Agency to continue and expand the Agency's public-private partnership with Drive Electric Vermont to support the expansion of the PEV market in the State.

(9) Carbon Reduction Program. Sec. 18 of this act requires the Agency of Transportation to consult with the Vermont Climate Council and ensure that within the Agency of Transportation's Proposed Transportation Program for fiscal years 2024, 2025, and 2026 all federal monies that are proposed by the State for expenditure under the Carbon Reduction Program are allocated toward projects that align with the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

(10) Vermont State Standards. Sec. 19 of this act requires the Agency to develop a plan for updating the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads, and Streets to create context sensitive, multimodal projects that support smart growth.

(11) Bicycle and Pedestrian Planning Integration Program. Sec. 25 of this act requires the Agency to establish a program to support the continued development and buildout of bicycle and pedestrian infrastructure.

(12) Sustainable building components. Secs. 55–57 of this act establish the Agency's statement of policy on the use of sustainable building components.

* * * Electric Vehicle Supply Equipment (EVSE) Infrastructure * * *
* * * Investments in EVSE * * *

Sec. 3. INVESTMENTS IN ELECTRIC VEHICLE SUPPLY EQUIPMENT INFRASTRUCTURE

(a) State highway network. The Agency of Transportation is authorized to spend up to \$6,250,000.00 as appropriated in the fiscal year 2023 budget to install level 3 EVSE along the State highway network consistent with the goals established in 2021 Acts and Resolves No. 55, Sec. 30, as amended by Sec. 4 of this act. This authorization shall be used by the Agency for one or more of the following:

(1) to purchase and install level 3 EVSE;

(2) to provide grants for persons to purchase and install level 3 EVSE;

or

(3) to enter into a public-private partnership for the purchase and installation of level 3 EVSE.

(b) Purpose. The purpose of the expenditures authorized in subsection (a) of this section is to respond to negative economic impacts to the tourism, travel, and hospitality industries caused by the COVID-19 public health emergency.

(c) Administrative costs. Unless prohibited by federal or State law, the Agency may use up to 15 percent of the authorization in subsection (a) of this section for any administrative costs associated with installing level 3 EVSE along the State highway network.

(d) Carryforward; deployment in fiscal year 2023.

(1) Notwithstanding any other provision of law and subject to the approval of the Secretary of Administration, appropriations to support the authorizations under this section remaining unexpended on June 30, 2023 shall be carried forward and designated for the same expenditures in the subsequent fiscal year.

(2) Every reasonable effort shall be made to obligate and deploy the monies authorized for expenditure under this section in fiscal year 2023 in order to achieve a pace of EVSE deployment necessary to meet the emissions reduction requirements of 10 V.S.A. § 578(a) and the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

(e) Outreach and marketing. The Agency of Transportation shall ensure that there is sufficient outreach and marketing, including the use of translation and interpretation services, of any EVSE grant program or public-private partnership implemented or entered into pursuant to subsection (a) of this section and such costs shall be considered administrative costs for purposes of subsection (c) of this section.

* * * EVSE Goals * * *

Sec. 4. 2021 Acts and Resolves No. 55, Sec. 30 is amended to read:

Sec. 30. EVSE NETWORK IN VERMONT; REPORT OF ANNUAL
MAP

(a) It shall be the goal of the State to have, as practicable, a level 3 EVSE charging port available to the public within:

(1) ~~five miles~~ one driving mile of every exit of the Dwight D. Eisenhower National System of Interstate and Defense Highways within the State; and

(2) ~~50~~ 25 driving miles of another level 3 EVSE charging port available to the public along a State highway, as defined in 19 V.S.A. § 1(20).

(b) Notwithstanding 2 V.S.A. § 20(d), the Agency of Transportation shall file an up-to-date map showing the locations of all level 3 EVSE available to the public within the State with the House and Senate Committees on Transportation not later than January 15 each year until the goal identified in subsection (a) of this section is met.

* * * Vehicle Incentive Programs * * *

Sec. 5. VEHICLE INCENTIVE PROGRAMS

(a) Incentive Program for New PEVs. The Agency is authorized to spend up to \$12,000,000.00 as appropriated in the fiscal year 2023 budget on the Incentive Program for New PEVs established in 2019 Acts and Resolves No. 59, Sec. 34, as amended.

(b) MileageSmart. The Agency is authorized to spend up to \$3,000,000.00 as appropriated in the fiscal year 2023 budget on MileageSmart as established in 2019 Acts and Resolves No. 59, Sec. 34, as amended.

(c) Replace Your Ride Program. The Agency is authorized to spend up to \$3,000,000.00 as appropriated in the fiscal year 2023 budget on the Replace Your Ride Program established in 2021 Acts and Resolves No. 55, Sec. 27, as amended.

(d) Public-private partnership. The Agency is authorized to spend up to \$2,000,000.00 as appropriated in the fiscal year 2023 budget on the Agency's existing partnership with Drive Electric Vermont, which shall support the expansion of the PEV market in the State through the provision of stakeholder coordination, policy engagement, consumer education and outreach, infrastructure development, and technical assistance.

(e) Administrative costs. The Agency may use up to 15 percent of any single authorization in subsections (a)–(c) of this section for any costs associated with administering and promoting the vehicle incentive programs.

(f) Carryforward; deployment in fiscal year 2023.

(1) Notwithstanding any other provision of law and subject to the approval of the Secretary of Administration, appropriations to support the authorizations under this section remaining unexpended on June 30, 2023 shall be carried forward and designated for the same expenditures in the subsequent

fiscal year.

(2) Every reasonable effort shall be made to obligate and deploy the monies authorized for expenditure under this section in fiscal year 2023 in order to achieve a pace of plug-in electric vehicle deployment necessary to meet the emissions reduction requirements of 10 V.S.A. § 578(a) and the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

(g) Outreach and marketing. The Agency, in consultation with Drive Electric Vermont and the Vermont Vehicle and Automotive Distributors Association, shall ensure that there is sufficient outreach and marketing, including the use of translation and interpretation services, of the Incentive Program for New PEVs, MileageSmart, and Replace Your Ride so that Vermonters who are eligible under one or more of the incentive programs can easily learn how to secure as many incentives as are available and such costs shall be considered administrative costs for purposes of subsection (e) of this section.

Sec. 6. 2019 Acts and Resolves No. 59, Sec. 34(b), as amended by 2020 Acts and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112, 2021 Acts and Resolves No. 3, Sec. 56, and 2021 Acts and Resolves No. 55, Sec. 19 is further amended to read:

(b) Electric vehicle incentive program. An incentive program for Vermont residents to purchase and lease new PEVs shall structure PEV purchase and lease incentive payments by income to help Vermonters benefit from electric driving, including Vermont's most vulnerable. The program shall be known as the Incentive Program for New PEVs. Specifically, the Incentive Program for New PEVs shall:

* * *

(5) apply to:

(A) manufactured PEVs PHEVs with a Base Manufacturer's Suggested Retail Price (MSRP) of \$40,000.00 or less;

(B) manufactured BEVs with a Base MSRP of \$45,000.00 or less;
and

(C) manufactured PEVs with any Base MSRP that will be issued a special registration plate by the Commissioner of Motor Vehicles pursuant to 23 V.S.A. § 304a or will predominately be used to provide accessible transportation for the incentive recipient or a member of the incentive recipient's household, provided that the incentive recipient or the member of the incentive recipient's household has a removable windshield placard issued

by the Commissioner of Motor Vehicles pursuant to 23 V.S.A. § 304a; and

* * *

* * * Vermont Association of Snow Travelers Authorizations * * *

Sec. 7. VERMONT ASSOCIATION OF SNOW TRAVELERS (VAST)
AUTHORIZATIONS

(a) The Agency of Transportation, through the Department of Motor Vehicles, is authorized to spend:

(1) \$50,000.00 in one-time General Fund monies, as appropriated in the fiscal year 2023 budget, in grants to the Vermont Association of Snow Travelers (VAST) to support the Law Enforcement and Safety Program; and

(2) \$750,000.00 in one-time General Fund monies, as appropriated in the fiscal year 2023 budget, in grants to VAST to support the Equipment Grant-in-Aid Program.

(b) VAST shall ensure that the Equipment Grant-in-Aid Program maximizes the geographic distribution and utilization of equipment purchased in whole or in part with the monies authorized in subdivision (a)(2) of this section by implementing grant scoring criteria that awards equipment grants to applicants that have worked with neighboring clubs to groom at least 60 miles of trails and the equipment to be replaced is at least 15 years old.

* * * Bridge Formula Program; Off-System Bridges * * *

Sec. 8. BRIDGE FORMULA PROGRAM; OFF-SYSTEM BRIDGES;
REPEAL

(a) Findings. The General Assembly finds that:

(1) the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (IIJA) provides Vermont with \$225,000,000.00 in Bridge Formula Program funding for federal fiscal years 2022 through 2026;

(2) the Bridge Formula Program funds are to be used for the preservation and replacement of bridges;

(3) as part of the Bridge Formula Program, states are required to allocate a minimum of 15 percent of the funding to address off-system bridge needs, where off-system bridges are those that are located along roadways off the federal aid system;

(4) in Vermont, roadways off the federal aid system are primarily owned and maintained by municipalities; and

(5) under the IIJA, the federal share of funding for municipally owned off-system bridges is 100 percent.

(b) Priority implementation. In order to implement and allocate the Bridge Formula Program funding, the Agency of Transportation is directed to simultaneously:

(1)(A) Fund at 100 percent federal share the construction phase of all off-system bridges in the Fiscal Year 2023 Transportation Program for Town Highway Bridges that:

(i) were not authorized for federal funds for the construction phase of the pending project prior to the Fiscal Year 2023 Transportation Program; and

(ii) are either listed as a front-of-book project or development and evaluation (D&E) project in the Fiscal Year 2023 Transportation Program.

(B) The engineering (PE) and right-of-way (ROW) phases of projects to be funded at 100 percent federal share under subdivision (A) of this subdivision (1) shall continue to be funded at 80 percent federal, 10 percent State, and 10 percent municipal.

(2)(A) In the Fiscal Year 2023 through 2029 Transportation Programs, fund the construction phase of off-system covered bridges and off-system historic truss bridges within the Transportation Programs for Town Highway Bridges based on the prioritization of covered bridges and historic truss bridges under the prioritization process outlined in 19 V.S.A. § 10g(l) at 100 percent federal share.

(B) The engineering (PE) and right-of-way (ROW) phases of projects to be funded at 100 percent federal share under subdivision (A) of this subdivision (2) shall continue to be funded at 80 percent federal, 10 percent State, and 10 percent municipal.

(c) Secondary implementation. Should funding through the federal Bridge Formula Program remain available following the implementation delineated under subsection (b) of this section, town highway bridges shall be advanced based on the prioritization process outlined in 19 V.S.A. § 10g(l).

(d) Repeal. This section is repealed on October 1, 2029, at the conclusion of the authorized implementation period for the IIJA.

Sec. 9. TOWN HIGHWAY BRIDGE PROGRAM

(a) Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Town Highway Bridges, authorized spending for the construction phase of the following projects is amended to be 100 percent federal pursuant to Sec. 8(b)(1)(A) and (2)(A) of this act:

(1) Clarendon BO 1443(55);

- (2) Hartford BO 1444(60);
- (3) Ludlow Village BO 1443(52);
- (4) Poultney BO 1443(53);
- (5) Stowe BO 1446(37);
- (6) Stowe BO 1446(39);
- (7) Statewide Preservation Easement Paint Program; and
- (8) Statewide Rehabilitation of Covered Bridges.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Town Highway Bridges, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	350,000	350,000	0
PE	4,294,487	4,294,487	0
ROW	355,000	355,000	0
Construction	25,314,700	25,314,700	0
Total	30,314,187	30,314,187	0
<u>Sources of funds</u>			
TIB	2,402,455	2,402,455	0
State	1,919,899	1,230,817	-689,082
Federal	24,251,350	25,529,514	1,278,164
Local	1,740,483	1,151,401	-589,082
Total	30,314,187	30,314,187	0

(c) Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program, the following covered bridges projects are added to the candidate list for Town Highway Bridges:

- (1) Belvidere (Bridge No. 12 on Town Highway 3);
- (2) Charlotte (Bridge No. 27 on Town Highway 9);
- (3) Chelsea (Bridge No. 46 on Town Highway 68);
- (4) Hartland (Bridge No. 22 on Town Highway 15);
- (5) Lyndon (Bridge No. 33 on Town Highway 58);
- (6) Northfield (Bridge No. 10 on Town Highway 3);
- (7) Northfield (Bridge No. 11 on Town Highway 3);
- (8) Northfield (Bridge No. 15 on Town Highway 3);
- (9) Troy (Bridge No. 8 on Town Highway 12); and

(10) Weathersfield (Bridge No. 83 on Town Highway 65).

(d) Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program, the following metal truss bridges projects are added to the candidate list for Town Highway Bridges:

- (1) Berlin (Bridge No. 27 on Town Highway 61);
- (2) Bridgewater (Bridge No. 26 on Town Highway 34);
- (3) Enosburg (Bridge No. 45 on Town Highway 42);
- (4) Lincoln (Bridge No. 46 on Town Highway 6);
- (5) Moretown (Bridge No. 42 on Town Highway 39);
- (6) Newfane (Bridge No. 49 on Town Highway 26);
- (7) Northfield (Bridge No. 65 on Town Highway 57);
- (8) Royalton (Bridge No. 30 on Town Highway 6); and
- (9) Sheldon (Bridge No. 20 on Town Highway 22).

* * * Amendments to Fiscal Year 2023 Authorizations * * *

Sec. 10. PROGRAM DEVELOPMENT

Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Program Development Administration, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Person. Svcs.	23,753,701	23,753,701	0
Operat. Exp.	9,039,403	8,985,192	-54,211
Grants	286,000	286,000	0
Total	33,079,104	33,024,893	-54,211
<u>Sources of funds</u>			
State	25,074,132	25,019,921	-54,211
Federal	7,929,972	7,929,972	0
Inter Unit	75,000	75,000	0
Total	33,079,104	33,024,893	-54,211

Sec. 11. TOWN HIGHWAY AID

Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Town Highway Aid, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	27,783,413	27,837,624	54,211
Total	27,783,413	27,837,624	54,211

Sources of funds

State	27,783,413	27,837,624	54,211
Total	27,783,413	27,837,624	54,211

Sec. 12. POLICY AND PLANNING

Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Policy and Planning, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Person. Svcs.	4,767,663	4,767,663	0
Operat. Exp.	1,035,700	1,035,700	0
Grants	7,389,725	10,784,247	3,394,522
Total	13,193,088	16,587,610	3,394,522

Sources of funds

State	3,217,573	3,217,573	0
Federal	9,920,240	13,314,762	3,394,522
Inter Unit	55,275	55,275	0
Total	13,193,088	16,587,610	3,394,522

Sec. 13. TOWN HIGHWAY STRUCTURES AND TOWN HIGHWAY CLASS 2 ROADWAY

(a) Town highway structures. The Agency shall carry forward not less than \$866,500.00 of unexpended fiscal year 2022 appropriations and designate those monies for grant awards under the town highway structures program so as to meet the statutory minimum grant award totals required under 19 V.S.A. § 306(e) in fiscal year 2023.

(b) Town highway class 2 roadway. The Agency shall carry forward not less than \$951,250.00 of unexpended fiscal year 2022 appropriations and designate those monies for grant awards under the town highway class 2 roadway program so as to meet the statutory minimum grant award totals required under 19 V.S.A. § 306(h) in fiscal year 2023.

Sec. 14. ONE-TIME APPROPRIATION; DMV IT PROJECT

Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program, in one-time appropriations, the number "20,250,000" is struck out for "All Exp," "Total," "Transportation Fund," and "Total" and replaced with the number "0" so as to indicate that there is no appropriation to the Department of Motor Vehicles for the DMV Core System Modernization Phase II project, and a note is added to read as follows: "The fiscal year 2023 budget bill appropriates \$20,250,000 from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Agency of Digital Services for the DMV Core System Modernization Phase II project."

* * * Mobility and Transportation Innovation Grant Program * * *

Sec. 15. MOBILITY AND TRANSPORTATION INNOVATION GRANT PROGRAM

(a) Project addition. The following project is added to the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Public Transit: Mobility and Transportation Innovation (MTI) Grant Program.

(b) Authorization. Spending authority for Mobility and Transportation Innovation (MTI) Grant Program is authorized as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	0	1,500,000	1,500,000
Total	0	1,500,000	1,500,000
<u>Sources of funds</u>			
State	0	500,000	500,000
General Fund	0	1,000,000	1,000,000
Total	0	1,500,000	1,500,000

(c) Implementation. The Agency of Transportation shall continue to administer the Mobility and Transportation Innovation (MTI) Grant Program, which was created pursuant to 2020 Acts and Resolves No. 121, Sec. 16. The Program shall continue to support projects that improve both mobility and access to services for transit-dependent Vermonters, reduce the use of single-occupancy vehicles, and reduce greenhouse gas emissions. Not less than \$1,250,000.00 of this authorization shall go towards microtransit projects.

* * * Public Transit; Zero Fare; Level of Service * * *

Sec. 16. ONE-TIME PUBLIC TRANSIT MONIES

(a) Project addition. The following project is added to the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Public Transit: Increased One-Time Monies for Public Transit for Fiscal Year 2023.

(b) Authorization. Spending authority for Increased One-Time Monies for Public Transit for Fiscal Year 2023 is authorized as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	1,200,000	1,200,000
Total	0	1,200,000	1,200,000
<u>Sources of funds</u>			
General Fund	0	1,200,000	1,200,000
Total	0	1,200,000	1,200,000

(c) Implementation. Transit agencies that are eligible to receive grant funds pursuant to 49 U.S.C. § 5307 or 5311, or both, in the State shall, as

practicable and in the sole discretion of the transit agencies, do the following during fiscal year 2023:

(1) operate routes other than commuter and LINK Express on a zero-fare basis; and

(2) provide service at pre-COVID-19 levels.

(d) Report. On or before January 31, 2023, the Agency of Transportation shall file a written report with the House and Senate Committees on Transportation that:

(1) shows changes in public transit ridership, by county and type of service, in fiscal years 2020, 2021, and 2022 and in fiscal year 2023 through the end of the second quarter; and

(2) estimates the amount of funding needed to provide zero-fare service on transit operated by public transit agencies that are eligible to receive grant funds pursuant to 49 U.S.C. § 5307 or 5311, or both, broken out by county and type of service in fiscal year 2024.

* * * Burlington International Airport Study Committee; Report * * *

Sec. 17. BURLINGTON INTERNATIONAL AIRPORT STUDY COMMITTEE; REPORT

(a) Project addition. The following project is added to the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Aviation: Burlington International Airport Study.

(b) Authorization.

(1) Spending authority for the Burlington International Airport Study is authorized as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	150,000	150,000
Total	0	150,000	150,000
<u>Sources of funds</u>			
State	0	15,000	15,000
Federal	0	135,000	135,000
Total	0	150,000	150,000

(2) Spending authority for South Burlington AV-FY18-001 is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Const	12,650,000	12,500,000	-150,000
Total	12,650,000	12,500,000	-150,000

Sources of funds

State	500,000	485,000	-15,000
Federal	11,385,000	11,250,000	-135,000
Local	765,000	765,000	0
Total	12,650,000	12,500,000	-150,000

(3) The City of Burlington, which is the sponsor of the Burlington International Airport, and the Agency of Transportation shall work together to secure a grant from the Federal Aviation Administration to cover the \$135,000.00 in federal monies authorized for expenditure under subdivision (1) of this subsection for the Burlington International Airport Study.

(c) Creation. There is created the Burlington International Airport Study Committee to examine the existing governance structure and alternatives to the existing governance structure of the Burlington International Airport (Airport) and to report the Committee's findings and recommendations.

(d) Membership. The Committee shall be composed of the following nine voting members and two nonvoting members:

(1) one voting member appointed by the Governor;

(2) one voting member designated by the mayor of the City of Burlington;

(3) one voting member designated by the city council of the City of Burlington;

(4) one voting member designated by the city council of the City of South Burlington;

(5) one voting member designated by the mayor of the City of Winooski;

(6) one voting member designated by the Chittenden County Regional Planning Commission to represent individuals, such as Black, Indigenous, and Persons of Color (BIPOC), immigrants, individuals with low income, and individuals residing in "disadvantaged communities" as defined in federal Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad," adversely affected by the Airport;

(7) one voting member designated by the Chittenden County Regional Planning Commission to represent the general aviation organizations at the Airport;

(8) the Secretary of Transportation or designee, who shall be a voting member;

(9) one voting member designated by the President and CEO of the

Lake Champlain Regional Chamber of Commerce;

(10) the current, including acting or interim, Director of Aviation for the Airport or designee, who shall be a nonvoting member of the Committee; and

(11) the Director of the Chittenden County Regional Planning Commission or designee, who shall be a nonvoting member of the Committee.

(e) Assistance; consultant.

(1) The Committee shall have the administrative, technical, and legal assistance of the Agency of Transportation, which shall contract with an independent third-party consultant with expertise in airport governance and may contract with an additional person to serve as a neutral facilitator for the Committee if such assistance cannot be provided by an employee or employees of the Agency of Transportation.

(2) The Agency of Transportation shall work with the Committee to prepare a request for information and a request for proposal for the retention of the independent third-party consultant that is contracted with pursuant to subdivision (1) of this subsection.

(f) Powers and duties. The Committee, with the assistance of the consultant retained as required under subsection (e) of this section, shall:

(1) review prior reports and recommendations prepared on the governance structure of the Airport, including the January 1, 2020 memorandum from Eileen Blackwood, Burlington City Attorney to Mayor Miro Weinberger and the City Council regarding Burlington International Airport and Regional Governance Questions; the June 10, 2013 Burlington International Airport, Airport Strategic Planning Committee Recommendations (Airport Strategic Planning Committee Recommendations); and the December 1985 Final Report of the Burlington Airport Study Group;

(2) examine the advantages and disadvantages of each of the options identified in the Airport Strategic Planning Committee Recommendations;

(3) examine the advantages and disadvantages of any additional governance structure options for the Airport recommended by the consultant or identified by a majority of the voting members of the Committee as warranting study;

(4) identify any other issue relating to the governance of the Airport that a majority of the voting members of the Committee determine warrants study; and

(5) make recommendations on the governance structure of the Airport as supported by a majority of the voting members of the Committee.

(g) Report; recommendations. On or before January 15, 2024, the Committee shall submit a written report to the General Assembly with its findings and recommendations. Any recommendations from the Committee shall address how to ensure that there are not negative financial impacts on the City of Burlington.

(h) Meetings.

(1) The Secretary of Transportation or designee shall call the first meeting of the Committee to occur on or before September 30, 2022.

(2) The Committee shall select a chair from among its voting members at the first meeting.

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

(4) The Committee shall cease to exist on January 16, 2024.

(i) Compensation and reimbursement. Members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings.

* * * Future Transportation Programs * * *

* * * Carbon Reduction Program * * *

Sec. 18. FUTURE FISCAL YEAR TRANSPORTATION PROGRAMS; CARBON REDUCTION PROGRAM

The Agency of Transportation shall consult with the Vermont Climate Council and ensure that within the Agency of Transportation's Proposed Transportation Program for fiscal years 2024, 2025, and 2026 all federal monies that are proposed by the State for expenditure under the Carbon Reduction Program, codified at 23 U.S.C. § 175, are allocated toward projects that align with the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

* * * Plan to Update Vermont State Standards * * *

Sec. 19. PLAN TO UPDATE VERMONT STATE STANDARDS

(a) The Agency shall develop a plan for updating the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads, and Streets (C.V.R. 14-010-019) (Vermont State Standards) to create context sensitive, multimodal projects that support smart growth as recommended in the Revising the Vermont State Standards

(VSS) M2D2: Multimodal Development and Delivery Work Plan, March 2015 (State Standards Work Plan), prepared in accordance with 2014 Acts and Resolves No. 167, Sec. 26.

(b) As recommended in the State Standards Work Plan, the Agency of Transportation shall also prepare a plan to update documents, standards, guidance, and procedures related to the Vermont State Standards.

(c) The Agency shall budget for the plan to update the Vermont State Standards and related documents in the Proposed Fiscal Year 2024 Transportation Program.

(d) The Agency shall make staff available to the House and Senate Committees on Transportation for an oral presentation on the plan to update the Vermont State Standards and corresponding budget beginning on January 15, 2023.

* * * Transportation Alternatives Grant Program * * *

Sec. 20. 19 V.S.A. § 38 is amended to read:

§ 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

(a), (b) [Repealed.]

(c) The Transportation Alternatives Grant Program is created. The Grant Program shall be administered by the Agency, and shall be funded in the amount provided for in 23 U.S.C. § 133(h), less the funds set aside for the Recreational Trails Program. Awards shall be made to eligible entities as defined under 23 U.S.C. § 133(h), and awards under the Grant Program shall be limited to the activities authorized under federal law and shall not exceed \$300,000.00 per grant allocation.

(d) Eligible entities awarded a grant must provide all funds required to match federal funds awarded for a Transportation Alternatives project. All grant awards shall be decided and awarded by the Agency.

* * *

~~(f)(1) In fiscal years 2018 and 2019, all Grant Program funds shall be reserved for municipalities for environmental mitigation projects relating to stormwater and highways, including eligible salt and sand shed projects.~~

~~(2) In fiscal years 2020 and 2021, Grant Program funds shall be awarded for any eligible activity and in accordance with the priorities established in subdivision (4) of this subsection.~~

(3) In fiscal year 2022 and thereafter, \$1,100,000.00 50 percent of Grant Program funds, or such lesser sum if all eligible applications amount to

less than ~~\$1,100,000.00~~ 50 percent of Grant Program funds, shall be reserved for municipalities for environmental mitigation projects relating to stormwater and highways, including eligible salt and sand shed projects, and the balance of Grant Program funds shall be awarded for any eligible activity and in accordance with the priorities established in subdivision (2) of this subsection.

~~(4)(2) Regarding Grant Program funds awarded in fiscal years 2020 and 2021, and the balance of Grant Program funds not reserved for environmental mitigation projects in fiscal year 2022 and thereafter, in~~ In evaluating applications for Transportation Alternatives grants, the Agency shall give preferential weighting to projects involving as a primary feature a bicycle or pedestrian facility. The degree of preferential weighting and the circumstantial factors sufficient to overcome the weighting shall be in the complete discretion of the Agency.

* * *

* * * Amendments to the 2021 Transportation Bill * * *

* * * Electric Bicycle Incentives Administrative Costs * * *

Sec. 21. 2021 Acts and Resolves No. 55, Sec. 2(8)(D) and (E) are amended to read:

(D) Replace Your Ride Program. Sec. 27 of this act creates a new program to be known as the Replace Your Ride Program, which will be the State's program to incentivize Vermonters to remove older low-efficiency vehicles from operation and switch to modes of transportation that produce fewer greenhouse gas emissions, and authorizes up to ~~\$1,500,000.00~~ \$1,495,000.00 for incentives under the Program and capped startup and administrative costs.

(E) Electric bicycle incentives. Sec. 28 of this act authorizes up to ~~\$50,000.00~~ \$55,000.00 for \$200.00 incentives for the purchase of an electric bicycle and capped administrative costs.

Sec. 22. 2021 Acts and Resolves No. 55, Sec. 27(d) is amended to read:

(d) Authorization. In fiscal year 2022, the Agency is authorized to spend up to ~~\$1,500,000.00~~ \$1,495,000.00 in one-time Transportation Fund monies on the Replace Your Ride Program established under this section, with up to ~~\$300,000.00~~ \$295,000.00 of that ~~\$1,500,000.00~~ \$1,495,000.00 available for startup costs, outreach education, and costs associated with developing and administering the Replace Your Ride Program.

Sec. 23. 2021 Acts and Resolves No. 55, Sec. 28(b) is amended to read:

(b) Authorization.

(1) In fiscal year 2022, the Agency is authorized to spend up to \$50,000.00 in one-time Transportation Fund monies on the electric bicycle incentives and up to \$5,000.00 on the costs associated with developing and administering the electric bicycle incentives.

(2) If less than \$5,000.00 is expended on administrative costs associated with developing and administering the electric bicycle incentives under subdivision (1) of this subsection, then the balance of that \$5,000.00 shall only be authorized for startup costs, outreach education, and costs associated with developing and administering the Replace Your Ride Program in addition to the authorization in Sec. 27(d) of this act.

* * * EVSE Grant Program * * *

Sec. 24. 2021 Acts and Resolves No. 55, Sec. 29 is amended to read:

Sec. 29. GRANT PROGRAMS FOR ~~LEVEL 2 CHARGERS~~ EVSE IN
MULTI-UNIT MULTIUNIT DWELLINGS; REPORT

(a) As used in this section:

* * *

(2) “~~Multi-unit~~ Multiunit affordable housing” means a ~~multi-unit~~ multiunit dwelling where:

* * *

(3) “~~Multi-unit~~ Multiunit dwelling” means a housing project, such as cooperatives, condominiums, dwellings, or mobile home parks, with 10 or more units constructed or maintained on a tract or tracts of land.

(4) “~~Multi-unit~~ Multiunit dwelling owned by a nonprofit” means a ~~multi-unit~~ multiunit dwelling owned by a person that has nonprofit status under Section 501(c)(3) of the U.S. Internal Revenue Code, as amended, and is registered as a nonprofit corporation with the Office of the Secretary of State.

(5) “Electric vehicle supply equipment (EVSE)” includes both level 1 chargers, which connect directly into a standard 120-volt AC outlet and supply an average output of 1.3 to 2.4 kilowatts and are also known as level 1 EVSE, and level 2 chargers, which have a single-phase input voltage range from 208 to 240 volts AC and a maximum output current less than or equal to 80 amperes AC and are also known as level 2 EVSE.

(b) The Agency of Transportation shall establish and administer, through a memorandum of understanding with the Department of Housing and Community Development, a pilot program to support the continued buildout of electric vehicle supply equipment at ~~multi-unit~~ multiunit affordable housing and ~~multi-unit~~ multiunit dwellings owned by a nonprofit and build upon the

existing VW EVSE Grant Program that the Department of Housing and Community Development has been administering on behalf of the Department of Environmental Conservation.

* * *

(d) Pilot program funding shall be awarded with consideration of broad geographic distribution as well as service models ranging from restricted private parking to publicly accessible parking so as to examine multiple strategies to increase access to EVSE.

* * *

(f) If the Agency of Transportation, in consultation with the interagency team, determines that programmatic funding remains available following the first round of grant awards, then the pilot program shall be opened up and made available to any ~~multi-unit~~ multiunit dwelling.

* * *

* * * Bicycle and Pedestrian Planning Integration Program * * *

Sec. 25. BICYCLE AND PEDESTRIAN PLANNING INTEGRATION PROGRAM

(a) Establishment. The Agency of Transportation shall establish a program to support the continued development and buildout of bicycle and pedestrian infrastructure. The purpose of the program is to do at least one of the following:

(1) ensure alignment and integration of municipal and State bicycle and pedestrian infrastructure deployment and to provide a framework for municipal prioritization of bicycle and pedestrian projects that can be integrated into the VTrans Project Selection and Project Prioritization (VPSP2) process as projects are evaluated for funding through State-sponsored programs, including the Bike and Pedestrian Program, the Transportation Alternatives Program, and the Downtown Transportation Fund; or

(2) integrate bicycle and pedestrian elements into Agency-developed projects.

(b) Consultation and implementation. The Agency shall work with the State's Regional Planning Commissions (RPCs) in implementing the program by providing funding through the Transportation Planning Initiative (TPI) Program for RPCs to develop prioritized municipal bicycle and pedestrian plans or to assist member municipalities in developing prioritized municipal bicycle and pedestrian plans.

* * * Transportation Board * * *

Sec. 26. 5 V.S.A. chapter 3 is redesignated to read:

CHAPTER 3. PROCEEDINGS BY THE BOARD; APPEAL TO SUPERIOR COURT JUDICIAL REVIEW

Sec. 27. 5 V.S.A. § 37 is amended to read:

§ 37. MEMBERS; TERMS; RETIREMENT; APPEAL

(a) When a Board member who hears all or a substantial part of a case retires from office before the case is completed, ~~he or she~~ that individual shall remain a member of the Board for the purpose of concluding and deciding the case, and signing the findings, orders, decrees, and judgments of the case. A retiring chair shall also remain a member for the purpose of certifying questions of law if appeal is taken.

(b) A case shall be deemed completed when the Board enters a final order even though ~~the order is appealed to a Superior Court and~~ judicial review is sought pursuant to 19 V.S.A. § 5(c) or the case remanded to the Board. Upon remand, the Board then in office may consider relevant evidence, including any part of the transcript of testimony in the proceedings prior to appeal.

Sec. 28. 5 V.S.A. § 40 is amended to read:

§ 40. PLEADINGS; RULES OF PRACTICE; FINDINGS OF FACT

(a) The forms, pleadings, and rules of practice and procedure before the Board shall be prescribed by the Board.

(b) The Board shall hear all matters within its jurisdiction and make findings of fact. It shall state its rulings of law when required. Upon ~~appeal to a Superior Court~~ judicial review pursuant to 19 V.S.A. § 5(c), the Board's findings of fact shall be accepted unless clearly erroneous.

Sec. 29. 5 V.S.A. §§ 43 and 44 are amended to read:

§ 43. REVIEW BY SUPERIOR COURT JUDICIAL REVIEW

A party to a cause who feels aggrieved by the final order, judgment, or decree of the Board may ~~appeal to a Superior Court under Rule 74 of the Vermont Rules of Civil Procedure~~ seek judicial review pursuant to 19 V.S.A. § 5(c). However, the Board, before final judgment, may permit an interlocutory appeal to be taken by any party pursuant to a Superior Court 19 V.S.A. § 5(c) for determination of questions of law in the same manner as the Supreme Court may by rule provide for appeals before final judgment from a Superior Court. Notwithstanding the provisions of the Vermont Rules of Civil Procedure or the Vermont Rules of Appellate Procedure, neither the

time for filing a notice of appeal nor the filing of a notice of appeal, as provided in this section, shall operate as a stay of enforcement of an order of the Board unless the Board or a ~~Superior~~ the Supreme Court grants a stay under the provisions of section 44 of this ~~title~~ chapter.

§ 44. POWERS OF ~~SUPERIOR~~ THE SUPREME COURT

~~A Superior~~ Upon appeal to the Supreme Court, the Court may reverse or affirm the judgments, orders, or decrees of the Transportation Board and may remand a cause to it with mandates, as law or equity shall require; and the Board shall enter its judgment, order, or decree in accordance with these mandates. Appeals to the ~~Superior~~ Supreme Court shall not have the effect of vacating any judgment, order, or decree of the Board, but the ~~Superior~~ Supreme Court, upon notice to interested parties, may suspend execution of a Board judgment under a decree as justice and equity require unless otherwise specifically provided by law.

Sec. 30. 5 V.S.A. § 207(d) is amended to read:

(d) The application for a certificate of approval of the site selected shall be in writing and substantially describe the property involved and the general purposes for which it is to be acquired and the manner in which the acquisition is asserted to serve the public interest. The application shall designate the names of all owners or persons known to be interested in lands adjoining the property and their residences, if known, and shall contain such further matter as the Board by rule shall determine. The application shall be supported by documentation showing that the proposed facility has received municipal approval. After evaluating the application, the Board shall issue its order giving notice of the time and place of hearing on the application. The applicant shall give notice of the proceedings to all persons owning or interested in adjoining lands by delivery of a true copy of the application and order for hearing by registered or certified mail to the last known address of each of the persons; the notice to be mailed at least 12 days prior to the date of the hearing. Notice of the hearing and a general statement of the purpose shall be published at least once in a newspaper of common circulation in the town where the property described in the application is situated at least two days before the date of the hearing, and a similar notice shall be posted in a public place at least 12 days before the hearing. Upon compliance by the applicant with the foregoing provisions for notice, the Board shall hear the applicant and all parties interested on the question of approval of the site or sites and shall consider and determine whether in the public interest the application ought to be granted. Whenever the Board makes an order granting or denying a certificate of approval of an airport, or a restricted landing area, approval to use or operate an airport or a restricted landing area or other air navigation

facility, an aggrieved person may have the decision reviewed on the record by the Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure seek judicial review pursuant to 19 V.S.A. § 5(c).

Sec. 31. 5 V.S.A. § 652 is amended to read:

§ 652. SUPERIOR COURT JUDICIAL REVIEW

The Secretary of Transportation or the legislative body of a municipality, as defined in 24 V.S.A. § 2001, or the committee representing two or more municipalities, when authorized by vote of their legislative bodies, may proceed in Superior Court as provided in 19 V.S.A. chapter 5, except as otherwise provided in this subchapter.

Sec. 32. 5 V.S.A. § 3639 is amended to read:

§ 3639. FARM CROSSINGS AND CATTLE GUARDS; CONSTRUCTION AND MAINTENANCE; JUDICIAL REVIEW

(a) A person ~~or corporation~~ owning or operating a railroad shall construct and maintain farm crossings of the road for the use of the proprietors of lands adjoining the railroad, and cattle guards at all farm and road crossings sufficient to prevent cattle and animals from getting on the railroad. A farm crossing may be temporarily or permanently closed or discontinued by mutual agreement between all parties having an interest therein. If no such mutual agreement can be reached by such interested parties, then a person ~~or corporation~~ owning or operating a railroad and desiring to close any farm crossing shall make application to the Transportation Board. The Board shall thereupon give notice to all parties interested, in such manner as the Board may direct, of hearing on the application, the hearing to be in the county where such crossing is located. After the hearing, a person ~~or corporation~~ owning or operating a railroad shall not close such farm crossing without the approval of the Transportation Board. A person aggrieved by the closing of a farm crossing after January 1, 1955 by a person ~~or corporation~~ owning or operating a railroad may notify the Transportation Board by registered or certified mail of the closing, and thereupon the Board shall conduct a hearing. Notice and place of hearing shall be as set forth in this subsection. The Transportation Board may require the reopening of any such crossing and make such other order as is permitted in section 3649 of this title. At any such hearing, the burden of proof shall rest with the person or persons effecting or seeking to effect the closing of such farm crossing. Any person aggrieved by ~~an the final order of the Transportation Board, who was a party to the proceedings, may, in accordance with Rule 74 of the Vermont Rules of Civil Procedure, appeal to the Superior Court, whereupon such cause shall be tried as an original action brought under the provisions of 12 V.S.A. § 402~~ seek judicial review pursuant

to 19 V.S.A. § 5(c).

(b) A person ~~or railroad corporation~~ closing any farm crossing in violation of a provision of this section or failing to comply with any such order shall be fined not less than \$50.00 nor more than \$500.00, and any person aggrieved by such violation may recover ~~his or her~~ the person's damages in an action on this statute.

Sec. 33. 5 V.S.A. § 3788 is amended to read:

§ 3788. ORDERS OF BOARD; ~~APPEALS~~ JUDICIAL REVIEW

The order of the Board relating to any matter upon which it may act under the authority of this chapter shall be communicated in writing to the petitioners and to all persons to whom notice of the hearing on such petition was given. Any person aggrieved by such order, who was a party to such proceedings, ~~may appeal from such order to the Superior Court in accordance with Rule 74 of the Vermont Rules of Civil Procedure~~ seek judicial review pursuant to 19 V.S.A. § 5(c).

Sec. 34. 9 V.S.A. § 4100b is amended to read:

§ 4100b. ENFORCEMENT; TRANSPORTATION BOARD

(a) The Transportation Board established in 19 V.S.A. § 3 shall enforce the provisions of this chapter.

* * *

(h) Within 20 days after any order or decision of the Board authorized under this chapter, any party to the proceeding may apply for a rehearing with respect to any matter determined in the proceeding or covered or included in the order or decision. The application for rehearing shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of the Board shall be taken unless the appellant makes an application for rehearing as provided in this subsection, and when the application for rehearing has been made, no ground not set forth in the application shall be urged, relied on, or given any consideration by the Board unless the Board for good cause shown allows the appellant to specify additional grounds. Any party to the proceeding may appeal the final order, including all interlocutory orders or decisions, pursuant to the Superior Court 19 V.S.A. § 5(c) within 30 days after the date the Board rules on the application for reconsideration of the final order or decision. All findings of the Board upon all questions of fact properly before the court shall be prima facie lawful and reasonable. The order or decision appealed from shall not be set aside or vacated except for errors of law. No additional evidence shall be heard or taken by the ~~Superior~~ Supreme

Court on appeals from orders or decisions by the Board authorized under this title.

(i) In cases where the Board finds that a violation of this chapter has occurred or there has been a failure to show good cause under section 4089 or 4098 of this title, the ~~Superior Court~~ Board, upon petition, shall determine reasonable attorney's fees and costs and award them to the prevailing party.

Sec. 35. 19 V.S.A. § 5 is amended to read:

§ 5. TRANSPORTATION BOARD; POWERS AND DUTIES

(a) General duties and responsibilities; exceptions. The regulatory and quasi-judicial functions relating to transportation shall be vested in the Board, except that the duties and responsibilities of the Commissioner of Motor Vehicles in Titles 23 and 32, including all quasi-judicial powers, shall continue to be vested in the Commissioner.

(b) Naming transportation facilities.

(1) Except as otherwise authorized by law, the Board is the sole authority responsible for naming transportation facilities owned, controlled, or maintained by the State, including highways and the bridges thereon, airports, rail facilities, rest areas, and welcome centers. The Board shall exercise its naming authority only upon petition of the legislative body of a municipality of the State, of the head of an Executive Branch agency or department of the State, or of 50 Vermont residents.

(2) The Board shall hold a public hearing for each facility requested to be named. The Board shall adopt rules governing notice and conduct of hearings, the standards to be applied in rendering decisions under this subsection, and any other matter necessary for the just disposition of naming requests. The Board shall issue a decision, which shall be subject to review on the record ~~by a Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure~~ subsection (c) of this section. The Board may delegate the responsibility to hold a hearing to a hearing officer or a single Board member, subject to the procedure of subsection (c) of this section, but shall not be bound by 3 V.S.A. chapter 25 in carrying out its duties under this subsection.

(c) Hearing examiners; report of findings; final orders; judicial review. The Board may delegate the responsibility to hear quasi-judicial matters, and other matters as it may deem appropriate, to a hearing examiner or a single Board member, to hear a case and make findings in accordance with 3 V.S.A. chapter 25, except that highway condemnation proceedings shall be conducted pursuant to the provisions of chapter 5 of this title. A hearing examiner or single Board member so appointed shall report the findings of fact in writing to the Board. Any order resulting from those findings shall be rendered only

by a majority of the Board. Final orders of the Board issued pursuant to section 20 of this title (small claims against the Agency) may be reviewed on the record by a Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure. All other final orders of the Board may be reviewed on the record by the Supreme Court.

(d) Specific duties and responsibilities. The Board shall:

* * *

(e) Offices and assistance. Suitable offices and office equipment shall be provided by the State for the Board at Montpelier. The Board may employ clerical or other employees and assistants whom it deems necessary in the performance of its duties and in the investigation of matters within its jurisdiction.

(f) Jurisdiction; subpoenas; witness fees. The Board shall have the power to determine and adjudicate all matters over which it is given jurisdiction. It may render judgments and make orders and decrees. Whenever the Board is sitting in a quasi-judicial capacity, it may issue subpoenas for the testimony of witnesses or the production of evidence. The fees for travel and attendance of witnesses shall be the same as for witnesses and officers appearing before a Civil Division of the Superior Court.

(g) Reports to the General Assembly. From time to time, the Board may report to the General Assembly with suggestions of amendment to existing law or of new legislation as it deems necessary and any information concerning the companies, matters, and things under the jurisdiction of the Board and Agency that, in its opinion, will be of interest to the General Assembly.

(h) Appeals from the Agency to the Board. Unless otherwise provided by law, when an appeal is allowed from the Agency to the Board, the appeal shall be taken by filing a notice of appeal with the Secretary within 30 days of the date of the Agency decision from which the appeal is taken. The Secretary shall promptly forward the notice of appeal to the Board, together with the Agency's record of decision.

* * * Repeal of 5 V.S.A. Chapter 5 * * *

Sec. 36. REPEAL

5 V.S.A. chapter 5 (assessments to support Agency of Transportation and Transportation Board) is repealed.

* * * On-Premises Signs * * *

Sec. 37. 10 V.S.A. § 493 is amended to read:

§ 493. ON-PREMISES SIGNS

Owners or occupants of real property may erect and maintain on the property; on-premises signs advertising the sale or lease of the property or activities being conducted on the property. Those signs shall be subject to the regulations set forth below.

(1) On-premises signs may be erected or maintained, with a total area of not more than 150 square feet, advertising activities being conducted on the same premises. However, this limitation does not apply to signs existing on May 1, 1971, or attached to or part of the building in which the activities are being carried on. An on-premises sign shall not be located more than 1,500 feet from a main entrance from the highway to the activity or premises advertised. The 1,500-foot distance shall be measured along the centerline of the highway or highways between the sign and a main entrance or a straight line, but only if the difference in elevation between the on-premises sign and a main entrance is more than 100 feet. A main entrance shall be a principal, private roadway or driveway that leads from a public highway to the advertised activity. For the purposes of this subdivision, premises shall not include land that is separated from the activity by a public highway, or other intervening land use not related to the advertised activity. Undeveloped land or farmland shall not be considered as an intervening land use.

* * *

* * * Right-of-Way Permits; 1111 Permits; Municipal
Site Plan Review * * *

Sec. 38. 19 V.S.A. § 1112 is amended to read:

§ 1112. DEFINITIONS; FEES

(a) As used in this section:

* * *

(4) “Subsurface stormwater system” means a stormwater system, as defined in 10 V.S.A. § 1264(b)(15), that is beneath the surface.

(b) The Secretary shall collect the following fees for each application for the following types of permits issued pursuant to section 1111 of this title:

* * *

(2) utility installations, including ~~each~~ direct connection to the State highway subsurface stormwater system: \$100.00

* * *

Sec. 39. 24 V.S.A. § 4416(b) is amended to read:

(b) Whenever a proposed site plan involves access to a State highway or other work in the State highway right-of-way such as excavation, grading, paving, or utility installation, the application for site plan approval shall include a letter from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and determined whether a permit is required under 19 V.S.A. § 1111. If the Agency determines that a permit for the proposed site plan is required under 19 V.S.A. § 1111, then the letter from the Agency shall may set out ~~any~~ conditions that the Agency proposes to attach to the permit required under 19 V.S.A. § 1111.

* * * Smugglers' Notch Motor Vehicle Limitations * * *

Sec. 40. 23 V.S.A. § 1006b is amended to read:

§ 1006b. SMUGGLERS' NOTCH; WINTER CLOSURE OF VERMONT
ROUTE 108; ~~COMMERCIAL~~ VEHICLE OPERATION
PROHIBITED

(a) Winter closure. The Agency of Transportation may close the Smugglers' Notch segment of Vermont Route 108 during periods of winter weather.

(b) Vehicle operation prohibition.

(1) ~~As used in this subsection, "commercial vehicle" means truck-tractor-semitrailer combinations and truck-tractor-trailer combinations.~~

(2) ~~Commercial~~ Single-frame motor vehicles over 40 feet in length and tractor units with one or more attached trailers over 45 feet in total length are prohibited from operating on the Smugglers' Notch segment of Vermont Route 108.

~~(3)(2) Either the~~ The employer of an operator of a commercial vehicle who is operating a vehicle in the scope of employment and violates this subsection, or the operator's employer, or the operator of a vehicle who is operating a vehicle for personal purposes and violates this subsection shall be subject to a civil penalty of \$1,000.00.—If or, if the violation results in substantially impeding the flow of traffic on Vermont Route 108, the penalty shall be a civil penalty of \$2,000.00. For a second or subsequent conviction within a three-year period, the applicable penalty or penalties shall be doubled.

(3) The prohibition in subdivision (1) of this subsection shall not apply to law enforcement, fire, emergency medical services, and search and rescue vehicles involved in training or responding to real-world incidents.

(c) Required signage. The Agency shall erect signs conforming to the standards established by section 1025 of this title to indicate the closures and restrictions authorized under this section.

* * * Municipal Restrictions; Covered Bridges;
Damages and Expenses * * *

Sec. 41. 19 V.S.A. § 313 is amended to read:

§ 313. ~~RESTRICTING USE OF COVERED BRIDGES~~

~~The Agency and the selectmen of the town where a covered bridge is located or, if parts of such a bridge are located in more than one town, the selectmen of the towns acting jointly, may restrict the use of the bridge to vehicles that are within limits as to weight, height, and width as they shall establish. The limitation shall be plainly posted at the approaches to the bridge at approximately 100 feet from each end of the bridge, and at intersections as may be required to enable operators of restricted vehicles to proceed by the most direct alternate unrestricted route. Posting shall be by means of permanent signs of a standard size of at least 24 inches by 24 inches, and with lettering not less than three inches high. [Repealed.]~~

Sec. 42. 19 V.S.A. § 315 is amended to read:

§ 315. ~~PENALTIES~~

~~A person who operates a vehicle exceeding the limit prescribed on a bridge thus restricted shall be fined not more than \$200.00 for the first offense and not more than \$300.00 for each subsequent offense. [Repealed.]~~

Sec. 43. 23 V.S.A. § 1396 is redesignated to read:

§ 1396. SPECIAL WEIGHT LIMITS FOR BRIDGES AND HIGHWAYS

Sec. 44. 23 V.S.A. § 1397 is redesignated to read:

§ 1397. WEIGHT LIMIT SIGNS

Sec. 45. 23 V.S.A. § 1397a is added to read:

§ 1397a. SPECIAL LIMITS FOR COVERED BRIDGES

The legislative body of a municipality where a covered bridge is located or, if parts of such a bridge are located in more than one municipality, the legislative bodies of the municipalities where a covered bridge is located acting jointly may, after consultation with the Agency of Transportation, restrict the use of the bridge to vehicles that are within limits as to one or more of the following, as they shall establish: weight, height, or width. Any limitation shall be permanently posted by the municipality, with signs that conform to the standards established by section 1025 of this title, approximately 100 feet from the approaches to the bridge and at intersections as may be required to enable operators of restricted vehicles to proceed by the most direct alternate unrestricted route.

Sec. 46. 23 V.S.A. § 1398 is amended to read:

§ 1398. CERTIFIED STATEMENT TO BE FILED

A certified statement shall be filed with the clerk in each ~~town, village, or city~~ municipality in which the ~~a~~ posting ~~occurs~~, as provided in ~~section~~ sections 1397 and 1397a of this title subchapter, ~~stating occurs that states~~ the location of the highway or bridge posted, the legal ~~load~~ limit or limits to which ~~such~~ the highway or bridge is restricted, and the date of posting. If ~~such~~ a restriction is removed at any time by the Secretary of Transportation, ~~selectboard, trustees, or city council, or legislative body of the municipality, or both,~~ a similar certified statement of the removal shall be filed with the clerk of the ~~town, village, or city as the case may be~~ municipality.

Sec. 47. 23 V.S.A. § 1399(b) is amended to read:

(b) Nothing contained in sections 1391–1398 of this title subchapter shall restrict the weight of:

(1) Snow plows, road machines, oilers, traction engines, tractors, rollers, power shovels, dump wagons, trucks, or other construction or maintenance equipment when used by any town, incorporated village, city, or the State in the construction or the maintenance of any highway, provided that such construction or maintenance is performed by persons employed by or under contract with such town, incorporated village, city, or the State for this purpose. However, any operation of motorized highway building equipment or road making appliances used in construction work contracted by a town, incorporated village, city, or the State shall be unrestricted as to weight only within a construction area.

(2) Municipal and volunteer fire apparatus and law enforcement motor vehicles.

(3) Heavy-duty tow and recovery vehicles on the Dwight D. Eisenhower System of Interstate and Defense Highways.

Sec. 48. 23 V.S.A. § 1400d is amended to read:

§ 1400d. AGRICULTURAL SERVICE VEHICLES

(a) An agricultural service vehicle, as defined in subdivision 4(71) of this title, shall be exempt from the provisions of sections 1400 and 1400a and subsection 1434(c) of this title subchapter if the gross weight does not exceed 60,000 pounds.

(b) Municipalities shall not be liable for injuries or damages to agricultural service vehicles or their operators that result from crossing a posted bridge

with an agricultural service vehicle that weighs more than the posted weight limit.

Sec. 49. 23 V.S.A. § 1434 is amended to read:

§ 1434. OPERATION IN EXCESS OF WEIGHT, HEIGHT, OR WIDTH LIMITS; PENALTIES

(a) General limits. The operation of a vehicle on a public highway in excess of the legal height, width, or length limits as prescribed in section 1431 or 1432 of this title subchapter without first obtaining a permit to operate the vehicle, whether or not a permit is available, shall be a traffic violation, as defined in section 2302 of this title. ~~A violation shall be, and~~ punishable by a civil penalty of \$300.00 for a first offense, \$600.00 for a second offense within a two-year period, and \$800.00 for a third or subsequent offense within a two-year period.

(b) Permit limits. The operation of a vehicle on a public highway in excess of the legal height, width, or length limits as prescribed in section 1431 or 1432 of this title subchapter in violation of the terms of a permit issued in conformance with section 1400 of this title subchapter shall be a traffic violation, as defined in section 2302 of this title, ~~and shall be~~ punishable by a civil penalty of \$300.00 for a first offense, \$600.00 for a second offense within a two-year period, and \$800.00 for a third or subsequent offense within a two-year period.

(c) Covered bridges. The operation of a vehicle in excess of the legal limits designated for a covered bridge under section 1397a of this subchapter or applicable under subdivisions 1392(1) and (2) of this subchapter shall be a traffic violation, as defined in section 2302 of this title, and punishable by a civil penalty of \$1,000.00 or, if the violation results in substantially impeding the flow of traffic, \$2,000.00. For a second or subsequent conviction within a three-year period, the applicable penalty shall be doubled.

(d) Refusal to issue a permit. In the case of a violation under subsection (a) of this section, the Commissioner may refuse to issue a permit to the violator under section 1400 of this title subchapter for a period not to exceed three months, if the owner or lessee commits four or more violations within a two-year period. If the holder of a permit commits four or more violations under subsection (b) of this section within a two-year period, the Commissioner may suspend, for a period not to exceed three months, any permit issued to the violator under section 1400 of this title subchapter. For the purposes of this section, the owner or lessee of the vehicle shall be considered the holder of, or applicant for, the permit.

Sec. 50. 23 V.S.A. § 1492 is amended to read:

§ 1492. LIABILITY FOR DAMAGE DEFINED; LIMITATIONS

The owner, driver, operator, or mover of any motor truck, tractor, trailer, wagon, cart, carriage, or other object or contrivance ~~which~~ that is moved or operated on any highway in violation of any of the provisions of sections ~~1098, 1145~~ 1083, 1092, 1302, 1305, and 1431 ~~and subsection 1434(c)~~ of this title, ~~subchapter~~; such portion of ~~section 1141~~ sections 1003 and 1081 of this title ~~subchapter~~ as pertains to trucks and buses; and such portion of section 1391 of this title ~~subchapter~~ as relates to weight in relation to tire surface, shall be liable to the State or municipal corporation in which the act is committed for damages to a public highway or bridge occasioned by such moving or operating, to be recovered in a civil action, in the name of the State or municipal corporation, or in an action on the bond provided in this chapter in connection with the issuance of permits, provided the action is brought within two years after such act is committed.

Sec. 51. 23 V.S.A. § 1112 is amended to read:

§ 1112. CLOSED HIGHWAYS

(a) Except by the written permit of the authority responsible for the closing, a person shall not drive any vehicle over any highway across which there is a barrier or a sign indicating that the highway is closed to public travel.

* * *

~~(c) A municipal, county, or State entity that deploys police, fire, ambulance, rescue, or other emergency services in order to aid a stranded operator of a vehicle, or to move a disabled vehicle, operated on a closed highway in violation of this section, may recover from the operator in a civil action the cost of providing the services, if at the time of the violation a sign satisfying the requirements of subsection (b) of this section was installed. [Repealed.]~~

Sec. 52. 24 V.S.A. § 2296a is added to read:

§ 2296a. RIGHT TO RECOVER EXPENSES FOR EMERGENCY SERVICES

A municipal, county, or State entity that deploys police, fire, ambulance, rescue, or other services to aid an operator of a vehicle who is stranded due to a violation of 23 V.S.A. § 1006b, 1112, or 1434(c) or to move a vehicle that is disabled due to a violation of 23 V.S.A. § 1006b, 1112, or 1434(c) may recover in civil action the costs of providing services from the operator or the operator's employer, provided that the operator was acting during or incidental to the operator's scope of employment.

* * * Municipal Weight Limits; Filing of Restrictions * * *

Sec. 53. 23 V.S.A. § 1400b is amended to read:

§ 1400b. FILING OF RESTRICTIONS, PUBLICATION

(a) Any municipality that has enacted special weight limits that are other than State legal limits for highways or bridges within its jurisdiction shall file a complete copy of the limitations with the Department of Motor Vehicles ~~not later than February 10~~ of each year. The information filed shall contain a concise listing of each highway or bridge posted, the time of the year the restrictions apply, weight limitations in effect on that highway or bridge, and the name, address, and telephone number of the principal person or persons responsible for issuing the local permit. Additions or deletions to the listing may be made from time to time, as required, by filing with the Department.

(b) Any special municipal weight limits on highways or bridges shall be unenforceable unless they are on file with the Department of Motor Vehicles within three working days of the date of posting. It shall be the responsibility of the municipality to keep records documenting the time and date a highway or bridge is posted, and to keep current restrictions on file with the Department. The Department may prescribe the format that is to be used when filing restrictions under this section.

* * *

* * * Use of Sustainable Building Components * * *

Sec. 54. FINDINGS

The General Assembly finds:

(1) With the passage of the Universal Recycling Law, the State of Vermont committed to providing convenient and efficient recycling services to all Vermonters.

(2) Efficient recycling systems save energy, conserve natural resources, and reduce greenhouse gas emissions.

(3) Recycled glass can currently be used in the following ways:

(A) as an aggregate to substitute for virgin or manufactured sand;

(B) ground and used as a pozzolan, which can be a partial substitute for Portland Cement in a concrete-mix design; or

(C) converted into a building component.

(4) Mining sand is a practice that is known to have an adverse effect on the environment.

(5) Fly ash, which is a pozzolan, is the byproduct of the burning of coal, and ground granulated blast-furnace slag, which is also a pozzolan, is the byproduct of steel manufacturing.

(6) The Agency of Transportation is already, pursuant to 2020 Acts and Resolves No. 121, Sec. 21, encouraged to, wherever practicable, use pozzolans and alternatives to Portland Cement as part of the concrete-mix design for all transportation infrastructure projects.

(7) Reusing recycled glass as a substitute for virgin or manufactured sand conserves natural resources by reducing the need to mine or manufacture sand.

(8) Using materials recycled in Vermont as a partial substitute for aggregate and non-aggregate components in maintenance, construction, and improvement projects could reduce greenhouse gas emissions and the State's carbon footprint by eliminating the need to transport recycled glass out of State for further processing.

(9) Using materials recycled in Vermont as a partial substitute for aggregate and non-aggregate components in maintenance, construction, and improvements projects could provide an economic benefit to the local recycling industry.

(10) There will continue to be advances in the availability and use of sustainable building components, such as recycled materials and manufacturing byproducts, in maintenance, construction, and improvement projects.

Sec. 55. 19 V.S.A. § 10c(m) is amended to read:

~~(m) Recycled asphalt pavement (RAP) shall be used on all Agency paving projects to the extent sources of quality RAP are available consistent with producing quality hot mix asphalt. To that extent, the Agency shall define paving project specifications and contract bid documents to allow the use of up to 50 percent RAP. The Agency shall compare the cost-benefit of the State's retaining the RAP versus the contractor's retaining the RAP, and the Agency shall report to the House and Senate Committees on Transportation on the results of the comparison in the 2009 and 2010 legislative sessions. [Repealed.]~~

Sec. 56. 19 V.S.A. § 10m is added to read:

§ 10m. STATEMENT OF POLICY; SUSTAINABLE BUILDING COMPONENTS; ANNUAL REPORT

(a) Policy. It shall be the State's policy to use sustainable building components, including recycled materials and manufacturing byproducts, in all

maintenance, construction, and improvement projects within the State's Transportation Program to the extent that sources of quality sustainable building components are available and the use is consistent with producing transportation assets with a demonstrated evidence of long-term durability.

(b) Specifications. The Agency shall define its performance and related specifications and contract bid documents to allow and, as practicable, encourage the use of sustainable building components.

(c) Recycled asphalt pavement. Recycled asphalt pavement (RAP) shall be used on all Agency paving projects to the extent sources of RAP of a quality comparable to hot mix asphalt is available. The Agency shall define paving project specifications and contract bid documents to allow for the use of up to 50 percent RAP.

(d) Research and testing. The Agency is encouraged to continue researching, testing, and, wherever practicable, using sustainable building components, pozzolans, and alternatives to Portland Cement as part of the construction specifications for all transportation infrastructure projects.

(e) Annual report. The Agency, in consultation with the Recycled Materials Working Group, shall, during each session of the General Assembly, provide an oral report to the House and Senate Committees on Transportation on the use of sustainable building components in maintenance, construction, and improvement projects within the State's Transportation Program.

* * * Fees for State Electric Vehicle Supply Equipment; Sunset * * *

Sec. 57. 2019 Acts and Resolves No. 59, Sec. 38 is amended to read:

Sec. 38. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES REPEAL

32 V.S.A. § 604 (electric vehicle supply equipment fees) is repealed on July 1, 2022 2025.

Sec. 58. 32 V.S.A. § 604 is amended to read:

§ 604. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES

(a) Notwithstanding any other provision of this subchapter, any agency or department that owns or controls electric vehicle supply equipment (EVSE), as defined in 30 V.S.A. § 201, may establish, set, and adjust fees for the use of that ~~electric vehicle supply equipment~~ EVSE. The agency or department may establish fees for electric vehicle charging at less than its costs, to cover its costs, or equal to the retail rate charged for the use of ~~electric vehicle supply equipment~~ EVSE available to the public. Fees collected under this section shall be deposited in the same fund or account within a fund from which the

electric operating expense for the ~~electric vehicle supply equipment~~ EVSE originated.

(b) The Agency of Transportation and the Department of Buildings and General Services shall make staff available to standing committees of the General Assembly beginning on January 15 each year to give an oral presentation that provides an update on the State's efforts to collect fees for the use of EVSE that is owned or controlled by the State pursuant to subsection (a) of this section and shall make available as part of that presentation a copy of any applicable fee schedules, along with an explanation as to whether or not the fee schedule accounts for expenses associated with the EVSE, including electricity costs.

* * * Relinquishment of Vermont Route 207 Extension
in the Town of St. Albans * * *

Sec. 59. 2012 Acts and Resolves No. 153, Sec. 23(a) is amended to read:

(a) Pursuant to 19 V.S.A. § 15(a)(2), the ~~general assembly~~ General Assembly approves the ~~secretary of transportation~~ Secretary of Transportation to enter into an agreement with the ~~town~~ Town of St. Albans to relinquish to the ~~town's~~ Town's jurisdiction a segment of state State highway right-of-way in the ~~town~~ Town of St. Albans, which has not been constructed to be a traveled road, and which was to be known as the Vermont Route 207 Extension. This authority shall expire on June 30, ~~2022~~ 2032. The segment authorized to be relinquished measures approximately 1.7 acres, is approximately 160 feet in width, and starts at a point 200 feet west of the intersection of the U.S. Route 7/Vermont Route 207 centerline of highway project S0297(2); and continues westerly for 463 feet.

* * * Codified Law Technical Corrections * * *

Sec. 60. REPEAL

19 V.S.A. § 22 (fine applicable for a violation of the since repealed 19 V.S.A. § 21(c)) is repealed.

Sec. 61. 19 V.S.A. § 11a(b) is amended to read:

(b) ~~In fiscal year 2017, of the funds appropriated to the Department of Public Safety pursuant to subsection (a) of this section, the amount of \$1,680,000.00 is allocated exclusively for the purchase, outfitting, assignment, and disposal of State Police vehicles. In fiscal year 2018 and in succeeding fiscal years, of the funds appropriated to the Department of Public Safety pursuant to subsection (a) of this section, the amount of \$2,100,000.00 is allocated exclusively for the purchase, outfitting, assignment, and disposal of State Police vehicles. Any unexpended and unencumbered funds remaining in~~

this allocation at the close of a fiscal year shall revert to the Transportation Fund. The Department of Public Safety may periodically recommend to the General Assembly that this allocation be adjusted to reflect market conditions for the vehicles and equipment.

Sec. 62. 19 V.S.A. § 996(a) is amended to read:

(a) The Agency of Transportation shall work with municipal representatives to revise the Agency of Transportation's Town Road and Bridge Standards in order to incorporate a suite of practical and cost-effective best management practices, as approved by the Agency of Natural Resources, for the construction, maintenance, and repair of all existing and future State and town highways. These best management practices shall address activities that have a potential for causing pollutants to enter the groundwater and waters of the State, including stormwater runoff and direct discharges to State waters. The best management practices shall not supersede any requirements for stormwater management already set forth in 10 V.S.A. §§ 1264 and 1264a that apply to State and town highways. ~~The Agency of Transportation shall report to the House and Senate committees on Transportation, the house committee on fish, wildlife and water resources, and the Senate Committee on Natural Resources and Energy by January 15, 2011, on the best management practices to be incorporated into the Agency of Transportation's Town Road and Bridge Standards.~~

* * * Zoning; Municipal Airports; Parking * * *

Sec. 63. 24 V.S.A. § 4413(i) is added to read:

(i) Notwithstanding 1 V.S.A. § 213, no bylaw adopted under this chapter shall regulate the location of parking facilities at or adjacent to a municipally owned and operated airport.

* * * Effective Dates * * *

Sec. 64. EFFECTIVE DATES

(a) This section and Secs. 57 (amendment to sunset of 32 V.S.A. § 604), 59 (extension of authority to relinquish State highway right-of-way for Vermont Route 207 Extension), and 63 (24 V.S.A. § 4413(i)) shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Secs. 21–24 (amendments to the 2021 Transportation Bill) shall take effect retroactively on July 1, 2021.

(c) All other sections shall take effect on July 1, 2022.

Pending the question, Shall the House concur in the Senate proposal of amendment?, **Rep. Lanpher of Vergennes** moved to concur in the Senate proposal of amendment with a further amendment thereto as follows:

First: In Sec. 2, fiscal year 2023 transportation investments, by inserting the words “and the Climate Action Plan” following “the Comprehensive Energy Plan”

Second: In Sec. 2, fiscal year 2023 transportation investments, by inserting a new subdivision (8)(D) to read as follows:

(D) eBike Incentives. Sec. 5(d) of this act authorizes \$50,000.00 for incentives under a continuation of the eBike incentives, which will be the State’s programs to provide incentives towards the purchase of electric bicycles, and capped administrative costs.

and by relettering subdivision (8)(D) to be (8)(E)

Third: In Sec. 2, fiscal year 2023 transportation investments, in newly relettered subdivision (8)(E), by striking out “Sec. 5(d)” and inserting in lieu thereof “Sec. 5(e)”

Fourth: In Sec. 2, fiscal year 2023 transportation investments, in subdivision (12), by striking out “Secs. 55–57” and inserting in lieu thereof “Secs. 54–56”

Fifth: In Sec. 5, vehicle incentive programs, by inserting a new subsection (d) to read as follows:

(d) eBike Incentives. The Agency is authorized to spend up to \$50,000.00 as appropriated in the fiscal year 2023 budget on a continuation of the eBike incentives as established in 2021 Acts and Resolves No. 55, Sec. 28.

and by relettering the remaining subsections to be alphabetically correct

Sixth: In Sec. 5, vehicle incentive programs, in newly relettered subsection (f), by striking out “(a)–(c)” and inserting in lieu thereof “(a)–(d)”

Seventh: In Sec. 5, vehicle incentive programs, in newly relettered subsection (h), by striking out the word “and” preceding the words “Replace Your Ride”, by inserting “, and eBike incentives” following the words “Replace Your Ride”, and by striking out “subsection (e)” and inserting in lieu thereof “subsection (f)”

Eighth: In Sec. 7, Vermont Association of Snow Travelers (VAST) authorizations, in subsection (a), by striking out “, through the Department of Motor Vehicles,” following “The Agency of Transportation”

Ninth: By striking out Sec. 13, town highway structures and town highway class 2 roadway, in its entirety and inserting in lieu thereof the following:

Sec. 13. TOWN HIGHWAY STRUCTURES

Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Town Highway Structures, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	6,333,500	7,200,000	866,500
Total	6,333,500	7,200,000	866,500
<u>Sources of funds</u>			
State	6,333,500	7,200,000	866,500
Total	6,333,500	7,200,000	866,500

Sec. 13a. TOWN HIGHWAY CLASS 2 ROADWAY

Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Town Highway Class 2 Roadway, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	7,648,750	8,600,000	951,250
Total	7,648,750	8,600,000	951,250
<u>Sources of funds</u>			
State	7,648,750	8,600,000	951,250
Total	7,648,750	8,600,000	951,250

Sec. 13b. HIGHWAY MAINTENANCE

(a) Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Maintenance, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Person. Svcs.	44,709,478	44,709,478	0
Operat. Exp.	61,554,303	59,736,553	-1,817,750
Total	106,263,781	104,446,031	-1,817,750
<u>Sources of funds</u>			
State	105,517,966	103,700,216	-1,817,750

Federal	645,815	645,815	0
Inter Unit	100,000	100,000	0
Total	106,263,781	104,446,031	-1,817,750

(b) Restoring the fiscal year 2023 Maintenance Program appropriation and authorization to the level included in the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program shall be the Agency's top priority if there is unexpended State fiscal year 2022 appropriations of Transportation Fund Monies. Accordingly:

(1) At the close of State fiscal year 2022, an amount up to \$1,817,750.00 of any unencumbered Transportation Fund monies appropriated in 2021 Acts and Resolves No. 74, Secs. B.900–B.922, as amended by 2022 Acts and Resolves No. 83, Secs. 41–45, that would otherwise be authorized to carry forward is reappropriated for the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Maintenance 30 days after the Agency sends written notification of the request for the unencumbered Transportation Fund monies to be reappropriated to the Joint Transportation Oversight Committee, provided that the Joint Transportation Oversight Committee does not send written objection to the Agency.

(2) If any unencumbered Transportation Fund monies are reappropriated pursuant to subdivision (1) of this subsection, then, within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Maintenance, authorized spending is further amended to increase operating expenses by not more than \$1,817,750.00 in Transportation Fund monies.

(3) Notwithstanding subdivisions (1) and (2) of this subsection, the Agency may request further amendments to the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Maintenance through the State fiscal year budget adjustment act.

Tenth: In Sec. 16, one-time public transit monies, by striking out subsection (c) in its entirety and inserting in lieu thereof the following:

(c) Implementation. The Agency of Transportation shall, in its sole discretion, distribute the authorization in subsection (b) of this section to transit agencies in the State that are eligible to receive grant funds pursuant to 49 U.S.C. § 5307 or 5311, or both. The authorization shall, as practicable and in the sole discretion of the transit agencies in the State, only be used for the following during fiscal year 2023:

(1) operate routes other than commuter and LINK Express on a zero-fare basis; and

(2) provide service at pre-COVID-19 levels.

Eleventh: By striking out Sec 17, Burlington International Airport Study Committee; report, and its corresponding reader assistance heading in their entirety and inserting in lieu thereof the following:

* * * Burlington International Airport Working Group; Report * * *

Sec. 17. BURLINGTON INTERNATIONAL AIRPORT WORKING
GROUP; REPORT

(a) Creation. There is created the Burlington International Airport Working Group (Working Group) to discuss current issues of regional concern at the Burlington International Airport (Airport).

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

(1) the Secretary of Transportation or designee, who shall be the facilitator of the Working Group, but shall not be considered a member of the Working Group;

(2) one member designated by the city council of the City of Burlington;

(3) one member to represent Airport leadership designated by the mayor of the City of Burlington;

(4) one member to represent the general aviation organizations at the Airport designated by the mayor of the City of Burlington;

(5) one member designated by the city council of the City of South Burlington;

(6) one member designated by the city council, inclusive of the mayor and deputy mayor, of the City of Winooski; and

(7) the Director of the Chittenden County Regional Planning Commission or designee, who shall be a member of the Working Group.

(c) Duties. The Working Group shall:

(1) review prior reports and recommendations prepared on the governance structure of the Airport, including the January 1, 2020 memorandum from Eileen Blackwood, Burlington City Attorney to Mayor Miro Weinberger and the City Council regarding Burlington International Airport and Regional Governance Questions; the June 10, 2013 Burlington International Airport, Airport Strategic Planning Committee Recommendations; and the December 1985 Final Report of the Burlington Airport Study Group;

(2) discuss current issues of regional concern regarding the Airport;

(3) explore opportunities for regional collaboration regarding the Airport;

(4) analyze what actions could address any issues of regional concern regarding the Airport; and

(5) prepare a report, based on the determination of the members of the Working Group, that:

(A) summarizes any current issues of regional concern regarding the Airport;

(B) identifies and discusses any opportunities for regional collaboration regarding the Airport; and

(C) identifies and discusses any actions that could address any issues of regional concern regarding the Airport.

(d) Report. On or before January 15, 2023, the Secretary of Transportation or designee shall submit the written report of the Working Group to the House and Senate Committees on Transportation.

(e) Meetings.

(1) The Secretary of Transportation or designee shall call the first meeting of the Working Group to occur on or before September 30, 2022.

(2) The Working Group shall only meet if a majority of the membership is present.

(3) The Working Group shall cease to exist on July 1, 2023.

Twelfth: By inserting a new section to be Sec. 59a and its reader assistance heading to read as follows:

* * * Relinquishment of Vermont Route 36 in the Town of St. Albans * * *

Sec. 59a. RELINQUISHMENT OF VERMONT ROUTE 36 IN THE TOWN
OF ST. ALBANS

(a) Pursuant to 19 V.S.A. § 15(a)(2), the General Assembly approves the Secretary of Transportation to enter into an agreement with the Town of St. Albans to relinquish to the Town's jurisdiction a segment of the State highway in the Town of St. Albans known as Vermont Route 36. The authority shall expire on June 30, 2032. The segment authorized to be relinquished begins at the 0.000 mile marker, just east of the "Black Bridge" (B2), and continues 14,963 feet (approximately 2.834 miles) easterly to mile marker 2.834, where Vermont Route 36 meets the boundary of the City of St. Albans, and includes the 0.106 mile westbound section of Vermont Route 36 and approaches at the entrance to the St. Albans Bay Town Park.

(b) Following relinquishment, control of the segment of highway shall be under the jurisdiction of the Town of St. Albans, but the Town shall not own any of the land or easements within the highway right-of-way.

(c) The Town of St. Albans shall not sell or abandon any portion of the relinquished segment or allow any encroachments within the relinquished segment without written permission of the Secretary of Transportation.

Thirteenth: By striking out Secs. 63, 24 V.S.A. § 4413(i), and 64, effective dates, and their reader assistance headings in their entireties and inserting in lieu thereof the following:

* * * Transportation Network Companies (TNC);

Preemption; Sunset Extension; Report * * *

Sec. 63. 23 V.S.A. § 754 is amended to read:

§ 754. PREEMPTION; SAVINGS CLAUSE

(a) Municipal ordinances, resolutions, or bylaws regulating transportation network companies are preempted to the extent they are inconsistent with the provisions of this chapter.

(b) Subsection (a) of this section shall not apply to a municipal ordinance, resolution, or bylaw regulating transportation network companies adopted by a municipality with a population of more than 35,000 residents based on the 2010 census and in effect on July 1, 2017. This subsection shall be repealed on July 1, 2022 2025.

Sec. 64. TRANSPORTATION NETWORK COMPANIES (TNC) REPORT

(a) The Commissioner of Motor Vehicles, in consultation with the City of Burlington; the Vermont League of Cities and Towns; and transportation network companies (TNCs), as defined in 23 V.S.A. § 750(a)(4), doing business in Vermont, shall file a written report with recommendations on how, if at all, to amend 23 V.S.A. § 754 and, as applicable, 23 V.S.A. chapter 10 with the House Committees on Commerce and Economic Development, on Judiciary, and on Transportation and the Senate Committees on Finance, on Judiciary, and on Transportation on or before March 15, 2024.

(b) In preparing the report, the Commissioner of Motor Vehicles shall review the following related to TNCs:

(1) changes in ridership and consumer practices for calendar years 2018 to 2023, including market penetration across the State;

(2) the results of and process for audits conducted on a State or municipal level;

(3) an analysis prepared by the City of Burlington and TNCs of the differences between the State's regulatory scheme and the City of Burlington's regulatory scheme, including whether allowing those inconsistencies is or will be detrimental or beneficial to any of the following: the State, the traveling public, TNCs, the City of Burlington, or other municipalities; and

(4) significant regulatory changes on a national level.

* * * Effective Dates * * *

Sec. 65. EFFECTIVE DATES

(a) This section and Secs. 57 (amendment to sunset of 32 V.S.A. § 604), 59 (extension of authority to relinquish State highway right-of-way for Vermont Route 207 Extension), and 63 (transportation network companies regulation preemption; 23 V.S.A. § 754(b)) shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Secs. 21–24 (amendments to the 2021 Transportation Bill) shall take effect retroactively on July 1, 2021.

(c) All other sections shall take effect on July 1, 2022.

Pending the question, Shall the House concur in the Senate proposal of amendment with a further amendment thereto?, **Rep. Small of Winooski** moved to amend the proposal of amendment offered by Representative Lanpher of Vergennes as follows:

By striking out Sec. 17, Burlington International Airport Working Group; Report, in its entirety and inserting in lieu thereof the following:

Sec. 17. BURLINGTON INTERNATIONAL AIRPORT WORKING GROUP; REPORT

(a) Creation. There is created the Burlington International Airport Working Group (Working Group) to discuss current issues of regional concern at the Burlington International Airport (Airport) and examine the existing governance structure and alternatives to the existing governance structure of the Airport.

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

(1) the Secretary of Transportation or designee, who shall be the facilitator of the Working Group, but shall not be considered a member of the Working Group;

(2) one member designated by the city council of the City of Burlington;

(3) one member to represent Airport leadership designated by the mayor of the City of Burlington;

(4) one member to represent the general aviation organizations at the Airport designated by the mayor of the City of Burlington;

(5) one member designated by the city council of the City of South Burlington;

(6) one member designated by the city council, inclusive of the mayor and deputy mayor, of the City of Winooski;

(7) the Director of the Chittenden County Regional Planning Commission or designee, who shall be a member of the Working Group; and

(8) one member designated by the Chittenden County Regional Planning Commission to represent individuals, such as Black, Indigenous, and Persons of Color (BIPOC), immigrants, individuals with low income, and individuals residing in “disadvantaged communities” as defined in federal Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad,” adversely affected by the Airport.

(c) Duties. The Working Group shall:

(1) review prior reports and recommendations prepared on the governance structure of the Airport, including the January 1, 2020 memorandum from Eileen Blackwood, Burlington City Attorney to Mayor Miro Weinberger and the City Council regarding Burlington International Airport and Regional Governance Questions; the June 10, 2013 Burlington International Airport, Airport Strategic Planning Committee Recommendations; and the December 1985 Final Report of the Burlington Airport Study Group;

(2) discuss current issues of regional concern regarding the Airport;

(3) explore opportunities for regional collaboration regarding the Airport;

(4) analyze what actions could address any issues of regional concern regarding the Airport;

(5) examine the advantages and disadvantages of any additional governance structure options for the Airport determined by a majority of the members of the Working Group as warranting study;

(6) identify any other issue relating to the governance of the Airport that a majority of the members of the Working Group determine warrants study; and

(7) prepare a report, based on the determination of the members of the Working Group, that:

(A) summarizes any current issues of regional concern regarding the Airport;

(B) identifies and discusses any opportunities for regional collaboration regarding the Airport;

(C) identifies and discusses any actions that could address any issues of regional concern regarding the Airport; and

(D) makes recommendations on the governance structure of the Airport as supported by a majority of the members of the Working Group.

(d) Report. On or before January 15, 2023, the Secretary of Transportation or designee shall submit the written report of the Working Group to the House and Senate Committees on Transportation.

(e) Meetings.

(1) The Secretary of Transportation or designee shall call the first meeting of the Working Group to occur on or before September 30, 2022.

(2) The Working Group shall only meet if a majority of the membership is present.

(3) The Working Group shall cease to exist on July 1, 2023.

Thereupon, **Rep. Small of Winooski** asked and was granted leave of the House to withdraw her amendment. Thereafter, the House concurred in the Senate proposal of amendment with a further amendment thereto. On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Recess

At one o'clock and three minutes in the afternoon, the Speaker declared a recess until the fall of the gavel. At one o'clock and thirty-seven minutes in the afternoon, the Speaker called the House to order.

Bill Referred to Committee on Appropriations

S. 11

Senate bill, entitled

An act relating to prohibiting robocalls

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

Message from the Senate No. 58

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

Madam Speaker:

I am directed to inform the House that:

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

S. 286. An act relating to amending various public pension and other postemployment benefits.

And has concurred therein.

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

H. 739. 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.

Adjournment

At one o'clock and forty-five minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Monday, May 2, 2022, at twelve-thirty in the afternoon, pursuant to the provisions of J.R.S. 52.

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. 150

House concurrent resolution designating April 2022 as Vermont Public Safety Telecommunicators Month

H.C.R. 151

House concurrent resolution congratulating the Burlington High School Seahorses girls' Nordic skiing team on winning a second consecutive Division I championship

H.C.R. 152

House concurrent resolution honoring the Vermont Thunder Ride on its 30th anniversary

H.C.R. 153

House concurrent resolution celebrating the State Partnership Program

recently established between the Vermont National Guard and Austria

H.C.R. 154

House concurrent resolution honoring Waterville Selectboard Chair Donald W. Lynch Sr. for his outstanding municipal leadership

H.C.R. 155

House concurrent resolution honoring Rita Markley for her superb leadership in the effort to eradicate homelessness in Vermont

H.C.R. 156

House concurrent resolution recognizing National Foster Care Month in Vermont

H.C.R. 157

House concurrent resolution honoring Vermont's correctional personnel and recognizing National Correctional Officers Week in Vermont

H.C.R. 158

House concurrent resolution welcoming the 2022 International Workshop on Agritourism to Vermont

H.C.R. 159

House concurrent resolution congratulating the 2022 West Rutland High School Golden Horde Division IV girls' basketball championship team

H.C.R. 160

House concurrent resolution honoring the General Assembly's venerable head doorkeeper, Cornelius F. Reed Jr. of Wolcott

S.C.R. 19

Senate concurrent resolution honoring Williamstown High School boys' basketball Head Coach Jack Carrier on his outstanding career

[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 2022 Adjourned Session.]