

House Calendar

Tuesday, April 23, 2024

112th DAY OF THE ADJOURNED SESSION

House Convenes at 10:00 A.M.

TABLE OF CONTENTS

Page No.

ACTION CALENDAR

Unfinished Business of Monday, April 22 2024

Third Reading

S. 30 An act relating to creating a Sister State Program	3786
S. 109 An act relating to Medicaid coverage for doula services	3786
S. 209 An act relating to prohibiting unserialized firearms and unserialized firearms frames and receivers	3786
Rep. Arsenault Amendment	3786
Rep. Harrison Amendment	3786
Rep. LaLonde Amendment	3787

Favorable with Amendment

H. 887 Homestead property tax yields, nonhomestead rates, and policy changes to education finance and taxation	
Rep. Kornheiser for Ways and Means	3788
Rep. Scheu for Appropriations	3788
Rep. Beck Amendment	3789
Rep. Shaw Amendment	3790
Reps. Toof and Taylor Amendment	3790
Rep. Sibia et al. Amendment	3791
Rep. Harrison Amendment	3791
Rep. Kornheiser Amendment	3793
Rep. Carpenter et al. Amendment	3795
Rep. Toleno et al. Amendment	3796
S. 259 An act relating to climate change cost recovery	
Rep. Sheldon for Environment and Energy	3803

Favorable

- H. 881** Approval of an amendment to the charter of the City of Burlington
Rep. Hooper for Government Operations and Military Affairs3804
- Rep. Anthony for Ways and Means3804

Action Postponed Until April 23, 2024

Senate Proposal of Amendment

- H. 40** Nonconsensual removal of or tampering with a condom
Senate Proposal of Amendment 3804

New Business

Favorable with Amendment

- S. 191** An act relating to New American educational grant opportunities
Rep. Conlon for Education 3805

Senate Proposal of Amendment

- H. 861** Reimbursement parity for health care services delivered in person, by telemedicine, and by audio-only telephone
Senate Proposal of Amendment 3808

Senate Proposal of Amendment to House Proposal of Amendment to Senate Proposal of Amendment

- H. 659** Captive insurance
Senate Proposal of Amendment to House Proposal of Amendment to Senate Proposal of Amendment 3810

Action Postponed Until April 24, 2024

Senate Proposal of Amendment

- H. 563** Criminal motor vehicle offenses involving unlawful trespass, theft, or unauthorized operation
Senate Proposal of Amendment 3810

NOTICE CALENDAR

Constitutional Proposal

- Proposal 3** Declaration of Rights; right to collectively bargain
Rep. LaBounty for General and Housing..... 3812

ORDERS OF THE DAY

ACTION CALENDAR

Unfinished Business of Monday, April 22 2024

Third Reading

S. 30

An act relating to creating a Sister State Program

S. 109

An act relating to Medicaid coverage for doula services

S. 209

An act relating to prohibiting unserialized firearms and unserialized firearms frames and receivers

Amendment to be offered by Rep. Arsenault of Williston to S. 209

That the House proposal of amendment be amended as follows:

First: In Sec. 4, 13 V.S.A. § 4027, in subdivision (c)(2), after the words “authorized to carry a firearm”, by inserting “or a dangerous or deadly weapon”

Second: In Sec. 5, 17 V.S.A. § 2510, in subdivision (b)(2), after the words “authorized to carry a firearm”, by inserting “or a dangerous or deadly weapon”

Amendment to be offered by Rep. Harrison of Chittenden to S. 209

That the House proposal of amendment be amended by striking Sec. 7 in its entirety and adding two new sections to be Secs. 7 and 8 to read as follows:

Sec. 7. 24 V.S.A. § 2291 is amended to read:

§ 2291. ENUMERATION OF POWERS

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

* * *

(8)(A) To regulate or prohibit the use or discharge, but not possession, of firearms within the municipality or specified portions thereof, provided that an ordinance adopted under this subdivision shall be consistent with section

2295 of this title and shall not prohibit, reduce, or limit discharge at any existing sport shooting range, as that term is defined in 10 V.S.A. § 5227.

(B) Notwithstanding subdivision (A) of this subdivision (8), the legislative body of a municipality may adopt an ordinance that prohibits the possession of a firearm within a municipal building or portion of a municipal building. The ordinance may exempt law enforcement officers, security personnel, or similar officers from the prohibition on firearm possession within a municipal building.

* * *

Sec. 8. EFFECTIVE DATES

(a) Secs. 1 and 2 of this act shall take effect on February 28, 2025.

(b) Secs. 3, 4, 5, 6, 7 and this section shall take effect on passage.

Amendment to be offered by Rep. LaLonde of South Burlington to S. 209

That the House proposal of amendment be amended by striking out Sec. 7, effective date, in its entirety and adding two new sections to be Secs. 7 and 8 to read as follows:

Sec. 7. REPORT ON FIREARM IN MUNICIPAL BUILDINGS; VERMONT LEAGUE OF CITIES AND TOWNS

(a) On or before January 15, 2025, the Office of the Secretary of State, in consultation with the Vermont League of Cities and Towns and the Vermont Municipal Clerks and Treasurers Association, shall report to the House and Senate Committees on Judiciary, the House Committee on Government Operations and Military Affairs, and the Senate Committee on Government Operations on options for prohibiting firearms in municipal buildings.

(b) The report required by this section shall include recommendations on the following topics:

(1) whether the preferable approach is:

(A) for the General Assembly to pass a statute prohibiting firearms in municipal buildings statewide; or

(B) for municipalities to be provided with the authority to decide whether to pass an ordinance prohibiting firearms in municipal buildings;

(2) whether a statewide prohibition should include a definition of the term “municipal building,” and if so, what that definition should be; and

(3) which municipal buildings should be covered and which should not be covered by a prohibition on possessing firearms in municipal buildings.

(c) As used in this section, “firearm” has the same meaning as in 13 V.S.A. § 4017(d).

Sec. 8. EFFECTIVE DATES

(a) Secs. 1 and 2 of this act shall take effect on February 28, 2025.

(b) Secs. 3, 4, 5, 6, 7, and this section shall take effect on passage.

Favorable with Amendment

H. 887

An act relating to homestead property tax yields, nonhomestead rates, and policy changes to education finance and taxation

(Rep. Kornheiser of Brattleboro will speak for the Committee on Ways and Means.)

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommends the bill ought to pass when amended as follows:

First: In Sec. 1, the Commission on the Future of Public Education, in subsection (c), by striking out “the Speaker of the House and the President Pro Tempore shall jointly appoint three members of the Commission” and inserting in lieu thereof “the Speaker of the House shall appoint two members of the Commission, the Committee on Committees shall appoint one member of the Commission”

Second: In Sec. 1, the Commission on the Future of Public Education, in subdivision (d)(1)(D), by striking out the word “President” and inserting in lieu thereof the word “Chancellor”

Third: In Sec. 1, the Commission on the Future of Public Education, by striking out subsection (j) in its entirety

Fourth: By adding one new section to be Sec. 1a to read as follows:’

Sec. 1a. 2023 Acts and Resolves No. 78, Sec. B.1100 is amended to read:

Sec. B.1100 MISCELLANEOUS FISCAL YEAR 2024 ONE-TIME
APPROPRIATIONS

* * *

(r) \$200,000.00 General Fund in fiscal year 2024 to the Agency of Education for the work of the School Construction Task Force and the Commission on the Future of Public Education.

* * *

Fifth: In Sec. 8, Agency of Education; education finance data analyst position, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read:

(c) To the extent that funds are available, there is appropriated to the Agency of Education \$125,000.00 from the General Fund in fiscal year 2025 to fund the education finance data analyst position established in subsection (a) of this section.

Sixth: By striking out Sec. 12, repeal; Education Fund Advisory Committee; appropriation in its entirety and inserting in lieu thereof a new Sec. 12 to read:

Sec. 12. REPEAL; EDUCATION FUND ADVISORY COMMITTEE;

32 V.S.A. § 5414 (Education Fund Advisory Committee) as added by this act is repealed on July 1, 2034.

Seventh: In Sec. 20, 16 V.S.A. § 4001(6)(B), following “an amount equal to the” by striking out the word “difference” and inserting in lieu thereof the word “increase”

Eighth: In Sec. 25, effective dates, in subdivision (b)(6), following “(16 V.S.A. § 563; ballot language)” by inserting “; provided, however, that this section shall not apply to ballots used for fiscal year 2025 budgets”

(Committee Vote: 7-4-1)

Amendment to be offered by Rep. Beck of St. Johnsbury to H. 887

That the bill be amended by adding a reader assistance heading and one new section to be Sec. 2a to read as follows:

* * * Teacher Retirement Payments * * *

Sec. 2a. TEACHERS’ RETIREMENT SYSTEM PAYMENTS; STUDY

(a) The Office of the State Treasurer, in consultation with the Joint Fiscal Office, shall conduct a study to analyze the fiscal and administrative impacts of requiring that the employer retirement normal costs and administrative operating expenses for active teachers who are members of the State Teachers’ Retirement System pursuant to 16 V.S.A. § 1935 be paid for by the independent school or school district that employs the teacher rather than appropriated directly from the Education Fund.

(b) Notwithstanding any provision of 16 V.S.A. § 4025 to the contrary, the sum of \$5,000.00 is appropriated from the Education Fund to the Office of the

State Treasurer in fiscal year 2025 to support the analysis required for this study.

(c) The Office of the State Treasurer shall provide a written report of the analysis along with any recommendations to the General Assembly on or before December 1, 2024.

Amendment to be offered by Rep. Shaw of Pittsford to H. 887

That the bill be amended as follows:

First: By striking out Sec. 5, 32 V.S.A. chapter 225, subchapter 4, in its entirety and inserting in lieu thereof the following:

Sec. 5. [Deleted.]

Second: In Sec. 25, effective dates, by striking out subdivision (b)(2) in its entirety and renumbering the remaining subdivisions to be numerically correct.

Amendment to be offered by Reps. Toof of St. Albans Town and Taylor of Milton to H. 887

That the bill be amended as follows:

First: By adding a Sec. 3a to read as follows:

Sec. 3a. 32 V.S.A. § 9701(7) is amended to read:

(7) “Tangible personal property” means personal property that may be seen, weighed, measured, felt, touched, or in any other manner perceived by the senses. “Tangible personal property” includes electricity, water, gas, steam, and prewritten computer software ~~regardless of the method in which the prewritten computer software is paid for, delivered, or accessed, including remotely or hosted by a vendor or the vendor’s designee, or both, except that~~ tangible personal property shall not include prewritten software accessed remotely.

Second: In Sec. 25, effective dates, by striking out subsection (c) in its entirety and inserting in lieu thereof the following:

(c) Secs. 3a (sunset of cloud tax), 13a–15 (CLA effect on tax rates and statewide adjustment), and 19 (repeal of excess spending suspension) shall take effect on July 1, 2025.

Third: By adding a Sec. 5a to read as follows:

Sec. 5a. REPEALS

32 V.S.A. chapter 225, subchapter 4, is repealed on July 1, 2025.

Fourth: In Sec. 25, effective dates, by striking out subdivision (b)(2) in its entirety and inserting in lieu thereof the following:

(2) Secs. 5 and 5a (short-term rental surcharge; sunset);

Amendment to be offered by Reps. Sibilio of Dover, Arsenault of Williston, Burrows of West Windsor, Carpenter of Hyde Park, and Granning of Jericho to H. 887

That the bill be amended as follows:

First: By adding a new section to be Sec. 8a to read as follows:

Sec. 8a. 32 V.S.A. § 5402b(d) is added to read:

(d) The Commissioner shall include in the recommendations made pursuant to subsection (a) of this section an estimate of all State-directed spending for the following fiscal year. As used in this subsection, "State-directed spending" means supplemental State aid appropriated from the Education Fund to school districts for specific purposes as well as appropriations made from the Education Fund under 16 V.S.A. § 4025(b)(2)–(5). State-directed spending shall not be included in a school district's education spending and shall be considered offsetting revenue. State-directed spending shall not include special education funding under 16 V.S.A. chapter 101 and reimbursement for transportation expenditures under 16 V.S.A. § 4016.

Second: In Sec. 25, 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 the following sections shall take effect on passage:

(1) Sec. 1 (Commission on the Future of Public Education);

(2) Sec. 2 (property tax rates and yields);

(3) Sec. 8a (December 1 letter; State-directed spending);

(4) Sec. 13 (State outreach; statewide adjustments); and

(5) Sec. 17 (Act 84 application to district mergers, withdrawals, and dissolutions).

Amendment to be offered by Rep. Harrison of Chittenden to H. 887

That the bill be amended by striking out Sec. 18, 32 V.S.A. § 5401(12), in its entirety and inserting in lieu thereof the following:

Sec. 18. ALLOWABLE EDUCATION SPENDING FOR FISCAL YEARS

2026 AND 2027

(a) Notwithstanding any other provision of law, for fiscal years 2026 and 2027 only, “excess spending” under 32 V.S.A. § 5401(12) means the per pupil education spending, as defined in 16 V.S.A. § 4001(14), adjusted to include any amount required to be added to education spending from a Capital Construction Reserve Fund under 24 V.S.A. § 2804(b), that is in excess of the district’s per pupil education spending in the prior fiscal year, plus the district’s allowable spending.

(b) For fiscal years 2026 and 2027 only, the “allowable spending” for any individual school district is an amount equal to the actual amount of per pupil education spending in the district in the prior fiscal year, multiplied by the district’s “allowable spending percentage.” A district’s “allowable spending percentage” means the greater of:

(1) a percentage that results from the following equation: the highest per pupil education spending in any district in the State, excluding gores, in the prior fiscal year, divided by the actual amount of per pupil education spending in the district in the prior fiscal year, minus one, multiplied by five and one-half percent; or

(2) the percentage change in the New England Economic Project Cumulative Price Index, as of November 15, for state and local government purchases of goods and services between the prior fiscal year and the current fiscal year.

(c) For the purpose of the calculations made under this section, the term “per pupil education spending” shall exclude all the adjustments under 16 V.S.A. § 4001(6)(B).

(d) Notwithstanding any provision of law to the contrary, for fiscal years 2026 and 2027 only, the school budget language required under 16 V.S.A. § 563(11)(D) shall be replaced with the following:

“Article #1 (School Budget):

Shall the voters of the school district approve the school board to expend \$ _____, which is the amount the school board has determined to be necessary for the ensuing fiscal year?

The _____ District estimates that this proposed budget, if approved, will result in per pupil education spending of \$ _____, which is _____ % higher/lower than per pupil education spending for the current year. This proposed per pupil education spending is \$ _____ over the amount designated for the district’s per pupil allowable spending under Vermont law.”

Amendment to be offered by Rep. Kornheiser of Brattleboro to H. 887

That the bill be amended as follows:

First: By striking out Sec. 20, 16 V.S.A. § 4001(6)(B), in its entirety and inserting in lieu thereof the following:

Sec. 20. 16 V.S.A. § 4001(6)(B) is amended to read:

(B) For all bonds approved by voters prior to July 1, 2024, voter-approved bond payments toward principal and interest shall not be included in “education spending” for purposes of calculating excess spending pursuant to 32 V.S.A. § 5401(12), “education spending” shall not include:

(i) Spending during the budget year for:

(I) approved school capital construction for a project that received preliminary approval under section 3448 of this title, including interest paid on the debt, provided the district shall not be reimbursed or otherwise receive State construction aid for the approved school capital construction; or

(II) spending on eligible school capital project costs pursuant to the State Board of Education’s Rule 6134 for a project that received preliminary approval under section 3448 of this title.

(ii) For a project that received final approval for State construction aid under chapter 123 of this title:

(I) spending for approved school capital construction during the budget year that represents the district’s share of the project, including interest paid on the debt; or

(II) payment during the budget year of interest on funds borrowed under subdivision 563(21) of this title in anticipation of receiving State aid for the project.

(iii) Spending that is approved school capital construction spending or deposited into a reserve fund under 24 V.S.A. § 2804 to pay future approved school capital construction costs, including that portion of tuition paid to an independent school designated as the public high school of the school district pursuant to section 827 of this title for capital construction costs by the independent school that has received approval from the State Board of Education, using the processes for preliminary approval of public school construction costs pursuant to subdivision 3448(a)(2) of this title.

~~(iv) Spending attributable to the cost of planning the merger of a small school, which for purposes of this subdivision means a school with an average grade size of 20 or fewer students, with one or more other schools.~~

~~(v) Spending attributable to the district's share of special education spending that is not reimbursed as an extraordinary reimbursement under section 2962 of this title for any student in the fiscal year occurring two years prior.~~

~~(vi) A budget deficit in a district that pays tuition to a public school or an approved independent school, or both, for all of its resident students in any year in which the deficit is solely attributable to tuition paid for one or more new students who moved into the district after the budget for the year creating the deficit was passed.~~

~~(vii) For a district that pays tuition for all of its resident students and into which additional students move after the end of the census period defined in subdivision (1)(A) of this section, the number of students that exceeds the district's most recent average daily membership and for whom the district will pay tuition in the subsequent year multiplied by the district's average rate of tuition paid in that year.~~

~~(viii) Tuition paid by a district that does not operate a school and pays tuition for all resident students in kindergarten through grade 12, except in a district in which the electorate has authorized payment of an amount higher than the statutory rate pursuant to subsection 823(b) or 824(c) of this title.~~

~~(ix) The assessment paid by the employer of teachers who become members of the State Teachers' Retirement System of Vermont on or after July 1, 2015, pursuant to section 1944d of this title.~~

~~(x) School district costs associated with dual enrollment and early college programs.~~

~~(xi) Costs incurred by a school district or supervisory union when sampling drinking water outlets, implementing lead remediation, or retesting drinking water outlets as required under 18 V.S.A. chapter 24A.~~

Second: By striking out Sec. 21, property tax credit; asset declaration; report, in its entirety and inserting in lieu thereof the following:

Sec. 21. PROPERTY TAX CREDIT; ASSET DECLARATION; REPORT

On or before December 15, 2024, the Commissioner shall recommend administrative and policy improvements for property tax credit claims,

including the use of an asset declaration. The report shall be submitted to the House Committee on Ways and Means and the Senate Committee on Finance.

Third: In Sec. 25, effective dates, by striking out subsections (b) and (c) in their entireties and inserting in lieu thereof the following:

(b) Secs. 13a–16 (CLA effect on tax rates and statewide adjustment) and 19 (repeal of excess spending suspension) shall take effect July 1, 2025.

(c) Sec. 9 (16 V.S.A. § 563; powers of school boards; form of vote) shall take effect July 1, 2024, provided, however, that 16 V.S.A. § 563(11)(D) shall not apply to ballots used for fiscal year 2025 budgets.

(d) All other sections shall take effect on July 1, 2024.

Amendment to be offered by Reps. Carpenter of Hyde Park, Arsenault of Williston, Burrows of West Windsor, Chapin of East Montpelier, Christie of Hartford, Cole of Hartford, Cordes of Lincoln, Dolan of Waitsfield, Goldman of Rockingham, Graning of Jericho, Headrick of Burlington, Holcombe of Norwich, Krasnow of South Burlington, LaMont of Morristown, Leavitt of Grand Isle, Lipsky of Stowe, McGill of Bridport, Ode of Burlington, Roberts of Halifax, and Sibia of Dover to H. 887

That the bill be amended as follows:

First: By adding a reader assistance heading and one new section to be Sec. 24a to read as follows:

* * * Tuition after School Closure * * *

Sec. 24a. 16 V.S.A. § 830 is added to read:

§ 830. PROHIBITION ON SCHOOL CLOSURE AND TRANSITION TO
PAYING TUITION

Notwithstanding any provision of law to the contrary, a school district shall be prohibited from closing an existing school and providing for the education of its resident students by paying tuition for its students to attend a public or approved independent school chosen by the parents of the district's students. A school district that closes an existing school shall provide for the education of its resident students by designating three or fewer of the following schools to serve as the public school or schools of the district, in accordance with section 827 of this title:

(1) a public school located outside the district; or

(2) an independent school approved under section 166 of this title that meets at least three of the following four criteria:

(A) the approved independent school serves as a regional career and technical education center as defined in section 1522 of this title;

(B) the approved independent school was established through the granting of a charter by the Vermont General Assembly;

(C) the approved independent school qualified as a public school under the definition of “public school” in effect on June 30, 1991, under subdivision 11(a)(7) of this title; or

(D) the approved independent school is designated under section 1935 of this title as an employer of teachers within the meaning of chapter 55 of this title (State Teachers’ Retirement System of Vermont).

Second: In Sec. 25, effective dates, in subdivision (b)(13) by striking out “and”

Third: In Sec. 25, effective dates, in subdivision (b)(14), following “(Act 127 conforming amendments)” by striking out “.” and inserting in lieu thereof “, and”

Fourth: In Sec. 25, effective dates, in subsection (b), by adding a subdivision (15) to read:

(15) Sec. 24a (tuition and school closure).

Amendment to be offered by Reps. Toleno of Brattleboro, Arsenault of Williston, Burrows of West Windsor, Carpenter of Hyde Park, Dolan of Waitsfield, Goldman of Rockingham, Graning of Jericho, Holcombe of Norwich, and Sibia of Dover to H. 887

That the bill be amended as follows:

First: By adding 13 new sections to be Secs. 24a–24m and their reader assistance heading to read as follows:

* * * State-Level Education Governance * * *

Sec. 24a. REPEAL

3 V.S.A. chapter 49 (education) is repealed.

Sec. 24b. 16 V.S.A. § 161 is amended to read:

§ 161. STATE BOARD OF EDUCATION; APPOINTMENT OF MEMBERS; TERM; VACANCY

The State Board shall consist of ~~ten~~ 10 members. Two of the members shall be secondary students in Vermont public schools, one of whom shall be a full member and the other of whom shall be a junior member who may not vote. ~~All members shall be appointed by the Governor with the advice and consent of the Senate.~~ In the appointment of the nonstudent members, priority shall be given to the selection of persons with a demonstrated commitment to ensuring quality education for Vermont students. To the extent possible, the members shall represent the State's geographic, gender, racial, and ethnic diversity. The representation of the Board shall reflect the enrollment of students, such that if 94 percent of publicly funded students are enrolled in public schools, not less than 90 percent of members of the Board shall reside in a school district that operates public schools, have worked in public schools, or have sent the member's children to public schools. Not more than one member shall be appointed from the same school district and its member towns. The Secretary Commissioner shall serve on the State Board as a nonvoting member. The members shall be appointed as follows:

(1) Six members shall be appointed by the Governor, including the secondary student members.

(2) Two members shall be appointed by the Senate Committee on Committees, none of whom may be legislators. Members shall be chosen from among not fewer than six candidates proposed by the Senate Committee on Education.

(3) Two members shall be appointed by the Speaker of the House, none of whom may be legislators. Members shall be chosen from among not fewer than six candidates proposed by the House Committee on Education.

(4) Upon the expiration of the respective terms of those members of the Board previously appointed, excluding the student members, the ~~Governor~~ appointing authority that made the initial appointment to the expired term shall, biennially in the month of February ~~with the advice and consent of the Senate~~, appoint members for terms of ~~six~~ five years. The terms shall begin March 1 of the year in which the appointments are made. A member serving a term of ~~six~~ five years shall not be eligible for reappointment for successive terms.

(2)(5) In the event of any vacancy occurring in the membership of the Board, the ~~Governor~~ appointing authority that made the initial appointment to the vacated term shall fill the vacancy within 60 days with a qualified person whose appointment shall be for the unexpired portion of the term. Vacancies in terms initially filled by the Senate Committee on Committees or the Speaker of the House shall be filled by choosing from among the original list of

candidates for the vacant term proposed by the applicable committee of jurisdiction.

~~(3)~~(6) Biennially, the Board shall choose a member of the Board to be its chair.

~~(4)~~(7) Annually, using an application process that is open and accessible to all eligible students, the Governor shall appoint a Vermont secondary school student who will continue to be a secondary student for at least two years following taking office, to serve on the State Board for two years, beginning on July 1 of the year of appointment. The student member shall not vote during the first year and shall be a full and voting member during the second year of ~~his or her~~ the student's term.

(8) As part of the annual report due to the Governor and General Assembly under subdivision 164(21) of this title, the Board shall include information on the representative nature of the composition of the Board.

Sec. 24c. TRANSITION PERIOD STATE BOARD MEMBER

APPOINTMENTS

Members currently serving on the State Board of Education may continue to serve for the duration of the term to which they were appointed. Beginning on July 1, 2024, as terms of currently serving members expire, appointments of successors shall be made in accordance with the qualifications and considerations required under 16 V.S.A. § 161 and shall be made in the following order:

(1) For the terms expiring on February 28, 2025, one shall be made by the Senate Committee on Committees and one shall be made by the Speaker of the House.

(2) For the terms expiring on February 28, 2027, one shall be made by the Governor, one shall be made by the Senate Committee on Committees, and one shall be made by the Speaker of the House.

(3) For the term expiring on February 29, 2028, the appointment shall be made by the Governor.

(4) For the term expiring on February 28, 2029, the appointment shall be made by the Governor.

(5) For the term expiring on February 28, 2030, the appointment shall be made by the Governor.

(6) The Governor shall continue to make annual secondary student appointments in accordance with 16 V.S.A. § 161.

(7) After each appointing authority has made its initial transition period appointments under this section, all appointments shall be made by the appointing authority that made the initial appointment to the vacated or expired term in accordance with 16 V.S.A. § 161.

Sec. 24d. 16 V.S.A. § 163 is amended to read:

§ 163. STAFF OFFICE; MEETINGS

(a) The Board shall be supported by adequate staff, who shall report to the Board office of the Board shall be the office of the Commissioner of Education.

(b) The Board shall meet monthly and shall hold special meetings as required for the performance of its duties. The times and places for regular and special meetings shall be designated by the Chair of the Board. The Chair shall call a special meeting upon the written request of any two members.

(c) The Board shall develop and update an annual policy manual for its operation, including when and how to evaluate the Commissioner of Education. The Board shall meet without the Commissioner for at least part of its evaluation process.

(d) Board meetings shall be conducted in accordance with Vermont's Open Meeting Law pursuant to 1 V.S.A. chapter 5, subchapter 2.

Sec. 24e. 16 V.S.A. § 164 is amended to read:

§ 164. STATE BOARD; GENERAL POWERS AND DUTIES

The State Board shall have supervision over and management of the Department of Education and the public school system, except as otherwise provided; shall evaluate education policy proposals, including timely evaluation of policies presented by the Governor, Commissioner, and General Assembly; engage local school board members and the broader education community and, consistent with the provisions of this title, its own rules, and rules adopted by the Secretary, establish and regularly update a long-term strategic vision for the delivery of educational services in Vermont; advise the General Assembly, the Governor, and the Secretary of Education on high-priority educational policies and issues as they arise; and act in accordance with legislative mandates, including the adoption of rules and executing special assignments; ensure and support continuous improvement of teaching and learning; ensure clear, coherent, and consistent goals and rules for students and publicly funded education; and establish and advance education policy for the State of Vermont. In addition to other specified duties, the Board shall:

* * *

(4) Biennially cause to be prepared a recommended budget for all money to be expended by the Department of Education. The Board will review and comment on the budget prepared by the Commissioner.

* * *

(10) Establish an information clearinghouse and accessible database to help districts and the public share information about student performance and well-being in all publicly funded education settings, as well as information about educational programs and practices that improve student performance and well-being. Educational programs and practices include those designed to create and sustain a safe learning environment.

* * *

(19) Develop, in consultation with the Secretary of State, and make available to school boards, sample ballot language for items that may be voted on by Australian ballot and for which no statutory language exists.

* * *

Sec. 24f. 16 V.S.A. chapter 5 is redesignated to read:

CHAPTER 5. ~~SECRETARY~~ COMMISSIONER OF EDUCATION

Sec. 24g. 16 V.S.A. chapter 5, subchapter 1 is redesignated to read:

Subchapter 1. ~~Secretary~~ Commissioner of Education

Sec. 24h. 16 V.S.A. § 212 is amended to read:

§ 212. ~~SECRETARY'S~~ COMMISSIONER'S DUTIES GENERALLY

The ~~Secretary~~ Commissioner shall execute those policies adopted by the State Board in the legal exercise of its powers and shall:

* * *

(14) Annually, communicate to each superintendent a list of information that a supervisory union, a school board, a school district, a school, a school district employee, or a supervisory union employee is required under State or federal law to make available to the electorate, community members, parents, or students. It is the intent of this subdivision that the ~~Secretary~~ Commissioner shall make a good faith effort to compile a complete list of the information to be made available. Due to the difficult nature of compiling such a list, it is also the intent that failure to include relevant information on the list shall not constitute grounds for an action against the ~~Secretary~~ Commissioner.

* * *

~~(19) Establish an information clearinghouse and accessible database to help districts share information about educational programs and practices that improve student performance. Educational programs and practices include those designed to create and sustain a safe learning environment. [Repealed.]~~

~~(20) Develop, in consultation with the Secretary of State, and make available to school boards sample ballot language for issues that may be decided by Australian ballot and for which no statutory language exists. [Repealed.]~~

~~(21) Prepare a budget for the Agency and submit it to the Governor after review by the State Board. [Repealed.]~~

~~(22) Annually, prior to September 1, present the Governor's education policy priorities to the State Board. [Repealed.]~~

Sec. 24i. 16 V.S.A. § 211 is added to read:

§ 211. APPOINTMENT; REPORTS

(a) Subject to the approval of the Governor, the State Board shall employ a competent chief executive officer and secretary of the Board who shall have had special training and experience in educational work and who shall be called the Commissioner of Education. The Commissioner shall be appointed for an indefinite term and shall be subject to removal upon the majority vote of the entire Board.

(b) The Commissioner at all times and in such detail as the Board directs shall make reports to the Board concerning the public educational system, together with such recommendations as the Commissioner deems proper for the promotion of the educational interests of the State.

Sec. 24j. 3 V.S.A. § 212 is amended to read:

§ 212. DEPARTMENTS CREATED

The following administrative departments are hereby created, through the instrumentality of which the Governor, under the Constitution, shall exercise such functions as are by law assigned to each department respectively:

* * *

(6) The Department of Education

* * *

Sec. 24k. 3 V.S.A. § 256(b) is amended to read:

(b) Notwithstanding any other provision of law, all secretaries of State agencies and all commissioners of State departments, other than the

Commissioner of Education, shall take office only with the advice and consent of the Senate except in the case of an appointment to fill a vacancy when the General Assembly is not in session in which case the appointee may take office subject to the provisions of section 257 of this title.

Sec. 24l. COMMISSIONER OF EDUCATION; TRANSITION; POWERS
AND DUTIES

On January 1, 2025:

(1) The Commissioner of Education shall assume all powers, duties, rights, and responsibilities of the Secretary of Education; provided, however, that if a Commissioner appointed by the State Board has not assumed office on or before January 1, 2025, then the Secretary or acting Secretary of the Agency on that date shall continue to perform the duties until the day on which the Commissioner assumes office but shall report to the Board and not the Governor.

(2) The Department of Education shall assume all the powers, duties, rights, and responsibilities of the Agency of Education.

Sec. 24m. LEGISLATIVE COUNSEL; PREPARATION OF A DRAFT BILL

On or before January 15, 2026, the Office of Legislative Counsel shall prepare and submit a draft bill to the House and Senate Committees on Education that makes statutory amendments of a technical nature and identifies all statutory sections that the General Assembly shall amend substantively to effect the intent of the act.

Second: In Sec. 25, effective dates, in subdivision (b)(13), by striking out “and”

Third: In Sec. 25, effective dates, in subdivision (b)(14), following “(Act 127 conforming amendments)”, by striking out “.” and inserting in lieu thereof “, and”

Fourth: In Sec. 25, effective dates, in subsection (b), by adding a subdivision (15) to read as follows:

(15) Secs. 24a–24m (Agency to Department of Education amendments).

S. 259

An act relating to climate change cost recovery

Rep. Sheldon of Middlebury, for the Committee on Environment and Energy, recommends that the House propose to the Senate that the bill be amended as follows:

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

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

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

(C) Each subsequent installment shall be paid one year from the initial payment each subsequent year and shall be equal to 10 percent of the total cost recovery demand amount. The Secretary may charge reasonable interest on each installment payment or a payment delayed for any other reason and, at the Secretary’s discretion, may adjust the amount of a subsequent installment payment or a payment delayed for any other reason to reflect increases or decreases in the Consumer Price Index.

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

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

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

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

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

Sec. 7. EFFECTIVE DATES

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

(Committee vote: 9-2-0)

Favorable

H. 881

An act relating to approval of an amendment to the charter of the City of Burlington

Rep. Hooper of Burlington, for the Committee on Government Operations and Military Affairs, recommends the bill ought to pass.

(Committee Vote: 7-0-5)

Rep. Anthony of Barre City, for the Committee on Ways and Means, recommends the bill ought to pass.

(Committee Vote: 12-0-0)

Action Postponed Until April 23, 2024

Senate Proposal of Amendment

H. 40

An act relating to nonconsensual removal of or tampering with a condom

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

Sec. 1. 12 V.S.A. § 1043 is added to read:

§ 1043. NONCONSENSUAL REMOVAL OF OR TAMPERING WITH A
CONDOM

(a) No person shall intentionally and without consent remove or tamper with a condom prior to or during a sexual act in a manner likely to render it ineffective for its common purpose when consent to the sexual act is given by the other person with the explicit understanding that a condom would be used.

(b) A person harmed by a violation of subsection (a) of this section may bring an action in the Civil Division of the Superior Court for compensatory damages, punitive damages, and reasonable costs and attorney's fees.

(c) An action under subsection (b) of this section shall be subject to the statute of limitations in section 511 of this title.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

New Business

Favorable with Amendment

S. 191

An act relating to New American educational grant opportunities

Rep. Conlon of Cornwall, for the Committee on Education, recommends that the House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Vermont Student Assistance Corporation * * *

Sec. 1. 16 V.S.A. § 2846 is amended to read:

§ 2846. ADVANCEMENT GRANTS

(a) The Corporation may establish an advancement grant program for residents pursuing nondegree education and training opportunities who do not meet the definition of student in subdivision 2822(3) of this title, and who may not meet the requirements of this subchapter.

(b) Advancement grants may be used at institutions that are not approved postsecondary education institutions.

(c) The Corporation may adopt rules or establish policies, procedures, standards, and forms for advancement grants, including the requirements for applying for and using the grants and the eligibility requirements for the institutions where the grants may be used. Such rules shall be consistent with subsection (d) of this section.

(d) Notwithstanding subsection (a) of this section, applicants shall not be ineligible for the advancement grant solely on account of the applicant's residency status under subdivision 2822(7) of this title if that applicant:

(1) qualifies as a refugee pursuant to 8 U.S.C. § 1101(a)(42) (definition of refugee);

(2) is granted parole to enter the United States pursuant to 8 U.S.C. § 1182(d)(5) (temporary admission of nonimmigrants for urgent humanitarian reasons); or

(3) is issued a special immigrant visa pursuant to the Afghan Allies Protection Act of 2009, Pub. L. No. 111-8 (8 U.S.C. § 1101 note), as amended.

Sec. 2. INCENTIVE GRANT ELIGIBILITY; RESIDENCY

(a) Notwithstanding any provision of law to the contrary, applicants shall not be ineligible for the Vermont incentive grant program under 16 V.S.A. §§ 2841–2844 solely on account of that person’s residency status if the applicant:

(1) qualifies as a refugee pursuant to 8 U.S.C. § 1101(a)(42) (definition of refugee);

(2) is granted parole to enter the United States pursuant to 8 U.S.C. § 1182(d)(5) (temporary admission of nonimmigrants for urgent humanitarian reasons); or

(3) is issued a special immigrant visa pursuant to the Afghan Allies Protection Act of 2009, Pub. L. No. 111-8 (8 U.S.C. § 1101 note), as amended.

(b) This section shall be repealed on July 1, 2027.

Sec. 3. 16 V.S.A. § 2828 is added to read:

§ 2828. FINANCIAL AID ELIGIBILITY FOR CERTAIN STUDENTS

(a) Notwithstanding any provision of law to the contrary, a resident who is otherwise eligible for a State-funded financial aid program administered by the Corporation shall not be ineligible solely on the basis of such resident’s immigration status under federal law.

(b) The Corporation shall establish procedures and forms that enable residents eligible under subsection (a) of this section to apply for, and participate in, all State-funded student financial aid programs administered by the Corporation for which such residents are eligible to the full extent permitted by federal law. The Corporation may collect such information as is necessary to confirm eligibility for participation in programs administered by the Corporation.

(c) The Corporation may adopt rules pursuant to 3 V.S.A. chapter 25 as necessary to carry out the provisions of this section.

(d) The Corporation shall include information regarding the impact of this section and the number of students who receive financial aid pursuant to this section in its biannual report to the General Assembly pursuant to subsection 2835(c) of this title.

* * * Vermont State Colleges Corporation * * *

Sec. 4. 16 V.S.A. § 2185 is amended to read:

§ 2185. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

(a) The Board of Trustees shall adopt policies related to residency for tuition purposes, consistent with State and federal requirements. Any policies adopted by the Board shall not discriminate against or exclude a person based solely on the person's immigration status, or lack thereof, if such person would otherwise qualify for and meet requirements for Vermont residency for tuition purposes as set forth by the Board and as permitted under federal law.

(b) Any member of the U.S. Armed Forces on active duty who is transferred to Vermont for duty other than for the purpose of education shall, upon transfer and for the period of active duty served in Vermont, be considered a resident for in-state tuition purposes at the start of the next semester or academic period.

(c) For determination of residency for tuition to the Community College of Vermont, a person who resides in Vermont shall be considered a resident for in-state tuition purposes, beginning at the start of the next semester or academic period after arrival in Vermont, if that person:

(1) qualifies as a refugee pursuant to 8 U.S.C. § 1101(a)(42) (Immigration and Nationality Act definition of refugee);

(2) is granted parole to enter the United States pursuant to 8 U.S.C. § 1182(d)(5) (temporary admission of nonimmigrants for urgent humanitarian reasons); or

(3) is issued a special immigrant visa pursuant to the Afghan Allies Protection Act of 2009, Pub. L. No. 111-8 (8 U.S.C. § 1101 note), as amended.

* * *

(e) Except as otherwise provided by law, or by consent of the individual identified in the record, information collected pursuant to this section that directly or indirectly identifies applicants or students, including grant, loan, scholarship, or outreach programs, is exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

* * * University of Vermont and State Agricultural College * * *

Sec. 5. 16 V.S.A. § 2282a is amended to read:

§ 2282a. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

(a) Enrollment at an institution for higher learning, or presence within the State for the purposes of attending an institution of higher learning, shall not by itself constitute residence for in-state tuition purposes or for the purpose of

eligibility for assistance from the Vermont Student Assistance Corporation. The Board of Trustees shall adopt policies related to residency for tuition purposes, consistent with State and federal requirements. Any policies adopted by the Board of Trustees shall not discriminate against or exclude a person based solely on the person's immigration status, or lack thereof, if such person would otherwise qualify for and meet requirements for Vermont residency for tuition purposes as set forth by the Board and as permitted under federal law.

* * *

(d) Except as otherwise provided by law, or by consent of the individual identified in the record, information collected pursuant to this section that directly or indirectly identifies applicants or students, including grant, loan, scholarship, or outreach programs, is exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

* * * Effective Dates * * *

Sec. 6. EFFECTIVE DATES

(a) This section and Secs. 1 (advancement grants) and 2 (incentive grants) shall take effect on July 1, 2024.

(b) Secs. 3 (financial aid), 4 (Vermont State Colleges Corporation in-state tuition), and 5 (University of Vermont and State Agricultural College in-state tuition) shall take effect on July 1, 2025.

(Committee vote: 10-0-2)

Senate Proposal of Amendment

H. 861

An act relating to reimbursement parity for health care services delivered in person, by telemedicine, and by audio-only telephone

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

Sec. 1. 8 V.S.A. § 41001 is amended to read:

§ 41001. COVERAGE OF HEALTH CARE SERVICES DELIVERED BY
AUDIO-ONLY TELEPHONE

* * *

(b)(1) A health insurance plan shall provide coverage for all medically necessary, clinically appropriate health care services delivered remotely by audio-only telephone to the same extent that the plan would cover the services

if they were provided through in-person consultation. Services covered under this subdivision shall include services that are covered when provided in the home by home health agencies.

(2)(A) A health insurance plan shall provide the same reimbursement rate for services billed using equivalent procedure codes and modifiers, subject to the terms of the health insurance plan and provider contract, regardless of whether the service was provided through an in-person visit with the health care provider or by audio-only telephone.

(B) The provisions of subdivision (A) of this subdivision (2) shall not apply in the event that a health insurer and health care provider enter into a value-based contract for health care services that include care delivered by audio-only telephone.

(c) A health insurance plan may charge an otherwise permissible deductible, co-payment, or coinsurance for a health care service delivered by audio-only telephone, provided that it does not exceed the deductible, co-payment, or coinsurance applicable to an in-person consultation.

~~(3)~~(d) A health insurance plan shall not require a health care provider to have an existing relationship with a patient in order to be reimbursed for health care services delivered by audio-only telephone.

Sec. 2. REPEAL; TELEMEDICINE REIMBURSEMENT PARITY SUNSET

2020 Acts and Resolves No. 91, Sec. 27 (repealing 8 V.S.A. § 4100k(a)(2), telemedicine reimbursement parity, on January 1, 2026) is repealed.

Sec. 3. 2024 Acts and Resolves No. 82, Sec. 1(a)(1) is amended to read:

(a)(1) The Commissioner of Taxes may approve an application by a municipality for reimbursement of State education property tax payments owed under 32 V.S.A. § 5402(c) and 16 V.S.A. § 426. To be eligible for reimbursement under this section, prior to ~~April~~ November 15, 2024, a municipality must have abated, in proportion to the abated municipal tax, under 24 V.S.A. § 1535 the State education property taxes that were assessed on eligible property, after application of any property tax credit allowed under 32 V.S.A. chapter 154.

Sec. 4. EFFECTIVE DATES

This act shall take effect on January 1, 2025, except this section and Sec. 3 (extension for flood abatement reimbursement) shall take effect on passage.

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

An act relating to reimbursement parity for health care services delivered in person, by telemedicine, and by audio-only telephone and extending time for flood abatement reimbursement

Senate Proposal of Amendment to House Proposal of Amendment to Senate Proposal of Amendment

H. 659

An act relating to captive insurance

The Senate concurs in the House proposal of amendment to Senate proposal of amendment with the following proposal of amendment thereto:

In Sec. 48, 8 V.S.A. chapter 79, subchapter 10, section 2577, by striking out subsections (f) and (g) in their entirety and inserting in lieu thereof new subsections (f) and (g) to read as follows:

(f) Moratorium. To protect the public safety and welfare and safeguard the rights of consumers, virtual-currency kiosks shall not be permitted to operate in Vermont prior to July 1, 2025. This moratorium shall not apply to a virtual-currency kiosk that was operational in Vermont on or before June 30, 2024.

(g) Report. On or before January 15, 2025, the Commissioner of Financial Regulation shall report to the House Committee on Commerce and Economic Development and the Senate Committee on Finance on whether the requirements of this section coupled with relevant federal requirements are sufficient to protect customers in Vermont from fraudulent activity. If deemed necessary and appropriate by the Commissioner, the Commissioner may make recommendations for additional statutory or regulatory safeguards. In addition, the Commissioner shall make recommendations for enhanced oversight and monitoring of virtual-currency kiosks for the purpose of minimizing their use for illicit activities as described in the U.S. Government Accountability Office report on virtual currencies, GAO-22-105462, dated December 2021.

Action Postponed Until April 24, 2024

Senate Proposal of Amendment

H. 563

An act relating to criminal motor vehicle offenses involving unlawful trespass, theft, or unauthorized operation

The Senate proposes 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. § 3705 is amended to read:

§ 3705. UNLAWFUL TRESPASS

(a)(1) A person shall be imprisoned for not more than three months or fined not more than \$500.00, or both, if, without legal authority or the consent of the person in lawful possession, ~~he or she~~ the person enters or remains on any land or in any place as to which notice against trespass is given by:

(A) actual communication by the person in lawful possession or ~~his or her~~ the person's agent or by a law enforcement officer acting on behalf of such person or ~~his or her~~ the person's agent;

(B) signs or placards so designed and situated as to give reasonable notice; or

(C) in the case of abandoned property:

(i) signs or placards, posted by the owner, the owner's agent, or a law enforcement officer, and so designed and situated as to give reasonable notice; or

(ii) actual communication by a law enforcement officer.

(2) As used in this subsection, "abandoned property" means:

(A) real property on which there is a vacant structure that for the previous 60 days has been continuously unoccupied by a person with the legal right to occupy it and with respect to which the municipality has by first-class mail to the owner's last known address provided the owner with notice and an opportunity to be heard; and

(i) property taxes have been delinquent for six months or more; or

(ii) one or more utility services have been disconnected; or

(B) a railroad car that for the previous 60 days has been unmoved and unoccupied by a person with the legal right to occupy it.

(b) Prosecutions for offenses under subsection (a) of this section shall be commenced within 60 days following the commission of the offense and not thereafter.

(c) A person who enters the motor vehicle of another and knows that the person does not have legal authority or the consent of the person in lawful possession of the motor vehicle to do so shall be imprisoned not more than three months or fined not more than \$500.00, or both. For a second or subsequent offense, a person who violates this subsection shall be imprisoned

not more than one year or fined not more than \$500.00, or both. Notice against trespass shall not be required under this subsection.

(d) A person who enters a building other than a residence, whose access is normally locked, whether or not the access is actually locked, or a residence in violation of an order of any court of competent jurisdiction in this State shall be imprisoned for not more than one year or fined not more than \$500.00, or both.

~~(d)~~(e) A person who enters a dwelling house, whether or not a person is actually present, knowing that ~~he or she~~ the person is not licensed or privileged to do so shall be imprisoned for not more than three years or fined not more than \$2,000.00, or both.

~~(e)~~(f) A law enforcement officer shall not be prosecuted under subsection (a) of this section if ~~he or she~~ the law enforcement officer is authorized to serve civil or criminal process, including citations, summons, subpoenas, warrants, and other court orders, and the scope of ~~his or her~~ the law enforcement officer's entrance onto the land or place of another is ~~no~~ not more than necessary to effectuate the service of process.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

NOTICE CALENDAR

Constitutional Proposal

PROPOSAL 3

Declaration of rights; right to collectively bargain

Second of Four Days on the Notice Calendar

Rep. LaBounty of Lyndon for the Committee on General and Housing.

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to provide that the citizens of the State have a right to collectively bargain.

Sec. 2. Article 23 of Chapter I of the Vermont Constitution is added to read:

Article 23. [Right to collectively bargain]

That employees have a right to organize or join a labor organization for the purpose of collectively bargaining with their employer through an exclusive representative of their choosing for the purpose of negotiating wages, hours,

and working conditions and to protect their economic welfare and safety in the workplace. Therefore, no law shall be adopted that interferes with, negates, or diminishes the right of employees to collectively bargain with respect to wages, hours, and other terms and conditions of employment and workplace safety, or that prohibits the application or execution of an agreement between an employer and a labor organization representing the employer's employees that requires membership in the labor organization as a condition of employment.

Sec. 3. EFFECTIVE DATE

The amendment set forth in this proposal shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2026 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

(Committee vote: 11-1-0)

For Informational Purposes

H.C.R REQUEST DEADLINE

All requests for a 2024 House Concurrent Resolution should be submitted to Michael Chernick in the Office of Legislative Counsel by noon on **Tuesday, April 23, 2024.**

NOTICE OF CROSSOVER DATES

The Committee on Joint Rules adopted the following Crossover dates:

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

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

Exceptions the foregoing deadlines include the major money bills (the general Appropriations bill (“The Big Bill”), the Transportation Capital bill, the Capital Construction bill, the Pay Act, and the Fee and miscellaneous tax bills).

JOINT FISCAL COMMITTEE NOTICES

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

JFO #3199: \$1,000,000.00 from the U.S. Department of Energy through Vermont Energy Efficiency Coop to the Vermont Military Department. Funds will be used for facility upgrades in the Westminster and Berlin Armories to help study the effects of thermal energy storage on heating and cooling loads in electrified facilities. The grant requires a 20% state match of \$250,000.00 which will be funded through an appropriation of existing capital funds.

[Received April 18, 2024]

JFO #3198: Bargain sale of timber rights to the Agency of Natural Resources, Department of Fish and Wildlife from the A Johnson Co., LLC. Vermont acquired the current Pond Woods Wildlife Management Area in Benson and Orwell, VT in the 1960s. At that time the A Johnson Co. retained the timber rights. The State now has the opportunity to acquire the timber rights, valued at \$2,320,529.00, for \$900,000.00. Acquisition of the timber rights will allow greater control over the property management. The \$900,000.00 sale price plus closing costs is covered by ongoing, annual funding from the U.S. Department of Fish and Wildlife.

[Received March 24, 2024]

JFO #3197: One (1) limited-service position, Environmental Analyst IV, to the Agency of Natural Resources, Department of Environmental Conservation. The position will manage the increase in funding and the resulting increase in projects for the Healthy Homes program which provides financial assistance to low to moderate income homeowners to address failed or inadequate water, wastewater, drainage and storm water issues. A portion of the American Rescue Plan Act – Coronavirus State Fiscal Recovery Funds appropriated in Act 78 of 2023, funds this position through 12/31/2026.

[Received March 19, 2024]

JFO #3196: Two (2) limited-service positions, both Grant Specialists, to the Agency of Natural Resources, Department of Forests, Parks and Recreation. The positions will manage stewardship of existing grants and applications and outreach for annual grant cycles. Both positions are 70% funded through existing federal funds. The remaining 30% will be a combination of state

special funds: State Recreation Trails Fund and Vermont Outdoor Recreation Economic Collaborative funds. The positions will not rely on annual appropriations of the General Fund. Both funded through 9/30/2024.

[Received March 19, 2024]

JFO #3195: One (1) limited-service position, Environmental Scientist III to the Agency of Natural Resources, Department of Environmental Conservation. The position will support high-priority efforts to reduce the spread of aquatic invasive species in public waters in the Lake Champlain Basin and is funded through additional federal funds received under an existing EPA grant for work in the Lake Champlain Basin program. Funding is for one-year with anticipation that funding will renew and be available for the foreseeable future. Position requested is through 12/31/2028.

[Received March 19, 2024]

JFO #3194: \$10,483,053.00 to the Agency of Commerce and Community Development, Department of Tourism and Marketing from the U.S. Department of Commerce, Economic Development Administration. Funds will support the resiliency and long-term recovery of the travel and tourism sectors in Vermont after the wide-spread disruption of these sectors during the Covid-19 pandemic. The Department of Tourism and Marketing has been working with the Economic Development Administration (EDA) for over 18 months to develop a plan that would satisfy the EDA requirements and meet the specific needs of the Vermont travel and tourism industry. The grant includes two (2) limited-service positions, Grants Programs Manager and Travel Marketing Administrator to complete the grant administration plan. Both positions are fully funded through the new award through 10/31/2025.

[Received March 19, 2024]

JFO #3193: Land donation of 18.6 acres of undevelopable wetlands in Newport City, VT from Linda Chamberlin Mosher to the Agency of Natural Resources, Department of Fish and Wildlife. The land abuts the existing South Bay Wildlife Management Area and will expand wildlife and fish habitats and improve public access. The donation value is \$51,500.00. Estimated closing costs of \$10,000.00 and ongoing maintenance costs are covered by already budgeted federal funds. No state funds will be used for the acquisition.

Received March 12, 2024]

JFO #3192: \$327,250.00 to the Agency of Human Services, Department of Health from the Centers for Disease Control and Prevention for data collection and public awareness related to Chronic Obstructive Pulmonary Disease. The grant is expected to fund yearly through 9/29/2027. The grant includes one (1)

limited-service position, Health Systems Program Administrator, to manage contracts and grants associated with the funding and communications with the CDC. The position is also funded through 9/29/2027.

[Received March 12, 2024]

JFO #3191: One (1) limited-service position to the Agency of Human Services, Department of Health to assess and carry out work related to data on maternal mortality and sudden unexpected infant deaths. Position requires quality assurance of data and transfer to federal data tracking systems. Position is funded through 09/29/2024 through previously approved JFO #1891.

[Received March 12, 2024]

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

[Received March 1, 2024]

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

[Received March 1, 2024]

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

[Received March 4, 2024]

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

are fully funded through 11/30/2027 and are funded by previously approved JFO #3136.

[Received February 26, 2024]

JFO #3186: \$4,525,801.81 to the Agency of Agriculture, Food and Markets from the U.S. Department of Agriculture. The majority of funds to be sub-awards to Vermont's agricultural businesses and organizations to build resilience in the middle of the food supply chain and to support market development for small farms and food businesses. Includes full funding for one (1) limited-service position, Agriculture Development Specialist II and 50% support for one (1) limited-service position, Contracts and Grants Specialist I. The other 50% for the position will come from already approved JFO #2982.

[Received February 8, 2024]

JFO #3185: \$70,000.00 to the Attorney General's Office from the Sears Consumer Protection and Education Fund to improve accessibility and outreach of the Vermont Consumer Assistance Program to underserved populations in Vermont.

[Received January 31, 2024]

JFO #3184: Three (3) limited-service positions to the Agency of Human Services, Department of Health. One (1) Substance Abuse Program Evaluator, funded through 8/31/28; and one (1) Public Health Specialist II, and one (1) Family Service Specialist both funded through 9/29/2024. The positions are fully funded by previously approved JFO requests #3036 and #1891. These positions will support Vermont's Overdose Data to Action program and the Maternal Mortality Review Panel.

[Received January 31, 2024]

JFO #3183: \$182,500.00 to the Agency of Natural Resources, Department of Forests, Parks and Recreation. Funds will be used to complete the purchase of a conservation easement on a 183-acre parcel of land in Townshend, Vermont (Peterson Farm). *[Note: Remainder of the easement (\$82,500) is supported by a State appropriation agreement between the department and the VHCB. Closing costs, including department staff time, is funded by already budgeted federal funds. Ongoing enforcement costs are managed by the department's Lands and Facilities Trust Fund. A \$15,000.00 stewardship contribution to this fund will be made by the landowner at the time of the sale.]*

[Received January 31, 2024]

JFO #3182: \$125,000.00 to Agency of Natural Resources, Department of Environmental Conservation from the New England Interstate Water Pollution Control Commission to expand current monitoring of cyanotoxins in Lake Champlain and Vermont inland lakes.

[Received January 31, 2024]

JFO #3181: \$409,960.00 to the Agency of Commerce and Community Development, Department of Housing and Community Development from the U.S. Department of the Interior/National Park Service. Funds will be used for the preservation, repair, and restoration of the Old Constitution House, located in Windsor, Vermont. The first Constitution of Vermont was adopted on this site, then known as Elijah West's Tavern, on July 8, 1777. *[Note: A State match of \$53,714.00 is accomplished within the agency budget through the reduction of a fraction of an existing position base and existing capital bill funds.]*

[Received January 31, 2024]

JFO #3180: One (1) limited-service position, Administrative Services Director III, to the Agency of Administration, Recovery Office. Position will ensure that flood recovery projects are integrated with existing state and federal programs. Will also ensure compliance and tracking of already awarded grants as well as those anticipated in the wake of the July 2023 flooding event. Position is funded through already approved JFO Request #3165 as well as Acts 74 (2021) and 185 (2022). The position is fully funded through 7/31/2027.

[Received January 31, 2024]

JFO #3179: Two (2) limited-service positions. One (1) to the Department of Mental Health, Project AWARE Lead Coordinator and one (1) to the Agency of Education, Project AWARE Co-Coordinator. The positions will liaison to coordinate and expand the state's efforts to develop sustainable infrastructure for school-based mental health. Both positions are fully funded through 9/29/28 from previous SAMHSA grant award JFO #2934.

[Received January 26, 2024]

JFO #3178: \$456,436.00 to the Agency of Natural Resources, Secretary's Office from the U.S. Environmental Protection Agency. Funds will support (1) limited-service position, Environmental Analyst IV. This position will serve as administrative lead developing the updated Climate Action Plan with the Vermont Climate Council and perform added work required by the EPA grant. Position is funded through 6/30/2027.

[Received January 11, 2024]

JFO #3177: \$2,543,564.00 to the Agency of Natural Resources, Secretary's Office from the U.S. Environmental Protection Agency. Funding is phase one of a two-phase funding opportunity aimed to support Vermont with climate change mitigation planning efforts. A comprehensive climate action plan will be developed, to overlap with and be synonymous to the required update to Vermont's Climate Action Plan in 2025.

[Received January 12, 2024]

JFO #3176: \$250,000.00 to the Agency of Human Services, Department of Mental Health from the National Association of State Mental Health Program Directors. These funds will increase rapid access to behavioral health care by supporting the peer service component of the mental health urgent care clinic being established in Chittenden County. This clinic will offer an alternative to seeking mental health care in emergency departments

[Received January 11, 2024]