

# **JOURNAL OF THE HOUSE OF THE STATE OF VERMONT**

**BIENNIAL SESSION, 2023**

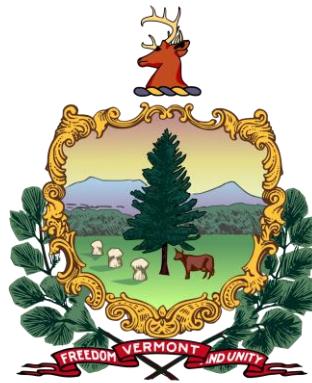
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## **VOLUME 1**

**January 4, 2023 through May 3, 2023**

**(For Veto Session, Appendices A & B, and  
General Index, See Volume 2)**



**Published by Authority**

**STATE OF VERMONT**

**BUILDINGS AND GENERAL SERVICES, MIDDLESEX, VERMONT**

**Compiled and Edited by:**

**BetsyAnn Wrask, Clerk of the House and Theresa Utton-Jerman, House Journal Clerk**



# Journal of the House

of the

**STATE OF VERMONT  
BIENNIAL SESSION, 2023**

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**Wednesday, January 4, 2023**

Pursuant to the provisions of the Constitution and laws of the State of Vermont, the members-elect of the House of Representatives convened in the State House in Montpelier on the first Wednesday after the first Monday, being the fourth day of January, two thousand and twenty-three.

At ten o'clock in the forenoon, the Honorable Chris Winters, Deputy Secretary of State, called the House to order for the seventy-seventh biennial session.

## **Devotional Exercises**

Devotional exercises were conducted by Rev. Amy Pitton, Bethany Church, Montpelier.

## **Pledge of Allegiance**

Deputy Secretary of State Chris Winters led the House in the Pledge of Allegiance.

## **ROLL CALL**

Deputy Secretary of State Chris Winters called the roll for the seventy-seventh biennial session:

Addison-1	Robin Scheu Amy D. Sheldon
Addison-2	Peter Conlon
Addison-3	Matthew J. Birong, Jr. Diane M. Lanpher
Addison-4	Mari Cordes Caleb Elder
Addison-5	Jubilee McGill
Addison-Rutland	Joseph Andriano
Bennington-1	Nelson Brownell

Bennington-2	Timothy R. Corcoran, II Dane Whitman
Bennington-3	David K. Durfee
Bennington-4	Seth Bongartz Kathleen James
Bennington-5	James T. Carroll Mary A. Morrissey
Bennington-Rutland	Mike Rice
Caledonia-1	Robert Farlice-Rubio
Caledonia-2	Joseph "Chip" J. Troiano
Caledonia-3	Dennis LaBounty Charles Wilson
Caledonia-Essex	Scott L. Beck R. Scott Campbell
Caledonia-Washington	Henry Pearl
Chittenden-1	Jana Brown
Chittenden-2	Angela Arsenault Erin Brady
Chittenden-3	Edye Graning Trevor Squirrel
Chittenden-4	Phil Pouech
Chittenden-5	Chea Waters Evans
Chittenden-6	Kate Lalley
Chittenden-7	Jessica Brumsted
Chittenden-8	Noah Hyman
Chittenden-9	Emilie Krasnow
Chittenden-10	Kate Nugent
Chittenden-11	Brian Minier
Chittenden-12	Martin LaLonde
Chittenden-13	Tiffany Bluemle Gabrielle Stebbins

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Chittenden-14	Barbara Rachelson Mary-Katherine Stone
Chittenden-15	Brian Cina Troy Headrick
Chittenden-16	Jill L. Krowinski Kate Logan
Chittenden-17	Emma Mulvaney-Stanak
Chittenden-18	Robert Hooper Carol Ode
Chittenden-19	Sarita Austin Patrick Brennan
Chittenden-20	Seth Chase Curt D. Taylor
Chittenden-21	Daisy Berbeco Taylor Small
Chittenden-22	Karen Dolan Lori Houghton
Chittenden-23	Leonora Dodge Golrang "Rey" Garofano
Chittenden-24	Alyssa Black
Chittenden-25	Julia Andrews
Chittenden-Franklin	Christopher P. Mattos Chris Taylor
Essex-Caledonia	Terri Lynn Williams
Essex-Orleans	Larry Labor
Franklin-1	Ashley R. Bartley Carolyn Whitney Branagan
Franklin-2	Eileen "Lynn" G. Dickinson
Franklin-3	Michael McCarthy
Franklin-4	Thomas Oliver Matthew E. Walker
Franklin-5	Lisa Hango Wayne Laroche

Franklin-6	James Gregoire
Franklin-7	Allen "Penny" Demar
Franklin-8	Casey Toof
Grand Isle-Chittenden	Josie Leavitt Michael R. Morgan
Lamoille-1	Jed Lipsky
Lamoille-2	Kate Donnally Daniel Noyes
Lamoille-3	Lucy Boyden
Lamoille-Washington	Saudia LaMont Avram Patt
Orange-1	Carl Demrow
Orange-2	Monique Priestley
Orange-3	Rodney P. Graham
Orange-Caledonia	Joseph Parsons
Orange-Washington-Addison	Philip Jay Hooper Larry Satcowitz
Orleans-1	Brian Smith
Orleans-2	Woodman "Woody" H. Page
Orleans-3	David Templeman
Orleans-4	Katherine Sims
Orleans-Lamoille	Mark A. Higley Michael J. Marcotte
Rutland-1	Patricia A. McCoy
Rutland-2	Thomas B. Burditt Arthur Peterson
Rutland-3	Jarrold E. Sammis
Rutland-4	Paul Clifford
Rutland-5	Eric Maguire
Rutland-6	Mary E. Howard
Rutland-7	William Notte

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Rutland-8	Charles “Butch” H. Shaw
Rutland-9	Stephanie Zak Jerome
Rutland-10	William P. Canfield
Rutland-11	James F. Harrison
Rutland-Bennington	Robin Chesnut-Tangerman
Rutland-Windsor	Logan Nicoll
Washington-1	Anne B. Donahue Kenneth W. Goslant
Washington-2	Katherine “Kari” T. Dolan Dara Torre
Washington-3	Peter D. Anthony Jonathan Williams
Washington-4	Conor Casey Kate McCann
Washington-5	Ela Chapin
Washington-6	Marc B. Mihaly
Washington-Chittenden	Thomas S. Stevens Theresa A. Wood
Washington-Orange	Gina M. Galfetti Francis “Topper” M. McFaun
Windham-1	Sara Coffey
Windham-2	Laura H. Sibia
Windham-3	Michelle Bos-Lun Leslie Goldman
Windham-4	Michael Mrowicki
Windham-5	Emily J. Long
Windham-6	Tristan D. Roberts
Windham-7	Emilie K. Kornheiser
Windham-8	Mollie S. Burke
Windham-9	Tristan D. Toleno
Windham-Windsor-Bennington	Kelly MacLaury Pajala

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Windsor-1	John L. Bartholomew Elizabeth Burrows
Windsor-2	John Arrison
Windsor-3	Alice M. Emmons Kristi C. Morris
Windsor-4	Heather Surprenant
Windsor-5	Tesha Buss
Windsor-6	Kevin "Coach" B. Christie Esme Cole
Windsor-Addison	Kirk White
Windsor-Orange-1	John O'Brien
Windsor-Orange-2	Rebecca Holcombe James W. Masland
Windsor-Windham	Heather Chase

#### **Absentees**

The following named members-elect were not present for roll call:

Mary A. Morrissey - District of Bennington-5

Marc B. Mihaly - District of Washington-6

#### **Quorum Present**

Thereupon, the Deputy Secretary of State declared that a quorum of the members-elect was present.

#### **Election of Speaker**

The Deputy Secretary of State directed the House to the election of a Speaker for the two years next ensuing.

**Rep. Kornheiser of Brattleboro** presented the name of Rep. Jill L. Krowinski of Burlington.

Thereupon, Rep. Krowinski of Burlington's nomination for Speaker was seconded by **Rep. Marcotte of Coventry**.

**Rep. McCoy of Poultney** moved that nominations cease and the Deputy Secretary of State cast one ballot for **Rep. Krowinski of Burlington** as Speaker of the House, which was agreed to.

Thereupon, the Deputy Secretary of State declared that

**Jill L. Krowinski**



the Representative from the City of Burlington, having a majority of the votes, was elected Speaker of the House of Representatives for the two years next ensuing.

The Deputy Secretary of State designated:

**Rep. Long of Newfane**  
**Rep. McCoy of Poultney**  
**Rep. Mulvaney-Stanak of Burlington**  
**Rep. Kornheiser of Brattleboro**  
**Rep. Marcotte of Coventry**  
**Rep. Lanpher of Vergennes**

as a committee to wait upon the Speaker-elect, inform her of her election, and conduct her to the rostrum to receive the oath of office.

#### **Oath Administered to Speaker-Elect**

The Speaker-elect was conducted to the rostrum, the oath of office was administered by the Deputy Secretary of State, and thereupon, the Speaker was conducted to the Chair and assumed her duties.

#### **Election of Clerk**

The Speaker directed the House to the election of a Clerk for the two years next ensuing.

**Rep. Long of Newfane** presented the name of BetsyAnn Wrask of Waterbury.

Ms. Wrask's nomination for Clerk of the House was seconded by **Rep. McCoy of Poultney**.

There being no further nominations, the Speaker then directed that the vote be taken *viva voce*.

The vote having been taken, the Speaker declared that

#### **BetsyAnn Wrask**

of Waterbury was elected Clerk of the House of Representatives for the two years next ensuing.

The Speaker designated:

**Rep. James of Manchester**  
**Rep. Notte of Rutland City**  
**Rep. Toof of St. Albans Town**  
**Rep. Small of Winooski**

as a committee to wait upon the Clerk-elect, inform her of her election, and

conduct her to the bar of the House to receive the oath of office.

#### **Oath Administered to Clerk-Elect**

The Clerk-elect was conducted to the bar of the House, the oath of office was administered by the Speaker of the House, and thereupon, the Clerk entered upon the discharge of her duties.

#### **Oath Administered to Members-Elect**

Thereupon, the Representatives-elect each took and subscribed the oath, administered by the Clerk, as required by the Constitution and laws of the State.

#### **Communication from Clerk**

The Speaker placed before the House a communication from the Clerk as follows:

“January 4, 2023

Honorable Speaker Krowinski  
Speaker of the House

Madam Speaker:

I have the honor of informing you and the members of the House that I have appointed Nigel Hicks-Tibbles of Northfield as First Assistant Clerk, Alona Tate of Montpelier as Second Assistant Clerk, Theresa Utton-Jerman of Barre Town as Journal Clerk, and Christine Ditmeyer of Plainfield as Clerk Associate.

Sincerely,  
BetsyAnn Wrask  
Clerk of the House”

#### **Oath Administered to Assistant Clerks**

The Clerk then administered the oath of office to Nigel Hicks-Tibbles of Northfield, the First Assistant Clerk, and Alona Tate of Montpelier, the Second Assistant Clerk.

Thereupon, the assistant clerks entered upon the discharge of their duties.

#### **House Resolutions Adopted**

##### **H.R. 1**

House resolution, entitled

House resolution relating to House Rules

Offered by: Representatives Long of Newfane, McCoy of Poultney, and Mulvaney-Stanak of Burlington,

Resolved by the House of Representatives:

That the House rules in effect at the end of the 2021–2022 session be the rules of this biennial session until others are adopted.

Was read and adopted.

**H.R. 2**

House resolution, entitled

House resolution relating to the organization of the House and informing the Senate thereof

Offered by: Representatives Long of Newfane, McCoy of Poultney, and Mulvaney-Stanak of Burlington,

Resolved by the House of Representatives:

That the Clerk of the House inform the Senate that the House has organized and is ready to proceed on its part with the business of the session.

Was read and adopted.

**H.R. 3**

House resolution, entitled

House resolution relating to the organization of the House and informing the Governor thereof

Offered by: Representatives Long of Newfane, McCoy of Poultney, and Mulvaney-Stanak of Burlington,

Resolved by the House of Representatives:

That His Excellency, the Governor, be informed by Committee that the House has completed its organization and is ready to receive any communication from him.

Was read and adopted.

**Committee Appointed**

Pursuant to the provisions of H.R. 3, the Speaker appointed the following as members of the Committee to inform the Governor of the organization of the House:

- Rep. Brown of Richmond**
- Rep. Garofano of Essex**
- Rep. Harrison of Chittenden**
- Rep. Higley of Lowell**
- Rep. Pajala of Londonderry**
- Rep. Cina of Burlington**

**Message from the Senate No. 1**

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

Madam Speaker:

I am directed to inform the House that:

A quorum of the Senate has assembled and organized by the election of

**JOHN H. BLOOMER, Jr.**

of the Town of Wallingford, Secretary, who in turn has appointed

**MELISSA ROSE KUCSERIK**

of the City of Montpelier, Assistant Secretary, and by the election of

**PHILLIP E. BARUTH**

of the City of Burlington, Chittenden-Central District, President *pro tempore*.

**Message from the Senate No. 2**

A message was received from the Senate by Ms. Kucserik, 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. 1.** Joint resolution relating to joint rules.

**J.R.S. 2.** Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

**J.R.S. 3.** Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

**J.R.S. 4.** Joint resolution relating to Town Meeting adjournment.

**J.R.S. 5.** Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

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

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**Message from the Senate No. 3**

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

Madam Speaker:

I am directed to inform the House that:

The Senate has appointed as members of the Joint Canvassing committee on the part of the Senate to canvass votes for state officers:

Addison District	Senator Hardy
Bennington District	Senator Champion
Caledonia District	Senator Kitchel
Chittenden-Central District	Senator Gulick
Chittenden-North District	Senator Wrenner
Chittenden-Southeast District	Senator Ram Hinsdale
Essex District	Senator Ingalls
Franklin District	Senator Norris
Grand Isle District	Senator Mazza
Lamoille District	Senator Westman
Orange District	Senator MacDonald
Orleans District	Senator Starr
Rutland District	Senator Williams
Washington District	Senator Watson
Windham District	Senator Harrison
Windsor District	Senator White

The President has designated Senator Hardy as Chair on the part of the Senate.

**Joint Resolutions Adopted in Concurrence****J.R.S. 1**

By Senator Mazza,

**J.R.S. 1.** Joint resolution relating to joint rules.

***Resolved by the Senate and House of Representatives:***

That the joint rules of the Senate and the House as adopted in 2021 be adopted as the joint rules of this biennial session until others are adopted.

Was taken up, read, and adopted in concurrence.

**J.R.S. 2**

By Senator Baruth,

**J.R.S. 2.** Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, January 5, 2023, at ten o'clock in the forenoon to receive the report of the Joint Canvassing Committee appointed to canvass votes for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts and Attorney General, and if it shall be declared by said Committee that there had been no election by the voters of any of said state officers, then to proceed forthwith to elect such officers as have not been elected by the voters.

Was taken up, read, and adopted in concurrence.

**J.R.S. 3**

By Senator Baruth,

**J.R.S. 3.** Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, January 5, 2023, at two o'clock in the afternoon to receive the inaugural message of the Governor.

Was taken up, read, and adopted in concurrence.

**J.R.S. 4**

By Senator Baruth,

**J.R.S. 4.** Joint resolution relating to Town Meeting adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, March 3, 2023, or Saturday, March 4, 2023, it be to meet again no later than Tuesday, March 14, 2023.

Was taken up, read, and adopted in concurrence.

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**J.R.S. 5**

By Senator Kitchel,

**J.R.S. 5.** 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 Friday, January 20, 2023, at one o'clock in the afternoon to receive the budget message of the Governor.

Was taken up, read, and adopted in concurrence.

**Rules Committee Announced**

Pursuant to the provisions of House Rule 25, the following members were elected by caucus to the Committee on Rules:

**Democrats:**           **Rep. Long of Newfane**  
                                  **Rep. James of Manchester**  
                                  **Rep. Bartholomew of Hartland**

**Republicans:**       **Rep. McCoy of Poultney**  
                                  **Rep. Toof of St. Albans Town**  
                                  **Rep. Donahue of Northfield**

**Recess**

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

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

**Oath Administered to Member-Elect**

During the recess, **Rep. Mary A. Morrissey of Bennington** took and subscribed the oath, administered by the Clerk, as required by the Constitution and laws of the State.

**Seating of Members**

Pursuant to the provisions of House Rule 5, the members were seated.

**Canvassing Committee Elected**

The Speaker nominated as the Committee on the part of the House to canvass votes for State officers, the following named members:

Addison District	Birong of Vergennes McGill of Bridport Elder of Starksboro
Bennington District	Corcoran of Bennington Pajala of Londonderry Rice of Dorset
Caledonia District	Troiano of Stannard Farlice-Rubio of Barnet Beck of St. Johnsbury
Chittenden-Central District	Chase of Colchester Small of Winooski Dolan of Essex Junction
Chittenden-North District	Andrews of Westford Mattos of Milton Black of Essex
Chittenden-Southeast District	Brown of Richmond Waters Evans of Charlotte Krasnow of South Burlington
Essex District	Labor of Morgan Page of Newport City Williams of Granby
Franklin District	McCarthy of St. Albans City Walker of Swanton Hango of Berkshire
Grand Isle District	Leavitt of Grand Isle Brennan of Colchester Austin of Colchester
Lamoille District	Noyes of Wolcott Boyden of Cambridge Patt of Worcester
Orange District	Demrow of Corinth Graham of Williamstown Hooper of Randolph
Orleans District	Sims of Craftsbury Higley of Lowell Templeman of Brownington



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Rutland District	Howard of Rutland City Canfield of Fair Haven Burditt of West Rutland
Washington District	Casey of Montpelier Goslant of Northfield Chapin of East Montpelier
Windham District	Sibilia of Dover Goldman of Rockingham Burke of Brattleboro
Windsor District	Bartholomew of Hartland Buss of Woodstock White of Bethel

**Rep. Long of Newfane** moved the election of the candidates, as nominated by the Speaker, which was agreed to.

Thereupon, the Speaker appointed **Rep. Michael McCarthy of St. Albans City** as Chair on the part of the House.

#### **Oath Administered to Canvassing Committee**

The Clerk administered the oath to the above named Canvassing Committee as required by the rules of the House.

#### **Joint Rules Committee Appointments**

Pursuant to Joint Rule 5, the Speaker appointed the following members to the Joint Rules Committee:

**Rep. Long of Newfane**  
**Rep. McCoy of Poultney**  
**Rep. James of Manchester**

#### **House Resolution Adopted**

##### **H.R. 4**

House resolution, entitled

House resolution relating to standing committees

Offered by: Representatives Long of Newfane, McCoy of Poultney, and Mulvaney-Stanak of Burlington

Resolved by the House of Representatives:

That this legislative body amends Rule 25 of the Rules and Orders of the House of Representatives as follows:

25. At the beginning of each regular session, standing committees shall be appointed having the following names, number of members, and duties:

Committee	Members	To Consider Matters Relating to
Agriculture, Food Resiliency, and Forestry	8 <u>11</u>	<u>Agriculture and, food resiliency, climate change mitigation and adaptation, forestry, and forest products and their markets, and state State parks and lands, and other similar policies.</u>
Appropriations	11 <u>12</u>	<u>Appropriating money from the state treasury State Treasury.</u>
Commerce and Economic Development	11	<u>Business organizations, including banking, insurance, corporations, workforce Workforce development and training programs, business development and formations, financial institutions, property and casualty, life, and captive insurance, securities, unemployment and workers' compensation insurance, and the industrial and internal development of the state, but excluding matters relating to transportation, utilities, telecommunications, and energy consumer protection, and other similar policies.</u>
Corrections and Institutions	11	<u>Department of corrections and public buildings, state lands and property Vermont's State bonding as it relates to the financing of State-owned properties, State preservation initiatives, climate change mitigation, and water quality; and the Department of Corrections' role in the criminal justice system, and other similar policies.</u>
Education	11 <u>12</u>	<u>The educational needs of Vermonters, including the arts Education, libraries, and literary and scientific subjects; the amount of revenue required to satisfy the educational needs; and the manner of raising necessary revenue, and other similar policies.</u>

<u>Environment and Energy and Technology Technology</u>	9 <u>11</u>	<u>Energy, including the regulation of power generation, transmission facilities, energy efficiency, natural gas facilities, and siting of energy facilities; utilities, including rates and quality of service; telecommunications, siting of telecommunications facilities, the buildout of cellular and Conservation and development, climate change mitigation, energy, broadband services, and rates and quality of service; and the state's information technology systems, land resources, air, water, and wildlife, and other similar policies.</u>
General; <u>and Housing, and Military Affairs</u>	11 <u>12</u>	<u>Alcoholic beverages, housing, claims against the state Housing, labor relations, military matters including those relating to civil defense and discharged veterans, their dependents and survivors equity and inclusion, and all matters relating to subjects for which there is no other appropriate committee.</u>
<u>Government Operations and Military Affairs</u>	11 <u>12</u>	<u>Organization The structure, organization, and oversight and conduct of state State, local, county, and regional government, compensation of state officials and employees, pensions, law enforcement, the administration of public safety, reapportionment, municipal corporations, suffrage, nominations compensation and retirement benefits for public officials and employees, elections and the election of members; local, county, and regional governmental structures; relations between state and local governments;, liquor and lottery, municipal corporations, military affairs, public records and open meeting issues meetings, and public records issues technology and cybersecurity, reapportionment, and other similar policies.</u>

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Health Care	11	<u>Health Physical and mental health care, health equity, health insurance, health care delivery improvement, and other similar policies.</u>
Human Services	11	<del>Human Services, public health and social and economic security</del> <u>Improving the well-being of individuals, children, and families, and other similar policies.</u>
Judiciary	11	<del>Judiciary and legal affairs</del> <u>Civil rights and civil liberties, the criminal and civil justice systems, violence prevention and public safety, and other similar policies.</u>
Natural Resources,	11	<del>Conservation and development of the Fish, and Wildlife state's water resources; conservation and development of lands; land resources; land use; geology; fish and wildlife; natural habitats; air quality; environmental permitting; climate change; scenery; and solid waste and toxic substances management.</del>
Rules (Consisting of the Speaker, who shall be chair ex officio; three members of the majority party, the leader, the assistant leader, and one member at large elected by the majority party; and three members from the minority party, the leader, assistant leader, and one member at large elected by the minority party. The Speaker shall designate a Vice-Chair who shall be ranking member.)	7	The rules of the House and to expediting the business of the House, including the final adjournment thereof.

Transportation	11	All <del>transportation companies and corporations subject to the regulation of the Public Utility Commission,</del> all air and surface transportation, the registration, regulation, and licensing of transportation operations and users, the construction and maintenance of thoroughfares, <del>and the impact of the transportation sector on air pollution and climate change, and other similar policies.</del>
Ways and Means	11 <u>12</u>	The revenue of the <del>state</del> <u>State</u> , and which shall <del>inquire into the state of the treasury; ascertain the amount of debt due the state, and the claims against it;</del> report the amount of taxes necessary to be raised for the support of the government and inquire what measures, if any, ought to be adopted, the better to equalize the public burdens, <del>secure the accountability of public agents,</del> and otherwise improve the financial concerns of the <del>state</del> <u>State</u> , including all matters relating to taxation, local or otherwise, and all matters relating to the <u>grand list, and other similar policies.</u>

Was read and adopted.

### STANDING COMMITTEES ANNOUNCED

The Speaker announced the 2023-2024 House standing committees as follows:

#### **Agriculture, Food Resiliency, and Forestry**

Durfee, Chair	of Shaftsbury
Surprenant, Vice Chair	of Barnard
Graham	of Williamstown
Cole	of Hartford
Leavitt	of Grand Isle
Lipsky	of Stowe
Pearl	of Danville
O'Brien	of Tunbridge
Rice	of Dorset

Templeman of Brownington  
Wilson of Lyndon

**Appropriations**

Lanpher, Chair of Vergennes  
Scheu, Vice Chair of Middlebury  
Brennan of Colchester  
Bluemle of Burlington  
Dickinson of St. Albans Town  
Dolan of Waitsfield  
Harrison of Chittenden  
Holcombe of Norwich  
Mihaly of Calais  
Page of Newport City  
Squirrell of Underhill  
Toleno of Brattleboro

**Commerce and Economic Development**

Marcotte, Chair of Coventry  
Jerome, Vice Chair of Brandon  
Nicoll of Ludlow  
White of Bethel  
Carroll of Bennington  
Chase of Chester  
Graning of Jericho  
Mulvaney-Stanak of Burlington  
Priestley of Bradford  
Sammis of Castleton  
Williams of Barre City

**Corrections and Institutions**

Emmons, Chair of Springfield  
Troiano, Vice Chair of Stannard  
Morrissey of Bennington  
Arrison of Weathersfield  
Bos-Lun of Westminster  
Casey of Montpelier  
Galfetti of Barre Town  
Headrick of Burlington  
Laroche of Franklin  
Maguire of Rutland City  
Roberts of Halifax

**Education**

Conlon, Chair	of Cornwall
Brady, Vice Chair	of Williston
Toof	of St. Albans Town
Austin	of Colchester
Brown	of Richmond
Brownell	of Pownal
Buss	of Woodstock
McCann	of Montpelier
Minier	of South Burlington
Stone	of Burlington
Taylor	of Milton
Williams	of Granby

**Environment and Energy**

Sheldon, Chair	of Middlebury
Sibilia, Vice Chair	of Dover
Bongartz	of Manchester
Clifford	of Rutland City
Logan	of Burlington
Morris	of Springfield
Patt	of Worcester
Satcowitz	of Randolph
Stebbins	of Burlington
Smith	of Derby
Torre	of Moretown

**General and Housing**

Stevens, Chair	of Waterbury
Chesnut-Tangerman, Vice Chair	of Middletown Springs
James	of Manchester
Bartley	of Fairfax
Burrows	of West Windsor
Elder	of Starksboro
Howard	of Rutland City
Krasnow	of South Burlington
LaBounty	of Lyndon
Labor	of Morgan
LaMont	of Morristown
Parsons	of Newbury

**Government Operations and Military Affairs**

McCarthy, Chair	of St. Albans City
Birong, Vice Chair	of Vergennes
Higley	of Lowell
Boyden	of Cambridge
Chase	of Colchester
Hango	of Berkshire
Hooper	of Randolph
Hooper	of Burlington
Morgan	of Milton
Mrowicki	of Putney
Nugent	of South Burlington
Waters Evans	of Charlotte

**Health Care**

Houghton, Chair	of Essex Junction
McFaun, Vice Chair	of Barre Town
Black	of Essex
Andriano	of Orwell
Berbeco	of Winooski
Cina	of Burlington
Cordes	of Lincoln
Demar	of Enosburgh
Farlice-Rubio	of Barnet
Goldman	of Rockingham
Peterson	of Clarendon

**Human Services**

Wood, Chair	of Waterbury
Brumsted, Vice Chair	of Shelburne
Donahue	of Northfield
Garofano	of Essex
Gregoire	of Fairfield
Hyman	of South Burlington
McGill	of Bridport
Noyes	of Wolcott
Pajala	of Londonderry
Small	of Winooski
Whitman	of Bennington



**Judiciary**

LaLonde, Chair	of South Burlington
Burditt, Vice Chair	of West Rutland
Christie	of Hartford
Arsenault	of Williston
Chapin	of East Montpelier
Dolan	of Essex Junction
Donnally	of Hyde Park
Goslant	of Northfield
Notte	of Rutland City
Oliver	of Sheldon
Rachelson	of Burlington

**Transportation**

Coffey, Chair	of Guilford
Shaw, Vice Chair	of Pittsford
Corcoran	of Bennington
Bartholomew	of Hartland
Burke	of Brattleboro
Campbell	of St. Johnsbury
Dodge	of Essex
Lalley	of Shelburne
McCoy	of Poultney
Pouech	of Hinesburg
Walker	of Swanton

**Ways and Means**

Kornheiser, Chair	of Brattleboro
Canfield, Vice Chair	of Fair Haven
Demrow	of Corinth
Andrews	of Westford
Anthony	of Barre City
Beck	of St. Johnsbury
Branagan	of Georgia
Masland	of Thetford
Mattos	of Milton
Ode	of Burlington
Sims	of Craftsbury
Taylor	of Colchester

**Adjournment**

At three o'clock and thirty-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.

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**Thursday, January 5, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Geof Hewitt, Poet, Calais.

**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. 1**

By Reps. Wood of Waterbury and McFaun of Barre Town,  
House bill, entitled

An act relating to legislative oversight of payment reform and conflict-free case management for developmental disability services

To the Committee on Human Services.

**H. 2**

By Rep. Corcoran of Bennington,  
House bill, entitled

An act relating to Act 250 jurisdiction over aircraft hangars

To the Committee on Environment and Energy.

**H. 3**

By Rep. Anthony of Barre City,  
House bill, entitled

An act relating to the provision of grants for mental health providers working in collaboration with municipal police departments

To the Committee on Health Care.

**H. 4**

By Reps. Anthony of Barre City and Williams of Barre City,  
House bill, entitled  
An act relating to the removal of the pilings of Bridge 308  
To the Committee on Transportation.

**H. 5**

By Rep. Bongartz of Manchester,  
House bill, entitled  
An act relating to a study on strengthening regional plans and their  
implementation  
To the Committee on Environment and Energy.

**H. 6**

By Rep. Anthony of Barre City,  
House bill, entitled  
An act relating to development and subdivisions above 1,500 feet  
To the Committee on Environment and Energy.

**H. 7**

By Rep. Donahue of Northfield,  
House bill, entitled  
An act relating to replacing the term “cider” with “hard cider” within  
Title 7  
To the Committee on Government Operations and Military Affairs.

**H. 8**

By Rep. Austin of Colchester,  
House bill, entitled  
An act relating to repealing the statute of limitations for civil actions based  
on childhood emotional abuse  
To the Committee on Judiciary.

**H. 9**

By Rep. Anthony of Barre City,  
House bill, entitled  
An act relating to motor vehicle inspections  
To the Committee on Transportation.

**H. 10**

By Reps. Kornheiser of Brattleboro and Marcotte of Coventry,  
House bill, entitled  
An act relating to amending the Vermont Employment Growth Incentive  
Program  
To the Committee on Commerce and Economic Development.

**H. 11**

By Reps. Hango of Berkshire, Cordes of Lincoln, and Page of Newport  
City,  
House bill, entitled  
An act relating to commercial insurance coverage of epinephrine auto-  
injectors  
To the Committee on Health Care.

**H. 12**

By Reps. LaLonde of South Burlington, Burditt of West Rutland, and  
Christie of Hartford,  
House bill, entitled  
An act relating to reducing the case backlog in the Criminal Division of the  
Superior Court  
To the Committee on Judiciary.

**H. 13**

By Rep. Brennan of Colchester,  
House bill, entitled  
An act relating to switchblade knives  
To the Committee on Judiciary.

**H. 14**

By Rep. Coffey of Guilford,  
House bill, entitled  
An act relating to jurors' compensation  
To the Committee on Judiciary.

**H. 15**

By Rep. Page of Newport City,  
House bill, entitled  
An act relating to protecting golf courses from development  
To the Committee on Environment and Energy.

**H. 16**

By Reps. Page of Newport City, Higley of Lowell, Labor of Morgan, Smith of Derby, and Williams of Granby,  
House bill, entitled  
An act relating to a rail feasibility study  
To the Committee on Transportation.

**H. 17**

By Reps. Page of Newport City, Labor of Morgan, Marcotte of Coventry, and Smith of Derby,  
House bill, entitled  
An act relating to abandoned motor vehicles and the towing of abandoned motor vehicles  
To the Committee on Transportation.

**H. 18**

By Rep. Page of Newport City,  
House bill, entitled  
An act relating to prohibiting the sale of cannabis and tobacco products utilizing single-use filters  
To the Committee on Human Services.

**H. 19**

By Reps. Arrison of Weathersfield and Morris of Springfield,  
House bill, entitled

An act relating to abating de minimis amounts of taxes owed for purposes  
of balancing municipal accounts

To the Committee on Government Operations and Military Affairs.

**H. 20**

By Reps. Sims of Craftsbury, Anthony of Barre City, Harrison of  
Chittenden, Sibilis of Dover, and Small of Winooski,

House bill, entitled

An act relating to exploring modification to Vermont's reapportionment  
process

To the Committee on Government Operations and Military Affairs.

**Message from the Senate No. 4**

A message was received from the Senate by Ms. Kucserik, 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. 6.** Joint resolution relating to weekend adjournment.

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

**Adjournment**

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

---

**Friday, January 6, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Marjorie Ryerson, Poet and former Representative, Randolph.

**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:

Rep. Warren Kitzmiller of Montpelier	Member of the House, Sessions 2002-2022
Rep. Lawrence Molloy of Arlington	Member of the House, Sessions 1995-2006
Rep. Susan J. Wheeler of Burlington	Member of the House, Sessions 1998-2002
Rep. Peter Peltz of Woodbury	Member of the House, Sessions 2007-2014
Rep. Wayne Kenyon of Bradford	Member of the House, Sessions 1979-1998 and 2003-2004
Rep. John Palasik of Milton	Member of the House, Sessions 2019-2022
Rep. Richard Lawrence of Lyndon	Member of the House, Sessions 2005-2018
Rep. James McNamara of Burlington	Member of the House, Sessions 1994-2000
Rep. Joseph Krawczyk of Burlington	Member of the House, Sessions 2003-2010

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

**House Bills Introduced**

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

**H. 21**

By Reps. Page of Newport City, Higley of Lowell, Labor of Morgan, Smith of Derby, and Williams of Granby,

House bill, entitled

An act relating to landlord notice of utility disconnections

To the Committee on General and Housing.

**H. 22**

By Rep. Small of Winooski,

House bill, entitled

An act relating to sexual exploitation of a person who is being investigated by law enforcement

To the Committee on Judiciary.

**H. 23**

By Reps. Labor of Morgan, Higley of Lowell, Page of Newport City, and Smith of Derby,

House bill, entitled

An act relating to mail-in ballots for general elections

To the Committee on Government Operations and Military Affairs.

**H. 24**

By Reps. Page of Newport City and Labor of Morgan,

House bill, entitled

An act relating to the authority of the State Auditor to examine the books and records of State contractors

To the Committee on Government Operations and Military Affairs.

**H. 25**

By Rep. Anthony of Barre City,

House bill, entitled

An act relating to feasibility study for operating a child care facility in a State building

To the Committee on Corrections and Institutions.



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**Joint Resolution Adopted in Concurrence**

**J.R.S. 6**

By Senator Baruth,

**J.R.S. 6.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, January 6, 2023, it be to meet again no later than Tuesday, January 10, 2023.

Was taken up, read, and adopted in concurrence.

**Adjournment**

At nine o'clock and forty-two minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, January 10, 2023, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 6.

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**Tuesday, January 10, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rev. Peter Plagge, Waterbury Congregational Church, Waterbury.

**Pledge of Allegiance**

Page Elliot Palm of Essex Junction led the House in the Pledge of Allegiance.

**Communication from Clerk**

The Speaker placed before the House a communication from the Clerk, dated January 10, 2023, as follows:

“Madam Speaker:

In the absence of myself and the Assistant Clerks today, I have designated Assistant Secretary of the Senate Melissa Kucserik of Montpelier as Acting Clerk of the House.

Sincerely,  
BetsyAnn Wrask  
Clerk of the House”

**Oath Administered to House Member**

**Rep. Mihaly of Calais**, having taken and subscribed the oath administered by the Acting Clerk, took his seat selected by proxy.

**House Bills Introduced**

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

**H. 26**

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

An act relating to an income tax exemption for members of the National Guard

To the Committee on Ways and Means.

**H. 27**

By Rep. Donnally of Hyde Park,  
House bill, entitled

An act relating to coercive controlling behavior and abuse prevention orders  
To the Committee on Judiciary.

**H. 28**

By Rep. LaLonde of South Burlington,  
House bill, entitled

An act relating to diversion and expungement  
To the Committee on Judiciary.

**H. 29**

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

An act relating to development in mapped river corridors  
To the Committee on Environment and Energy.

**H. 30**

By Reps. Sheldon of Middlebury and Dolan of Waitsfield,

House bill, entitled

An act relating to the regulation of wetlands

To the Committee on Environment and Energy.

**H. 31**

By Rep. Bongartz of Manchester,

House bill, entitled

An act relating to aquatic nuisance control

To the Committee on Environment and Energy.

**H. 32**

By Reps. Harrison of Chittenden and Noyes of Wolcott,

House bill, entitled

An act relating to the Social Security benefits exemption

To the Committee on Ways and Means.

**H. 33**

By Rep. Harrison of Chittenden,

House bill, entitled

An act relating to allowing legislators to elect taxable or nontaxable meals and lodging expense reimbursement

To the Committee on Government Operations and Military Affairs.

**H. 34**

By Reps. Casey of Montpelier and McCann of Montpelier,

House bill, entitled

An act relating to studying the feasibility of a State-owned public restroom near the Capitol Complex

To the Committee on Corrections and Institutions

**H. 35**

By Rep. Rachelson of Burlington,  
House bill, entitled  
An act relating to the Victims Assistance Program  
To the Committee on Judiciary.

**Message from the Senate No. 5**

A message was received from the Senate by Ms. Kucserik, 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. 7.** Joint resolution relating to weekend adjournment.

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

**Adjournment**

At ten o'clock and fourteen 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 11, 2023**

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.

**House Bills Introduced**

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

**H. 36**

By Rep. Parsons of Newbury,

House bill, entitled

An act relating to exempting small towns from mapping forest blocks and habitat connectors

To the Committee on Environment and Energy.

**H. 37**

By Reps. Patt of Worcester, Christie of Hartford, Garofano of Essex, and Troiano of Stannard,

House bill, entitled

An act relating to winter tires on rental cars

To the Committee on Transportation.

**H. 38**

By Rep. Shaw of Pittsford,

House bill, entitled

An act relating to the use of a portable electronic device in non-hands-free mode while operating a motor vehicle

To the Committee on Transportation.

**H. 39**

By Reps. Anthony of Barre City and Masland of Thetford,

House bill, entitled

An act relating to a local revenue distribution working group

To the Committee on Ways and Means.

**H. 40**

By Rep. Rachelson of Burlington,

House bill, entitled

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

To the Committee on Judiciary.

**H. 41**

By Rep. Dolan of Essex Junction,

House bill, entitled

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

To the Committee on Judiciary.

**H. 42**

By the Committee on Government Operations and Military Affairs,

House bill, entitled

An act relating to temporary alternative procedures for annual municipal meetings and electronic meetings of public bodies

Pursuant to House Rule 35(a), materially affecting the revenue of one or more municipalities, was referred to the Committee on Ways and Means.

**House Resolution Placed on Calendar****H.R. 5**

House resolution amending House standing committee jurisdictions

Offered by: Committee on Rules

Resolved by the House of Representatives:

That this legislative body amends Rule 25 of the Rules and Orders of the House of Representatives as follows:

25. At the beginning of each regular session, standing committees shall be appointed having the following names, number of members, and duties:

Committee	Members	To Consider Matters Relating to
		* * *
Environment and Energy	11	Conservation and development, climate change mitigation, <del>energy, broadband,</del> land resources, air, water, and wildlife, <u>and solid waste management; energy, utilities, telecommunications, and broadband;</u> and other similar policies.

\* \* \*

Government Operations and Military Affairs	12	The structure, organization, and oversight of State, local, county, and regional government, <u>and municipal corporations</u> ; the administration of public safety; compensation and retirement benefits for public officials and employees; elections, <u>and reapportionment</u> ; liquor and lottery; <del>municipal corporations</del> ; military affairs; public records and open meetings; <u>information technology and cybersecurity</u> ; <del>reapportionment</del> ; and other similar policies.
Health Care	11	<del>Physical and mental health</del> <u>Health care, defined as an integrated, holistic system of care that includes policy development with and oversight of the Vermont Departments of Health Access, of Mental Health, and of Health, and health equity,</u> health insurance, health care delivery improvement, and other similar policies.
Human Services	11	Improving the well-being of individuals <u>and families, including children, and families, individuals with disabilities, and older Vermonters,</u> and other similar policies.

\* \* \*

Was read by title and placed on the Action Calendar on the next legislative day pursuant to House Rule 52.

### Joint Resolution Adopted in Concurrence

#### J.R.S. 7

By Senator Baruth,

**J.R.S. 7.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, January 13, 2023, it be to meet again no later than Tuesday, January 17, 2023.

Was taken up, read, and adopted in concurrence.

**House Sexual Harassment Prevention Panel Announced**

Pursuant to House Rule 90(c), the House Rules Committee appointed the following members to the House Sexual Harassment Prevention Panel:

**Rep. Burke of Brattleboro**  
**Rep. Mrowicki of Putney**  
**Rep. McCoy of Poultney**  
**Rep. Branagan of Georgia**  
**Rep. Headrick of Burlington**

**House Discrimination Prevention Panel Announced**

Pursuant to House Rule 90(a), the House Rules Committee appointed the following members to the House Discrimination Prevention Panel:

**Rep. Pajala of Londonderry**  
**Rep. Burrows of West Windsor**  
**Rep. Small of Winooski**  
**Rep. Mattos of Milton**  
**Rep. Garofano of Essex**

**House Ethics Panel Announced**

Pursuant to House Rule 90(b), the House Rules Committee appointed the following members to the House Ethics Panel:

**Rep. LaLonde of South Burlington**  
**Rep. Sibilias of Dover**  
**Rep. Cina of Burlington**  
**Rep. Beck of St. Johnsbury**  
**Rep. Ode of Burlington**

**Adjournment**

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

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**Thursday, January 12, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by the Speaker.



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**House Bills Introduced**

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

**H. 43**

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

An act relating to recognition and enforcement of a military protection order

To the Committee on Judiciary.

**H. 44**

By Rep. Dolan of Waitsfield,  
House bill, entitled

An act relating to local option tax in small towns

To the Committee on Ways and Means.

**H. 45**

By Reps. Donnally of Hyde Park, LaLonde of South Burlington, and Rachelson of Burlington,

House bill, entitled

An act relating to abusive litigation filed against survivors of domestic abuse, stalking, or sexual assault

To the Committee on Judiciary.

**H. 46**

By Reps. Taylor of Colchester, Austin of Colchester, and Chase of Colchester,

House bill, entitled

An act relating to approval of the dissolution of Colchester Fire District No. 3

To the Committee on Government Operations and Military Affairs.

**H. 47**

By Rep. Harrison of Chittenden,  
House bill, entitled  
An act relating to disposal of solar panels  
To the Committee on Environment and Energy.

**H. 48**

By Reps. Sims of Craftsbury, Page of Newport City, Beck of St. Johnsbury, Campbell of St. Johnsbury, Farlice-Rubio of Barnet, Goldman of Rockingham, Hango of Berkshire, Labor of Morgan, Morris of Springfield, Ode of Burlington, Smith of Derby, Surprenant of Barnard, Templeman of Brownington, and Williams of Granby,

House bill, entitled  
An act relating to solid waste management  
To the Committee on Environment and Energy.

**House Resolution Adopted****H.R. 5**

**Rep. Bartholomew of Hartland** spoke for the Committee on Rules.

House resolution, entitled  
House resolution amending House standing committee jurisdictions  
Was taken up and adopted.

**Adjournment**

At three o'clock and twenty 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.

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**Friday, January 13, 2023**

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. Elder of Starksboro.

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**House Bills Introduced**

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

**H. 49**

By Rep. Nicoll of Ludlow,

House bill, entitled

An act relating to establishing a statewide retirement system for voluntary firefighters

To the Committee on Government Operations and Military Affairs.

**H. 50**

By Reps. Dolan of Waitsfield, Whitman of Bennington, Ode of Burlington, Sheldon of Middlebury, and Squirrell of Underhill,

House bill, entitled

An act relating to prohibiting the labeling of consumer products that contain PFAS as compostable

To the Committee on Environment and Energy.

**H. 51**

By Reps. Dolan of Waitsfield, Austin of Colchester, Bongartz of Manchester, Ode of Burlington, and Sims of Craftsbury,

House bill, entitled

An act relating to establishing the Aquatic Nuisance Prevention Pass for use of State waters

To the Committee on Environment and Energy.

**H. 52**

By Reps. Casey of Montpelier and McCann of Montpelier,

House bill, entitled

An act relating to creditable service for temporary State employment

To the Committee on Government Operations and Military Affairs.

**Adjournment**

At nine o'clock and forty minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, January 17, 2023, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S.7.

**Tuesday, January 17, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rep. Christie of Hartford.

**Pledge of Allegiance**

Page Sara DiGuglielmo of Shelburne led the House in the Pledge of Allegiance.

**House Bills Introduced**

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

**H. 53**

By Reps. Dolan of Essex Junction, LaLonde of South Burlington, Burditt of West Rutland, Burke of Brattleboro, Christie of Hartford, Notte of Rutland City, and Rachelson of Burlington,

House bill, entitled

An act relating to driver's license suspensions

To the Committee on Transportation.

**H. 54**

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

To the Committee on Government Operations and Military Affairs.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 1**

**Rep. Wood of Waterbury**, for the Committee on Human Services, to which had been referred House bill, entitled

An act relating to legislative oversight of payment reform and conflict-free case management for developmental disability services

Reported in favor of its passage when amended as follows:

In Sec. 1 (payment reform and conflict-free case management; legislative oversight), in subsection (c), by striking out “2023” and inserting in lieu thereof “2024”

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.

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

#### H. 42

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

House bill, entitled

An act relating to temporary alternative procedures for annual municipal meetings and electronic meetings of public bodies

**Rep. Beck of St. Johnsbury**, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as follows:

First: In Sec. 1, annual municipal meetings; alternative procedures for 2023 and 2024, in subsection (b), in the first sentence, following “16 V.S.A. §” by striking out “711(e)” and inserting in lieu thereof “723(a)”.

Second: In Sec. 1, annual municipal meetings; alternative procedures for 2023 and 2024, in subsection (b), in the first sentence, following the words “to its annual municipal meeting”, by striking out the word “held”

Third: In Sec. 3, suspension of school budget ballot language requirement, following the words “the ballot language requirement is suspended during”, by striking out the words “fiscal year” and inserting in lieu thereof “the years 2023 and”.

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 agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. McCarthy of St. Albans City** moved to amend the bill as follows:

In Sec. 1, annual municipal meetings; alternative procedures for 2023 and 2024, in subsection (a), in the second sentence, following the words “moves the date of” by striking out “the 2024” and inserting in lieu thereof the word “an”

Which was agreed 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. The bill was read the third time and passed.

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

#### **Message from the Senate No. 6**

A message was received from the Senate by Ms. Kucserik, 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. 8.** Joint resolution relating to weekend adjournment.

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

#### **Adjournment**

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

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#### **Wednesday, January 18, 2023**

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

#### **Devotional Exercises**

Devotional exercises were conducted by Rev. Lawrence Jones, East Craftsbury Presbyterian Church, Craftsbury.

#### **House Bills Introduced**

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

#### **H. 55**

By Reps. Marcotte of Coventry, Carroll of Bennington, Chase of Chester, Graning of Jericho, Jerome of Brandon, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Priestley of Bradford, and White of Bethel,

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House bill, entitled

An act relating to miscellaneous unemployment insurance amendments

To the Committee on Commerce and Economic Development.

**H. 56**

By Reps. Cordes of Lincoln, Elder of Starksboro, Andriano of Orwell, Bos-Lun of Westminster, Burrows of West Windsor, Buss of Woodstock, Casey of Montpelier, Cina of Burlington, Cole of Hartford, Goldman of Rockingham, Hyman of South Burlington, Logan of Burlington, McCann of Montpelier, McGill of Bridport, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Pouech of Hinesburg, Small of Winooski, and Stebbins of Burlington,

House bill, entitled

An act relating to affordable community energy solutions

To the Committee on Environment and Energy.

**H. 57**

By Rep. Coffey of Guilford,

House bill, entitled

An act relating to requiring dog trainers to obtain informed client consent

To the Committee on Government Operations and Military Affairs.

**H. 58**

By Rep. Peterson of Clarendon,

House bill, entitled

An act relating to the appointment of zoning administrators

To the Committee on Government Operations and Military Affairs.

**H. 59**

By Reps. Coffey of Guilford and Sibilgia of Dover,

House bill, entitled

An act relating to correcting or amending the death certificate of a military veteran

To the Committee on Government Operations and Military Affairs.

**H. 60**

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to fourth-class licenses for alcoholic beverage manufacturers

To the Committee on Government Operations and Military Affairs.

**H. 61**

By Reps. Harrison of Chittenden and Ode of Burlington,

House bill, entitled

An act relating to an elective pass-through entity income tax and credit

To the Committee on Ways and Means.

**H. 62**

By Reps. Houghton of Essex Junction and Durfee of Shaftsbury,

House bill, entitled

An act relating to the interstate Counseling Compact

To the Committee on Health Care.

**H. 63**

By Rep. Coffey of Guilford,

House bill, entitled

An act relating to the supervised practice of independent clinical social work

To the Committee on Health Care.

**H. 64**

By Reps. Sims of Craftsbury, Dolan of Waitsfield, Roberts of Halifax, Satcowitz of Randolph, Sheldon of Middlebury, and Troiano of Stannard,

House bill, entitled

An act relating to prohibiting wake boats on oligotrophic lakes

To the Committee on Transportation.



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**H. 65**

By Rep. Patt of Worcester,

House bill, entitled

An act relating to raising the jurisdictional limit for small claims actions

To the Committee on Judiciary.

**Joint Resolution Adopted in Concurrence****J.R.S. 8**

By Senator Baruth,

**J.R.S. 8.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, January 20, 2023, it be to meet again no later than Tuesday, January 24, 2023.

Was taken up, read, and adopted in concurrence.

**Third Reading; Bill Passed****H. 1**

House bill, entitled

An act relating to legislative oversight of payment reform and conflict-free case management for developmental disability services

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

**Adjournment**

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

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**Thursday, January 19, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rev. Earl Kooperkamp, Church of the Good Shepherd, Barre.

**Message from the Senate No. 7**

A message was received from the Senate by Ms. Kucserik, 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. 42.** An act relating to temporary alternative procedures for annual municipal meetings and electronic meetings of public bodies.

And has passed the same in concurrence.

**House Bills Introduced**

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

**H. 66**

By Reps. Kornheiser of Brattleboro, Scheu of Middlebury, Stevens of Waterbury, Andrews of Westford, Andriano of Orwell, Anthony of Barre City, Arsenaault of Williston, Austin of Colchester, Bartholomew of Hartland, Berbeco of Winooski, Birong of Vergennes, Black of Essex, Bluemle of Burlington, Bongartz of Manchester, Bos-Lun of Westminster, Boyden of Cambridge, Brady of Williston, Brown of Richmond, Brownell of Pownal, Brumsted of Shelburne, Burke of Brattleboro, Burrows of West Windsor, Buss of Woodstock, Campbell of St. Johnsbury, Casey of Montpelier, Chapin of East Montpelier, Chase of Chester, Chase of Colchester, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Cole of Hartford, Conlon of Cornwall, Cordes of Lincoln, Demrow of Corinth, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Donnally of Hyde Park, Durfee of Shaftsbury, Elder of Starksboro, Emmons of Springfield, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Graning of Jericho, Headrick of Burlington, Holcombe of Norwich, Hooper of Randolph, Hooper of Burlington, Houghton of Essex Junction, Howard of Rutland City, Hyman of South Burlington, James of Manchester, Jerome of Brandon, Krasnow of South Burlington, LaBounty of Lyndon, Lalley of Shelburne, LaLonde of South Burlington, LaMont of Morristown, Lanpher of Vergennes, Leavitt of Grand Isle, Logan of Burlington, Long of Newfane, Masland of Thetford, McCann of Montpelier, McCarthy of St. Albans City, McGill of Bridport, Mihaly of Calais, Minier of South Burlington, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Notte of Rutland City, Noyes of Wolcott, Nugent of South

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Burlington, O'Brien of Tunbridge, Ode of Burlington, Patt of Worcester, Pouech of Hinesburg, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Roberts of Halifax, Satcowitz of Randolph, Sheldon of Middlebury, Sims of Craftsbury, Small of Winooski, Squirrell of Underhill, Stebbins of Burlington, Stone of Burlington, Surprenant of Barnard, Taylor of Colchester, Templeman of Brownington, Toleno of Brattleboro, Torre of Moretown, Troiano of Stannard, Waters Evans of Charlotte, White of Bethel, Whitman of Bennington, Williams of Barre City, and Wood of Waterbury,

House bill, entitled

An act relating to paid family and medical leave insurance

To the Committee on General and Housing.

#### **H. 67**

By Reps. Dolan of Waitsfield, Ode of Burlington, Sheldon of Middlebury, and Stebbins of Burlington,

House bill, entitled

An act relating to household products containing hazardous substances

To the Committee on Human Services.

#### **H. 68**

By Reps. Bongartz of Manchester, Austin of Colchester, Beck of St. Johnsbury, Birong of Vergennes, Bluemle of Burlington, Bos-Lun of Westminster, Brownell of Pownal, Brumsted of Shelburne, Burke of Brattleboro, Campbell of St. Johnsbury, Carroll of Bennington, Chase of Chester, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Coffey of Guilford, Cordes of Lincoln, Dolan of Waitsfield, Durfee of Shaftsbury, Elder of Starksboro, Emmons of Springfield, Goldman of Rockingham, Graning of Jericho, Hango of Berkshire, Harrison of Chittenden, Jerome of Brandon, Morris of Springfield, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Ode of Burlington, Page of Newport City, Patt of Worcester, Rachelson of Burlington, Rice of Dorset, Satcowitz of Randolph, Scheu of Middlebury, Shaw of Pittsford, Toleno of Brattleboro, White of Bethel, and Whitman of Bennington,

House bill, entitled

An act relating to removing State and municipal regulatory barriers for fair zoning and housing affordability

To the Committee on Environment and Energy.

**H. 69**

By Reps. Dolan of Essex Junction and Houghton of Essex Junction,  
House bill, entitled

An act relating to banning smoking outside places of public access and multiunit housing

To the Committee on Human Services.

**H. 70**

By Reps. Dolan of Waitsfield and Patt of Worcester,  
House bill, entitled

An act relating to the siting of telecommunications facilities

To the Committee on Environment and Energy.

**H. 71**

By Reps. Peterson of Clarendon, Clifford of Rutland City, Hango of Berkshire, Labor of Morgan, Lipsky of Stowe, Morgan, M. of Milton, Parsons of Newbury, Taylor of Milton, Toof of St. Albans Town, Troiano of Stannard, Williams of Granby, and Wilson of Lyndon,

House bill, entitled

An act relating to Department of Motor Vehicles credentials and number plates with veteran designations

To the Committee on Transportation.

**H. 72**

By Reps. Small of Winooski, Berbeco of Winooski, Black of Essex, Bluemle of Burlington, Bos-Lun of Westminster, Brumsted of Shelburne, Christie of Hartford, Cina of Burlington, Dodge of Essex, Donnally of Hyde Park, Garofano of Essex, Goldman of Rockingham, Headrick of Burlington, Hooper of Randolph, Hyman of South Burlington, LaMont of Morristown, Leavitt of Grand Isle, Logan of Burlington, McGill of Bridport, Mulvaney-Stanak of Burlington, Pajala of Londonderry, Rachelson of Burlington, Rice of Dorset, Sims of Craftsbury, Stone of Burlington, Surprenant of Barnard, Templeman of Brownington, Torre of Moretown, and Troiano of Stannard,

House bill, entitled

An act relating to a harm-reduction criminal justice response to drug use

To the Committee on Judiciary.

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**Second Reading; Bill Amended; Third Reading Ordered****H. 28**

**Rep. Notte of Rutland City**, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to diversion and expungement

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

Sec. 1. 3 V.S.A. § 163(e) is amended to read:

(e)(1) Within 30 days after the two-year anniversary of a successful completion of juvenile diversion, the court shall provide notice to all parties of record of the court's intention to order the expungement of all court files and records, law enforcement records other than entries in the juvenile court diversion program's centralized filing system, fingerprints, and photographs applicable to the proceeding. However, the court shall not order expungement if the participant does not satisfy each of subdivisions (A)—(D) of this subdivision. The court shall give the State's Attorney an opportunity for a hearing to contest the expungement of the records. The court shall expunge the records if it finds:

(A) two years have elapsed since the successful completion of juvenile diversion by the participant ~~and the dismissal of the case by the State's Attorney;~~

(B) the participant has not been convicted of a subsequent felony or misdemeanor during the two-year period, and no proceedings are pending seeking such conviction;

(C) rehabilitation of the participant has been attained to the satisfaction of the court; and

(D) the participant does not owe restitution related to the case ~~under a contract executed with the Restitution Unit.~~

\* \* \*

Sec. 2. 3 V.S.A. § 164(g) is amended to read:

(g)(1) Within 30 days after the two-year anniversary of a successful completion of adult diversion, the court shall provide notice to all parties of record of the court's intention to order the expungement of all court files and records, law enforcement records other than entries in the adult court diversion program's centralized filing system, fingerprints, and photographs applicable to the proceeding. However, the court shall not order expungement if the

participant does not satisfy each of subdivisions (A)—(D) of this subdivision. The court shall give the State’s Attorney an opportunity for a hearing to contest the expungement of the records. The court shall expunge the records if it finds:

(A) two years have elapsed since the successful completion of the adult diversion program by the participant and the dismissal of the case by the State’s Attorney;

(B) the participant has not been convicted of a subsequent felony or misdemeanor during the two-year period, and no proceedings are pending seeking such conviction;

(C) rehabilitation of the participant has been attained to the satisfaction of the court; and

(D) the participant does not owe restitution related to the case under a contract executed with the Restitution Unit.

\* \* \*

### Sec. 3. 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.

### **Legislative Committee on Administrative Rules (LCAR) Appointments**

Pursuant to 3 V.S.A. § 817, the Speaker appointed the following members to the Legislative Committee on Administrative Rules:

**Rep. Squirrell of Underhill**  
**Rep. Bongartz of Manchester**  
**Rep. Higley of Lowell**  
**Rep. Ode of Burlington**

### **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.

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**Friday, January 20, 2023**

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. Mary-Katherine Stone of Burlington.

**House Bills Introduced**

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

**H. 73**

By Reps. Higley of Lowell, Branagan of Georgia, Clifford of Rutland City, Demar of Enosburgh, Donahue of Northfield, Galfetti of Barre Town, McFaun of Barre Town, Morgan, M. of Milton, Oliver of Sheldon, Page of Newport City, Parsons of Newbury, Peterson of Clarendon, Williams of Granby, and Wilson of Lyndon,

House bill, entitled

An act relating to revoking Vermont's use of California's Clean Air Act waiver

To the Committee on Environment and Energy.

**H. 74**

By Reps. Higley of Lowell, Branagan of Georgia, Clifford of Rutland City, Demar of Enosburgh, Galfetti of Barre Town, Hango of Berkshire, McFaun of Barre Town, Morgan, M. of Milton, Oliver of Sheldon, Parsons of Newbury, Peterson of Clarendon, Williams of Granby, and Wilson of Lyndon,

House bill, entitled

An act relating to repealing the Global Warming Solutions Act

To the Committee on Environment and Energy.

**H. 75**

By Rep. Sibilias of Dover,

House bill, entitled

An act relating to advance notification of preplanned outages of voice services

To the Committee on Environment and Energy.

**H. 76**

By Reps. Marcotte of Coventry, Carroll of Bennington, Jerome of Brandon, Nicoll of Ludlow, and White of Bethel,

House bill, entitled

An act relating to captive insurance

To the Committee on Commerce and Economic Development.

**H. 77**

By Rep. Ode of Burlington,

House bill, entitled

An act relating to Vermont's adoption of the Physical Therapy Licensure Compact

To the Committee on Health Care.

**H. 78**

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to repealing the sunset of 7 V.S.A. § 230

To the Committee on Government Operations and Military Affairs.

**H. 79**

By Reps. Donahue of Northfield, Sims of Craftsbury, Andriano of Orwell, Anthony of Barre City, Birong of Vergennes, Boyden of Cambridge, Branagan of Georgia, Brumsted of Shelburne, Burrows of West Windsor, Demrow of Corinth, Dolan of Waitsfield, Farlice-Rubio of Barnet, Galfetti of Barre Town, Higley of Lowell, Labor of Morgan, LaBounty of Lyndon, Masland of Thetford, McGill of Bridport, Morris of Springfield, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Noyes of Wolcott, Ode of Burlington, Pajala of Londonderry, Priestley of Bradford, Sibia of Dover, Surprenant of Barnard, Taylor of Milton, Templeman of Brownington, White of Bethel, Williams of Barre City, and Williams of Granby,

House bill, entitled

An act relating to the Vermont Fair Repair Act

To the Committee on Commerce and Economic Development.



**H. 80**

By Reps. Cordes of Lincoln, Berbeco of Winooski, Black of Essex, Cina of Burlington, Elder of Starksboro, Goldman of Rockingham, McCann of Montpelier, Mrowicki of Putney, Pouech of Hinesburg, Priestley of Bradford, Sims of Craftsbury, and Stebbins of Burlington,

House bill, entitled

An act relating to licensure of freestanding birth centers

To the Committee on Health Care.

**H. 81**

By Reps. Donahue of Northfield, Sims of Craftsbury, Andriano of Orwell, Anthony of Barre City, Bironing of Vergennes, Boyden of Cambridge, Branagan of Georgia, Brumsted of Shelburne, Burrows of West Windsor, Demrow of Corinth, Dolan of Waitsfield, Farlice-Rubio of Barnet, Galfetti of Barre Town, Harrison of Chittenden, Headrick of Burlington, Higley of Lowell, Labor of Morgan, LaBounty of Lyndon, Masland of Thetford, McGill of Bridport, Morris of Springfield, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Noyes of Wolcott, Pajala of Londonderry, Priestley of Bradford, Sibia of Dover, Surprenant of Barnard, Taylor of Milton, Templeman of Brownington, White of Bethel, Williams of Barre City, and Williams of Granby,

House bill, entitled

An act relating to fair repair of agricultural equipment

To the Committee on Agriculture, Food Resiliency, and Forestry.

**H. 82**

By Reps. Wood of Waterbury and Stevens of Waterbury,

House bill, entitled

An act relating to the sale or disposal of Stanley Hall and Wasson Hall

To the Committee on Corrections and Institutions.

**H. 83**

By Rep. Noyes of Wolcott,

House bill, entitled

An act relating to tax credits for living organ donations

To the Committee on Ways and Means.

**Third Reading; Bill Passed****H. 28**

House bill, entitled

An act relating to diversion and expungement

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

**Message from the Senate No. 8**

A message was received from the Senate by Ms. Kucserik, 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. 1.** Senate concurrent resolution honoring Steven D. Marshall of Swanton for his exemplary service as the Assistant Secretary of the Senate.

**S.C.R. 2.** Senate concurrent resolution honoring Helen Estroff of Montpelier for her outstanding public service in the executive branch, and as the Calendar Clerk of the Vermont Senate.

**S.C.R. 3.** Senate concurrent resolution honoring James Sullivan for his exemplary leadership at the Bennington County Regional Commission.

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

**H.C.R. 1.** House concurrent resolution congratulating the Green Mountain Girls Field Hockey Club on winning the 2022 National Hockey Festival U-14 Championship.

**H.C.R. 2.** House concurrent resolution congratulating Dan Yates on being named the 2022 Vermont Community Banker of the Year.

**H.C.R. 3.** House concurrent resolution in memory of former Representative Warren Fredrick Kitzmiller of Montpelier.

**H.C.R. 4.** House concurrent resolution honoring the Rev. Carl Hilton VanOsdall on the 25th anniversary of his ministry at the First Presbyterian Church of Barre.

**H.C.R. 5.** House concurrent resolution congratulating Ariana Wunderle on establishing a Guinness World Record for the longest distance walking a tight-rope while wearing high heels.

**H.C.R. 6.** House concurrent resolution honoring Susan Higby on the 20th anniversary of her outstanding service as Executive Director of Studio Place Arts in Barre.

**H.C.R. 7.** House concurrent resolution in memory of former Vermont Veterans' Home Trustee Arthur William Charron Jr. of Bennington.

**H.C.R. 8.** House concurrent resolution honoring Lisa Byer for her outstanding quarter-century association with Catamount Access Television in Bennington.

**H.C.R. 9.** House concurrent resolution in memory of former Representative Joseph L. Krawczyk Jr. of Bennington.

**H.C.R. 10.** House concurrent resolution congratulating the 2022 Mount Anthony Union High School Patriots Division II championship football team.

**H.C.R. 11.** House concurrent resolution designating January 23–27, 2023 as the first annual Holocaust Education Week in Vermont.

### **Adjournment**

At nine o'clock and fifty minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, January 24, 2023, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 8.

### **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. 1**

House concurrent resolution congratulating the Green Mountain Girls Field Hockey Club on winning the 2022 National Hockey Festival U-14 Championship

#### **H.C.R. 2**

House concurrent resolution congratulating Dan Yates on being named the 2022 Vermont Community Banker of the Year

#### **H.C.R. 3**

House concurrent resolution in memory of former Representative Warren Fredrick Kitzmiller of Montpelier

**H.C.R. 4**

House concurrent resolution honoring the Rev. Carl Hilton VanOsdall on the 25th anniversary of his ministry at the First Presbyterian Church of Barre

**H.C.R. 5**

House concurrent resolution congratulating Ariana Wunderle on establishing a Guinness World Record for the longest distance walking a tight-rope while wearing high heels

**H.C.R. 6**

House concurrent resolution honoring Susan Higby on the 20th anniversary of her outstanding service as Executive Director of Studio Place Arts in Barre

**H.C.R. 7**

House concurrent resolution in memory of former Vermont Veterans' Home Trustee Arthur William Charron Jr. of Bennington

**H.C.R. 8**

House concurrent resolution honoring Lisa Byer for her outstanding quarter-century association with Catamount Access Television in Bennington

**H.C.R. 9**

House concurrent resolution in memory of former Representative Joseph L. Krawczyk Jr. of Bennington

**H.C.R. 10**

House concurrent resolution congratulating the 2022 Mount Anthony Union High School Patriots Division II championship football team

**H.C.R. 11**

House concurrent resolution designating January 23–27, 2023 as the first annual Holocaust Education Week in Vermont

**S.C.R. 1**

Senate concurrent resolution honoring Steven D. Marshall of Swanton for his exemplary service as the Assistant Secretary of the Senate

**S.C.R. 2**

Senate concurrent resolution honoring Helen Estroff of Montpelier for her outstanding public service in the executive branch, and as the Calendar Clerk of the Vermont Senate

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**S.C.R. 3**

Senate concurrent resolution honoring James Sullivan for his exemplary leadership at the Bennington County Regional Commission

[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 2023 Biennial Session.]

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**Tuesday, January 24, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rep. Kathleen James of Manchester.

**Pledge of Allegiance**

Page Hannah Young of Tunbridge 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. 84**

By Reps. Sims of Craftsbury, Labor of Morgan, LaBounty of Lyndon, Troiano of Stannard, and Williams of Granby,

House bill, entitled

An act relating to the permitting of indirect discharges

To the Committee on Environment and Energy.

**H. 85**

By Rep. Burrows of West Windsor,

House bill, entitled

An act relating to trail accessibility

To the Committee on Agriculture, Food Resiliency, and Forestry.

**H. 86**

By Rep. McCarthy of St. Albans City,

House bill, entitled

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

To the Committee on Health Care.

**H. 87**

By Reps. Marcotte of Coventry, Carroll of Bennington, Jerome of Brandon, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Priestley of Bradford, and White of Bethel,

House bill, entitled

An act relating to regulating earned wage access services

To the Committee on Commerce and Economic Development.

**H. 88**

By Reps. Bos-Lun of Westminster, Anthony of Barre City, Bluemle of Burlington, Burrows of West Windsor, Campbell of St. Johnsbury, Chase of Chester, Christie of Hartford, Cina of Burlington, Cordes of Lincoln, Dodge of Essex, Garofano of Essex, Goldman of Rockingham, Graning of Jericho, Headrick of Burlington, LaBounty of Lyndon, Leavitt of Grand Isle, Masland of Thetford, McGill of Bridport, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Pajala of Londonderry, Priestley of Bradford, Roberts of Halifax, Sims of Craftsbury, Small of Winooski, Stebbins of Burlington, Surprenant of Barnard, Troiano of Stannard, and White of Bethel,

House bill, entitled

An act relating to reducing the imposition of cash bail

To the Committee on Judiciary.

**H. 89**

By Reps. Donnally of Hyde Park, LaLonde of South Burlington, Small of Winooski, Andrews of Westford, Andriano of Orwell, Anthony of Barre City, Arrison of Weathersfield, Arsenaault of Williston, Austin of Colchester, Bartholomew of Hartland, Berbeco of Winooski, Birong of Vergennes, Black of Essex, Bluemle of Burlington, Bongartz of Manchester, Bos-Lun of Westminster, Brady of Williston, Brown of Richmond, Brumsted of Shelburne, Burke of Brattleboro, Burrows of West Windsor, Buss of Woodstock, Campbell of St. Johnsbury, Casey of Montpelier, Chapin of East Montpelier,

Chase of Chester, Chase of Colchester, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Cole of Hartford, Conlon of Cornwall, Corcoran of Bennington, Cordes of Lincoln, Demrow of Corinth, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Durfee of Shaftsbury, Elder of Starksboro, Emmons of Springfield, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Graning of Jericho, Headrick of Burlington, Holcombe of Norwich, Hooper of Burlington, Houghton of Essex Junction, Howard of Rutland City, Hyman of South Burlington, James of Manchester, Jerome of Brandon, Kornheiser of Brattleboro, Krasnow of South Burlington, Lalley of Shelburne, LaMont of Morristown, Lanpher of Vergennes, Leavitt of Grand Isle, Logan of Burlington, Long of Newfane, Masland of Thetford, McCann of Montpelier, McCarthy of St. Albans City, McGill of Bridport, Mihaly of Calais, Minier of South Burlington, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Notte of Rutland City, Noyes of Wolcott, Nugent of South Burlington, Ode of Burlington, Pajala of Londonderry, Patt of Worcester, Pouech of Hinesburg, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Roberts of Halifax, Satcowitz of Randolph, Scheu of Middlebury, Sheldon of Middlebury, Sibia of Dover, Sims of Craftsbury, Squirrell of Underhill, Stebbins of Burlington, Stevens of Waterbury, Stone of Burlington, Surprenant of Barnard, Taylor of Colchester, Templeman of Brownington, Toleno of Brattleboro, Torre of Moretown, Troiano of Stannard, Waters Evans of Charlotte, White of Bethel, Williams of Barre City, and Wood of Waterbury,

House bill, entitled

An act relating to civil and criminal procedures concerning legally protected health care activity

To the Committee on Judiciary.

#### **H. 90**

By Rep. Stevens of Waterbury,

House bill, entitled

An act relating to responsibilities for property owned by dissolved or extinct Congregational churches

To the Committee on Judiciary.

#### **H. 91**

By Rep. Stevens of Waterbury,

House bill, entitled

An act relating to medical leave for a serious injury

To the Committee on General and Housing.

**H. 92**

By Rep. Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to expanding eligibility for unemployment insurance

To the Committee on Commerce and Economic Development.

**H. 93**

By Reps. Garofano of Essex, Brumsted of Shelburne, Gregoire of Fairfield, Small of Winooski, Black of Essex, Dodge of Essex, Dolan of Essex Junction, Goldman of Rockingham, Hyman of South Burlington, LaMont of Morristown, McGill of Bridport, Noyes of Wolcott, Pajala of Londonderry, Priestley of Bradford, and Whitman of Bennington,

House bill, entitled

An act relating to Reach Up benefit levels

To the Committee on Human Services.

**H. 94**

By Reps. Brumsted of Shelburne, Garofano of Essex, Gregoire of Fairfield, Small of Winooski, Black of Essex, Dodge of Essex, Dolan of Essex Junction, Donahue of Northfield, Goldman of Rockingham, Hyman of South Burlington, LaMont of Morristown, McGill of Bridport, Noyes of Wolcott, Pajala of Londonderry, Priestley of Bradford, Whitman of Bennington, and Wood of Waterbury,

House bill, entitled

An act relating to removing the Reach Up ratable reduction

To the Committee on Human Services.

**H. 95**

By Reps. Williams of Barre City, Andriano of Orwell, Anthony of Barre City, Chesnut-Tangerman of Middletown Springs, Cordes of Lincoln, Headrick of Burlington, Hyman of South Burlington, Krasnow of South Burlington, Lalley of Shelburne, Masland of Thetford, McGill of Bridport, Morris of Springfield, Nugent of South Burlington, Patt of Worcester, Rachelson of Burlington, Stebbins of Burlington, and Torre of Moretown,



House bill, entitled

An act relating to an expansion of the Municipal Energy Resilience Grant Program

To the Committee on Environment and Energy.

### **H. 96**

By Reps. Stebbins of Burlington, Sibilgia of Dover, Anthony of Barre City, Arsenault of Williston, Austin of Colchester, Bartholomew of Hartland, Black of Essex, Bluemle of Burlington, Bongartz of Manchester, Brady of Williston, Brown of Richmond, Burke of Brattleboro, Burrows of West Windsor, Campbell of St. Johnsbury, Carroll of Bennington, Casey of Montpelier, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Cole of Hartford, Conlon of Cornwall, Cordes of Lincoln, Dodge of Essex, Durfee of Shaftsbury, Elder of Starksboro, Garofano of Essex, Goldman of Rockingham, Headrick of Burlington, Holcombe of Norwich, Hooper of Burlington, Houghton of Essex Junction, Hyman of South Burlington, James of Manchester, Jerome of Brandon, Kornheiser of Brattleboro, Krasnow of South Burlington, LaLonde of South Burlington, Logan of Burlington, Long of Newfane, McCann of Montpelier, McCarthy of St. Albans City, McGill of Bridport, Mihaly of Calais, Mrowicki of Putney, Nicoll of Ludlow, Notte of Rutland City, O'Brien of Tunbridge, Ode of Burlington, Pajala of Londonderry, Patt of Worcester, Pouech of Hinesburg, Rachelson of Burlington, Rice of Dorset, Satcowitz of Randolph, Scheu of Middlebury, Sheldon of Middlebury, Stevens of Waterbury, Stone of Burlington, Toleno of Brattleboro, Torre of Moretown, Troiano of Stannard, and Williams of Barre City,

House bill, entitled

An act relating to affordably meeting the mandated greenhouse gas reductions for the thermal sector through electrification, decarbonization, efficiency, and weatherization measures

To the Committee on Environment and Energy.

### **H. 97**

By Reps. Scheu of Middlebury, Andriano of Orwell, Austin of Colchester, Birong of Vergennes, Burrows of West Windsor, Chapin of East Montpelier, Conlon of Cornwall, Goldman of Rockingham, Howard of Rutland City, Krasnow of South Burlington, Mrowicki of Putney, Ode of Burlington, Taylor of Colchester, Toleno of Brattleboro, and Troiano of Stannard,

House bill, entitled

An act relating to the number of votes required for a write-in candidate to win a primary election

To the Committee on Government Operations and Military Affairs.

### **H. 98**

By Reps. Mulvaney-Stanak of Burlington, Arsenault of Williston, Black of Essex, Bluemle of Burlington, Bos-Lun of Westminster, Brady of Williston, Burke of Brattleboro, Burrows of West Windsor, Chase of Chester, Christie of Hartford, Cole of Hartford, Cordes of Lincoln, Dodge of Essex, Dolan of Essex Junction, Donnally of Hyde Park, Garofano of Essex, Goldman of Rockingham, Headrick of Burlington, Houghton of Essex Junction, Logan of Burlington, Minier of South Burlington, Mrowicki of Putney, Priestley of Bradford, Rachelson of Burlington, Small of Winooski, Stebbins of Burlington, Stone of Burlington, Surprenant of Barnard, Torre of Moretown, Troiano of Stannard, White of Bethel, and Williams of Barre City,

House bill, entitled

An act relating to firearms crimes and procedures

To the Committee on Judiciary.

### **Ceremonial Reading**

#### **H.C.R. 3**

House concurrent resolution in memory of former Representative Warren Fredrick Kitzmiller of Montpelier

Offered by: Representatives Casey of Montpelier and McCann of Montpelier

Offered by: Senators Cummings, Perchlik, and Watson

Whereas, the familiar phrase “Hello, folks” was long associated with Warren Kitzmiller’s radio ads for his Onion River Sports stores and, more broadly, his greeting to his many friends in Montpelier, and

Whereas, Warren Kitzmiller was originally from Erie, Pennsylvania, but discovered a welcome home in Montpelier, where his municipal civic roles included serving on the capital’s Board of Civil Authority, City Council, Planning Commission, and Recreation Board, and

Whereas, his interests in the arts led to Warren Kitzmiller’s membership on the boards of Montpelier’s Lost Nation Theater and the Vermont Arts Council, and

Whereas, in 2001, after the death of his first wife, Karen Kitzmiller, a respected member of the House of Representatives, Governor Dean appointed Warren Kitzmiller to succeed her, and he served with distinction for 21 years, including as House Commerce Committee Chair, and

Whereas, on July 10, 2022, Representative Warren Kitzmiller died at 79 years of age, survived by his wife, Jeanne Cariati, who, sadly, died only 20 days later, and his children and grandchildren, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly extends its sincere condolences to the family of former Representative Warren Frederick Kitzmiller, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the family of Warren Kitzmiller.

Having been adopted in concurrence on Friday, January 20, 2023 in accord with Joint Rule 16b, was read.

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

**H. 67**

**Rep. Wood of Waterbury** moved that the Committee on Human Services be relieved of House bill, entitled

An act relating to household products containing hazardous substances

And that the bill be committed to the Committee on Environment and Energy, which was agreed to.

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

**H. 53**

**Rep. Coffey of Guilford** moved that the Committee on Transportation be relieved of House bill, entitled

An act relating to driver's license suspensions

And that the bill be committed to the Committee on Judiciary, which was agreed to.

**Joint Fiscal Committee Appointments**

Pursuant to 2 V.S.A. § 501, the Speaker announced the appointment of the following members to the Joint Fiscal Committee:

**Rep. Lanpher of Vergennes**  
**Rep. Kornheiser of Brattleboro**  
**Rep. Scheu of Middlebury**  
**Rep. Harrison of Chittenden**  
**Rep. Wood of Waterbury**

**Message from the Senate No. 9**

A message was received from the Senate by Ms. Kucserik, 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. 9.** Joint resolution relating to weekend adjournment.

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

**Adjournment**

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

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**Wednesday, January 25, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rep. Robin Chesnut-Tangerman of Middletown Springs.

**House Bills Introduced**

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

**H. 99**

By Reps. Hango of Berkshire, Biron of Vergennes, Sibilia of Dover, Austin of Colchester, Bartley of Fairfax, Beck of St. Johnsbury, Boyden of Cambridge, Branagan of Georgia, Brennan of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Chase of Colchester, Cina of Burlington, Clifford of Rutland City, Demar of Enosburgh, Dickinson of St. Albans Town, Donahue of Northfield, Galfetti of Barre Town, Goslant of Northfield, Graham of Williamstown, Gregoire of Fairfield, Harrison of Chittenden, Higley of Lowell, Hooper of Randolph, Hooper of Burlington, Labor of Morgan, Laroche of Franklin, Lipsky of Stowe, Maguire of Rutland City, Mattos of Milton, McCoy of Poultney, McFaun of Barre Town, Morgan, M. of Milton, Morris of Springfield, Morrissey of Bennington, Noyes of Wolcott, Ode of Burlington, Oliver of Sheldon, Page of Newport City, Parsons of Newbury, Peterson of Clarendon, Sammis of Castleton, Shaw of Pittsford, Small of Winooski, Smith of Derby, Taylor of Milton, Toof of St. Albans Town, Williams of Granby, and Wilson of Lyndon,

House bill, entitled

An act relating to the Vermont National Guard Tuition Benefit Program

To the Committee on Education.

**H. 100**

By Reps. Dolan of Waitsfield, McGill of Bridport, Andriano of Orwell, Anthony of Barre City, Bluemle of Burlington, Brumsted of Shelburne, Burke of Brattleboro, Campbell of St. Johnsbury, Christie of Hartford, Jerome of Brandon, LaBounty of Lyndon, LaLonde of South Burlington, Mrowicki of Putney, Ode of Burlington, Torre of Moretown, and White of Bethel,

House bill, entitled

An act relating to pedestrian safety

To the Committee on Transportation.

**H. 101**

By Reps. Burke of Brattleboro, Stebbins of Burlington, Anthony of Barre City, Bartholomew of Hartland, Bluemle of Burlington, Brown of Richmond, Campbell of St. Johnsbury, Carroll of Bennington, Casey of Montpelier, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Cole of Hartford, Cordes of Lincoln, Demrow of Corinth, Dodge of Essex, Dolan of Essex Junction, Elder of Starksboro, Goldman of Rockingham, Headrick of Burlington, Houghton of Essex Junction, James of Manchester, Jerome of Brandon, Kornheiser of Brattleboro, Krasnow of South Burlington,

Lalley of Shelburne, LaLonde of South Burlington, Logan of Burlington, Long of Newfane, Masland of Thetford, McCarthy of St. Albans City, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Notte of Rutland City, Ode of Burlington, Patt of Worcester, Pouech of Hinesburg, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Sheldon of Middlebury, Sims of Craftsbury, Stone of Burlington, Toleno of Brattleboro, and Torre of Moretown,

House bill, entitled

An act relating to transportation initiatives to reduce carbon emissions

To the Committee on Transportation.

#### **H. 102**

By Reps. Coffey of Guilford and Shaw of Pittsford,

House bill, entitled

An act relating to the Art in State Buildings Program

To the Committee on Corrections and Institutions.

#### **H. 103**

By Reps. Page of Newport City, Cordes of Lincoln, and Labor of Morgan,

House bill, entitled

An act relating to staff-to-patient ratios

To the Committee on Health Care.

#### **H. 104**

By Rep. Andriano of Orwell,

House bill, entitled

An act relating to worker cooperatives

To the Committee on Commerce and Economic Development.

#### **H. 105**

By Reps. Sims of Craftsbury, Anthony of Barre City, Austin of Colchester, Bos-Lun of Westminster, Boyden of Cambridge, Burke of Brattleboro, Burrows of West Windsor, Demrow of Corinth, Elder of Starksboro, Farlice-Rubio of Barnet, Goldman of Rockingham, Headrick of Burlington, Masland of Thetford, Mrowicki of Putney, Nicoll of Ludlow, Pajala of Londonderry, Pouech of Hinesburg, Surprenant of Barnard, and Torre of Moretown,

House bill, entitled

An act relating to the Community Resilience and Disaster Mitigation Fund

To the Committee on Government Operations and Military Affairs.

**H. 106**

By Reps. Headrick of Burlington, Bos-Lun of Westminster, Boyden of Cambridge, Burrows of West Windsor, Buss of Woodstock, Casey of Montpelier, Chase of Chester, Christie of Hartford, Cina of Burlington, Cole of Hartford, Dodge of Essex, Farlice-Rubio of Barnet, Garofano of Essex, Leavitt of Grand Isle, Logan of Burlington, Minier of South Burlington, Morris of Springfield, Mulvaney-Stanak of Burlington, Pouech of Hinesburg, Priestley of Bradford, Sims of Craftsbury, Small of Winooski, Stone of Burlington, Torre of Moretown, and Williams of Barre City,

House bill, entitled

An act relating to the academic freedom of public educators

To the Committee on Education.

**H. 107**

By Reps. Christie of Hartford and Cole of Hartford,

House bill, entitled

An act relating to the Town of Hartford's tax increment financing district

To the Committee on Ways and Means.

**H. 108**

By Reps. LaBounty of Lyndon, Andriano of Orwell, Austin of Colchester, Bartley of Fairfax, Bongartz of Manchester, Bos-Lun of Westminster, Burrows of West Windsor, Buss of Woodstock, Campbell of St. Johnsbury, Casey of Montpelier, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cole of Hartford, Dolan of Essex Junction, Elder of Starksboro, Goldman of Rockingham, Hooper of Burlington, Howard of Rutland City, Krasnow of South Burlington, Lalley of Shelburne, LaMont of Morristown, Lipsky of Stowe, McGill of Bridport, Morris of Springfield, Noyes of Wolcott, and White of Bethel,

House bill, entitled

An act relating to updating the Vermont School Bus Manual and the commercial driver's license knowledge and skills tests

To the Committee on Transportation.

**Joint Resolution Adopted in Concurrence****J.R.S. 9**

By Senator Baruth,

**J.R.S. 9.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, January 27, 2023, it be to meet again no later than Tuesday, January 31, 2023.

Was taken up, read, and adopted in concurrence.

**Joint Legislative Management Committee Appointments**

Pursuant to 2 V.S.A. § 41, the Speaker announced the appointment of the following members to the Joint Legislative Management Committee:

**Rep. Rachelson of Burlington**

**Rep. Shaw of Pittsford**

**Rep. Mrowicki of Putney**

**Joint Public Pension Oversight Committee Appointments**

Pursuant to 2 V.S.A. § 1001, the Speaker announced the appointment of the following members to the Joint Public Pension Oversight Committee:

**Rep. McCarthy of St. Albans City**

**Rep. Kornheiser of Brattleboro**

**Rep. Harrison of Chittenden**

**Agricultural Fairs and Field Days Capital Program Advisory  
Committee Appointment**

Pursuant to 24 V.S.A. § 5608, the Speaker announced the appointment of the following member to the Agricultural Fairs and Field Days Capital Program Advisory Committee:

**Rep. O'Brien of Tunbridge**

**Recreational Facilities Grant Advisory Committee Appointment**

Pursuant to 24 V.S.A. § 5605, the Speaker announced the appointment of the following member to the Recreational Facilities Grant Advisory Committee:

**Rep. Demrow of Corinth**



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**New England Board of Higher Education Appointment**

Pursuant to 16 V.S.A. § 2731, the Speaker announced the appointment of the following member to the New England Board of Higher Education:

**Rep. Conlon of Cornwall**

**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 January, 2023, he signed a bill originating in the House of the following title:

**H. 42 An act relating to temporary alternative procedures for annual municipal meetings and electronic meetings of public bodies**

**Adjournment**

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

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**Thursday, January 26, 2023**

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 Ms. Kucserik, 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. 10.** Joint resolution providing for the election of a Sergeant at Arms, and three Trustees of the University of Vermont and State Agricultural College.

**J.R.S. 11.** Joint resolution establishing a procedure for the conduct of the election of the University of Vermont and State Agricultural College trustees by plurality vote by the General Assembly in 2023.

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

### **House Bills Introduced**

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

#### **H. 109**

By Reps. Noyes of Wolcott, Andrews of Westford, Anthony of Barre City, Berbeco of Winooski, Black of Essex, Boyden of Cambridge, Brumsted of Shelburne, Buss of Woodstock, Campbell of St. Johnsbury, Carroll of Bennington, Christie of Hartford, Cina of Burlington, Demrow of Corinth, Dodge of Essex, Dolan of Essex Junction, Donnally of Hyde Park, Garofano of Essex, Goldman of Rockingham, Hango of Berkshire, Jerome of Brandon, Krasnow of South Burlington, LaBounty of Lyndon, Lalley of Shelburne, LaMont of Morristown, Lipsky of Stowe, McFaun of Barre Town, McGill of Bridport, Minier of South Burlington, Nicoll of Ludlow, Pajala of Londonderry, Priestley of Bradford, Rice of Dorset, Small of Winooski, Surprenant of Barnard, Torre of Moretown, Troiano of Stannard, Whitman of Bennington, and Williams of Barre City,

House bill, entitled

An act relating to rate reimbursement for home-delivered meals

To the Committee on Human Services.

#### **H. 110**

By Rep. Sibilias of Dover,

House bill, entitled

An act relating to extending the sunset under 30 V.S.A. § 248a

To the Committee on Environment and Energy.

**H. 111**

By Reps. Sims of Craftsbury, Harrison of Chittenden, Andrews of Westford, Andriano of Orwell, Anthony of Barre City, Beck of St. Johnsbury, Birong of Vergennes, Bos-Lun of Westminster, Boyden of Cambridge, Branagan of Georgia, Burrows of West Windsor, Buss of Woodstock, Campbell of St. Johnsbury, Clifford of Rutland City, Cole of Hartford, Cordes of Lincoln, Demrow of Corinth, Donahue of Northfield, Donnally of Hyde Park, Elder of Starksboro, Farlice-Rubio of Barnet, Galfetti of Barre Town, Graning of Jericho, Gregoire of Fairfield, Hango of Berkshire, Jerome of Brandon, Labor of Morgan, Lalley of Shelburne, Leavitt of Grand Isle, Lipsky of Stowe, Maguire of Rutland City, McCann of Montpelier, McGill of Bridport, Morgan, M. of Milton, Mrowicki of Putney, Nicoll of Ludlow, Noyes of Wolcott, O'Brien of Tunbridge, Pajala of Londonderry, Patt of Worcester, Roberts of Halifax, Smith of Derby, Surprenant of Barnard, Taylor of Milton, Templeman of Brownington, Torre of Moretown, Troiano of Stannard, White of Bethel, Williams of Barre City, and Williams of Granby,

House bill, entitled

An act relating to workforce housing

To the Committee on General and Housing.

**H. 112**

By Rep. Small of Winooski,

House bill, entitled

An act relating to opioid use disorder response services

To the Committee on Human Services.

**H. 113**

By Reps. Sibilias of Dover and Pajala of Londonderry,

House bill, entitled

An act relating to the public, pious, or charitable uses property tax exemption

To the Committee on Ways and Means.

**H. 114**

By Reps. Priestley of Bradford, Anthony of Barre City, Graning of Jericho, Headrick of Burlington, Mulvaney-Stanak of Burlington, Sims of Craftsbury, and Small of Winooski,

House bill, entitled

An act relating to restricting electronic monitoring of employees and employment-related automated decision systems

To the Committee on General and Housing.

**H. 115**

By Reps. Cordes of Lincoln, Cole of Hartford, Elder of Starksboro, McCann of Montpelier, McGill of Bridport, Mulvaney-Stanak of Burlington, Priestley of Bradford, Sims of Craftsbury, and Surprenant of Barnard,

House bill, entitled

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

To the Committee on Health Care.

**H. 116**

By Reps. Mulvaney-Stanak of Burlington, Anthony of Barre City, Arsenault of Williston, Bluemle of Burlington, Bos-Lun of Westminster, Burke of Brattleboro, Burrows of West Windsor, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Cordes of Lincoln, Dodge of Essex, Garofano of Essex, Headrick of Burlington, Howard of Rutland City, Logan of Burlington, Mrowicki of Putney, Nicoll of Ludlow, Priestley of Bradford, Small of Winooski, Torre of Moretown, Troiano of Stannard, White of Bethel, and Williams of Barre City,

House bill, entitled

An act relating to miscellaneous employment protections and standards

To the Committee on General and Housing.

**H. 117**

By Reps. Black of Essex, Andrews of Westford, Berbeco of Winooski, Bluemle of Burlington, Brady of Williston, Brown of Richmond, Cina of Burlington, Cordes of Lincoln, Dodge of Essex, Dolan of Essex Junction, Donnally of Hyde Park, Garofano of Essex, Goldman of Rockingham, Houghton of Essex Junction, James of Manchester, LaLonde of South Burlington, Mulvaney-Stanak of Burlington, Notte of Rutland City, Priestley of Bradford, Stebbins of Burlington, and Stone of Burlington,

House bill, entitled

An act relating to preventing death by suicide

To the Committee on Health Care.

**H. 118**

By Reps. Donahue of Northfield, Noyes of Wolcott, Andriano of Orwell, Branagan of Georgia, Cina of Burlington, Cordes of Lincoln, Garofano of Essex, Goldman of Rockingham, Gregoire of Fairfield, Hango of Berkshire, McFaun of Barre Town, and Pajala of Londonderry,

House bill, entitled

An act relating to Medicare Savings Program eligibility

To the Committee on Health Care.

**H. 119**

By Reps. Bartholomew of Hartland, Austin of Colchester, Burke of Brattleboro, Campbell of St. Johnsbury, Lalley of Shelburne, Pouech of Hinesburg, and Sheldon of Middlebury,

House bill, entitled

An act relating to excessive motor vehicle noise

To the Committee on Transportation.

**H. 120**

By Reps. Masland of Thetford, Anthony of Barre City, Beck of St. Johnsbury, and Sims of Craftsbury,

House bill, entitled

An act relating to imposing sales and use tax on vendor-hosted prewritten computer software

To the Committee on Ways and Means.

**H. 121**

By Reps. Marcotte of Coventry, Carroll of Bennington, Graning of Jericho, Jerome of Brandon, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Priestley of Bradford, Sammis of Castleton, and White of Bethel,

House bill, entitled

An act relating to enhancing consumer privacy

To the Committee on Commerce and Economic Development.

**Ceremonial Reading****H.C.R. 5**

House concurrent resolution congratulating Ariana Wunderle on establishing a Guinness World Record for the longest distance walking a tight-rope while wearing high heels

Offered by: Representatives Bos-Lun of Westminster and Goldman of Rockingham

Offered by: Senators Harrison and Hashim

Whereas, as the daughter of circus parents, and starting at two years of age, Ariana Wunderle appeared in the Cirkus Smirkus ring as a clown, an acrobat, and ultimately a tightrope walker, a circus craft she commenced learning at seven years of age after seeing older children performing on the high wire, and

Whereas, bravery, concentration, and fortitude are attributes an accomplished tightrope walker must possess, and Ariana Wunderle exuded confidence throughout her Circus Smirkus career, and

Whereas, as a Bellows Falls Union High School senior, she conducted a fundraiser for Circus Smirkus, a nonprofit organization, and, as part of the project, she challenged herself to establish a new Guinness World Record for walking the longest distance on a tight rope while wearing high heels, and

Whereas, she completed a 639-foot, seven-inch distance, far surpassing the prior 50-foot record, and

Whereas, Ariana Wunderle, now a first-year student at Ithaca College, anticipates new challenges in the classroom and as a circus performer, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates Ariana Wunderle of Bartonville on establishing a Guinness World Record for the longest distance walking a tightrope while wearing high heels, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Ariana Wunderle and to Circus Smirkus.

Having been adopted in concurrence on Friday, January 20, 2023 in accord with Joint Rule 16b, was read.

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

**H. 83**

**Rep. Kornheiser of Brattleboro** moved that the Committee on Ways and Means be relieved of House bill, entitled

An act relating to tax credits for living organ donations

And that the bill be committed to the Committee on Human Services, which was agreed to.

**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.

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**Friday, January 27, 2023**

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. Joan Javier-Duval, Unitarian Church, Montpelier.

**Communication from Rep. Donnally of Hyde Park**

“Dear Speaker Krowinski and Clerk of the House Wrask,

I write to offer my resignation from the Vermont House of Representatives, effective at the close of day, Friday, January 27th, 2023. This decision has been one of the most difficult that I have ever made. Serving in this capacity has truly been the honor of a lifetime. And, at the end of the day, I simply cannot balance my desire to do right by this role and my community with the desire to do right by my mental health and the health of my marriage and family.

Ironically, serving in this body ultimately solidified the skills that I would need to make this excruciating decision. In thinking about my decision to resign, I kept returning to a piece of writing that I did last year, on the final day of the 2022 session. I recognize that sharing this in my resignation letter may not be traditional. But honestly, very little about me or my time of

service has been traditional. So, in the spirit of bumping up against tradition, I offer this piece of writing to you now. I offer it with gratitude for all that this space and the members of this body have collectively gifted to me and our state:

The House floor is many things. When the seats are full and members are rising to speak or inquire, the energy in the space is palpable. Holding the emotional and energetic intensity of this space in my body is often uncomfortable.

As life tends to have it, the moments that are the most difficult to hold are also the moments I am most honored to be a part of this legislative body. I am regularly awed by the collective willingness to hold this shared space; to move together through dense, messy, and uncertain work; to steer into and wrestle with palpable discomfort, make hard choices, and emerge intact.

But, for all the humanity that a busy house floor holds, my favorite moments here are the quiet ones. Crossing the threshold of the silent House floor, I am struck with a reverence reserved for sacred spaces.

The Legislature adjourned last night. After the final roll call and the speeches, after members scattered to their cars and local bars, I returned alone to the quiet House floor. I sat in meditation on all this space has held.

At the end of session, there is grief for all that's been lost and hope for all that we wish to gain. This space can hold all of it and then some. Last night, it held me with grace and love as I breathed my way into whatever comes next. I am forever grateful for this space, for everyone who has imbued it with the utterly human capacity to hold all the truths at once and move forward nonetheless.

With love, gratitude, and solidarity,  
Kate Donnally”

### **House Bills Introduced**

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

#### **H. 122**

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. 123**

By Rep. Stevens of Waterbury,

House bill, entitled

An act relating to repealing the State Lottery

To the Committee on Government Operations and Military Affairs.

**H. 124**

By Reps. Sibia of Dover, Sims of Craftsbury, Hango of Berkshire, Priestley of Bradford, Andriano of Orwell, Anthony of Barre City, Austin of Colchester, Birong of Vergennes, Boyden of Cambridge, Burrows of West Windsor, Buss of Woodstock, Chesnut-Tangerman of Middletown Springs, Demrow of Corinth, Farlice-Rubio of Barnet, Gregoire of Fairfield, Jerome of Brandon, Labor of Morgan, LaBounty of Lyndon, Leavitt of Grand Isle, Masland of Thetford, McGill of Bridport, Morgan, M. of Milton, Nicoll of Ludlow, Noyes of Wolcott, O'Brien of Tunbridge, Pajala of Londonderry, Roberts of Halifax, Surprenant of Barnard, Templeman of Brownington, Torre of Moretown, White of Bethel, and Williams of Granby,

House bill, entitled

An act relating to promoting rural economic development capacity

To the Committee on Commerce and Economic Development.

**Joint Resolutions Placed on Calendar****J.R.S. 10**

By Senator Baruth,

**J.R.S. 10.** Joint resolution providing for the election of a Sergeant at Arms, and three Trustees of the University of Vermont and State Agricultural College.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, February 16, 2023, at ten o'clock and thirty minutes in the forenoon to elect a Sergeant at Arms, and three trustees of the University of Vermont and State Agricultural College. In case election of all such officers 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 in such election, until all such officers are elected.

Was read by title and placed on the Action Calendar on the next legislative day, pursuant to House Rule 52.

**J.R.S. 11**

By Senator Baruth,

**J.R.S. 11.** Joint resolution establishing a procedure for the conduct of the election of the University of Vermont and State Agricultural College trustees by plurality vote by the General Assembly in 2023.

*Whereas*, in 1997 the election of three trustees of the University of Vermont and State Agricultural College was decided by plurality vote, which required one ballot only, and

*Whereas*, in 1999 the election of three trustees of the University of Vermont and State Agricultural College was decided by majority vote, which required a total of eight ballots, and

*Whereas*, in 2001 and subsequent bienniums the elections of three trustees of the University of Vermont and State Agricultural College were decided by plurality vote, each of which required one ballot only, and

*Whereas*, if an election for multiple vacancies is 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 three trustees of the University of Vermont and State Agricultural College at a Joint Assembly to be held on February 16, 2023, 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 three.

(2) The three candidates receiving the most votes shall be declared elected to fill the three vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for one or more of the three vacant positions, then voting shall continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the most votes.

Was read by title and placed on the Action Calendar on the next legislative day, pursuant to House Rule 52.

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**Ceremonial Readings****H.C.R. 1**

House concurrent resolution congratulating the Green Mountain Girls Field Hockey Club on winning the 2022 National Hockey Festival U-14 Championship

Offered by: Representatives Arsenault of Williston, Boyden of Cambridge, Brady of Williston, Casey of Montpelier, Graning of Jericho, Hyman of South Burlington, Krasnow of South Burlington, LaLonde of South Burlington, McCann of Montpelier, Minier of South Burlington, and Squirrelle of Underhill

Whereas, the Green Mountain Girls Field Hockey Club (GMG) was established in 2019, named in homage to the Green Mountain Boys, and a flag of the club's logo, a silhouette of an F-94 Starfire jet, was flown on a Vermont Air National Guard training mission and presented to the GMG's U-14 select team at its first tournament appearance at the USA Field Hockey Disney Showcase in Florida, and

Whereas, the team finished this January 2022 Disney event in an impressive fourth place, and

Whereas, more recently, at the 2022 National Hockey Festival Tournament in Florida, and despite its pre-tournament 46th national seed, the GMG team won the U-14 championship, defeating the fourth-ranked Central Pennsylvania Field Hockey Club, 6–3, and

Whereas, the GMG champions, who are from Chittenden, Lamoille, and Washington Counties, were Violet Clough, Rosa DiGiulian, Alyce Dorman, Grace Landerman, Molly McGibney, Audrey Morris, Maryann Nunn, Lanah Quong, Olivia Roy, Cordelia Thomas, and Isabella Walsh, and the proud coaches were Head Coach Jill Spinelli and assistant coaches Bridget Dorman, Jim Laskarzewski, and Katie Nunn, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the Green Mountain Field Hockey Club on winning the 2022 National Hockey Festival U-14 Championship, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Green Mountain Girls Field Hockey Club.

Having been adopted in concurrence on Friday, January 20, 2023 in accord with Joint Rule 16b, was read.

**H.C.R. 11**

House concurrent resolution designating January 23–27, 2023 as the first annual Holocaust Education Week in Vermont

Offered by: All Members of the House

Offered by: All Members of the Senate

Whereas, the Holocaust refers to Nazi Germany’s annihilation during the Second World War of six million Jews, as well as millions of others, including Romas, LGBTQ, persons with disabilities, political dissidents, and members of other targeted populations, and

Whereas, the pervasive level of antisemitism embedded in the Nazis’ political philosophy was first manifested when they came to power in 1933, and rose to a new intensity on November 9, 1938, when on Kristallnacht (also known as the Night of Broken Glass or the November Pogrom), Nazis and their sympathizers destroyed hundreds of synagogues and more than 7,000 Jewish-owned businesses, and vandalized Jewish cemeteries, resulting in the deaths of approximately 100 and the arrest of 30,000 Jewish men, foreshadowing the Holocaust, and

Whereas, in 2021, the Anti-Defamation League (ADL) documented a 34 percent rise over 2020 in antisemitic incidents in the United States, with 2,717 occurrences of assault, harassment, or vandalism, the highest number since the ADL began tracking this statistic on an annual basis in 1979, and

Whereas, even in Vermont’s schools, the student sharing of Nazi imagery has increased, and

Whereas, history has repeatedly shown that hatred directed toward Jews inexorably metastasizes and threatens other marginalized groups, and

Whereas, the Vermont Holocaust Memorial, Echoes & Reflections, and other Holocaust education organizations are collaborating for the first time with the Agency of Education to offer a Holocaust Education Week in Vermont’s schools during the week of January 23–27, 2023, which coincides with the observance of International Holocaust Remembrance Day on January 27, 2023, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates January 23–27, 2023 as the first annual Holocaust Education Week in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Vermont Holocaust Memorial President Debora Steinerman, and to the Vermont Agency of Education.

Having been adopted in concurrence on Friday, January 20, 2023 in accord with Joint Rule 16b, was read.

**Message from the Senate No. 11**

A message was received from the Senate by Ms. Kucserik, 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. 4.** Senate concurrent resolution honoring Barry Bernstein of Calais for his innovative leadership as president of the Washington Electric Cooperative Inc.

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

**H.C.R. 12.** House concurrent resolution congratulating the Colchester 10-to-12 Little League Softball All-Stars on winning the 2022 Vermont Little League Softball Championship.

**H.C.R. 13.** House concurrent resolution in memory of Rebecca N. Ballard of Georgia.

**H.C.R. 14.** House concurrent resolution in memory of Anna E. MacWilliams Neville.

**H.C.R. 15.** House concurrent resolution in memory of former Representative and District 4 Act 250 Environmental Commissioner James McNamara of Burlington.

**H.C.R. 16.** House concurrent resolution celebrating the importance of mentoring programs for young persons in Vermont.

**H.C.R. 17.** House concurrent resolution congratulating the 2022 Montpelier High School Division II championship boys' soccer team.

**H.C.R. 18.** House concurrent resolution congratulating Alexander Collins of Norwich on winning the 2022 Vermont Open chess championship.

**H.C.R. 19.** House concurrent resolution in memory of Robert D. Murray of South Strafford.

**H.C.R. 20.** House concurrent resolution recognizing February 2023 as School Board Recognition Month in Vermont.

**H.C.R. 21.** House concurrent resolution honoring the organizations and individuals working to resolve Vermont's rural broadband access crisis.

**Adjournment**

At nine o'clock and fifty-nine minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, January 31, 2023, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 9.

**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. 12**

House concurrent resolution congratulating the Colchester 10-to-12 Little League Softball All-Stars on winning the 2022 Vermont Little League Softball Championship

**H.C.R. 13**

House concurrent resolution in memory of Rebecca N. Ballard of Georgia

**H.C.R. 14**

House concurrent resolution in memory of Anna E. MacWilliams Neville

**H.C.R. 15**

House concurrent resolution in memory of former Representative and District 4 Act 250 Environmental Commissioner James McNamara of Burlington

**H.C.R. 16**

House concurrent resolution celebrating the importance of mentoring programs for young persons in Vermont

**H.C.R. 17**

House concurrent resolution congratulating the 2022 Montpelier High School Division II championship boys' soccer team

**H.C.R. 18**

House concurrent resolution congratulating Alexander Collins of Norwich on winning the 2022 Vermont Open chess championship

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**H.C.R. 19**

House concurrent resolution in memory of Robert D. Murray of South Strafford

**H.C.R. 20**

House concurrent resolution recognizing February 2023 as School Board Recognition Month in Vermont

**H.C.R. 21**

House concurrent resolution honoring the organizations and individuals working to resolve Vermont's rural broadband access crisis

**S.C.R. 4**

Senate concurrent resolution honoring Barry Bernstein of Calais for his innovative leadership as president of the Washington Electric Cooperative Inc.

[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 2023 Biennial Session.]

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**Tuesday, January 31, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rep. John O'Brien of Tunbridge.

**Pledge of Allegiance**

Page Grace Donahue of Roxbury led the House in the Pledge of Allegiance.

**Message from the Senate No. 12**

A message was received from the Senate by Ms. Kucserik, 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. 12.** 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 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 or placed on the Notice Calendar as follows:

**H. 125**

By Reps. Brumsted of Shelburne and Dolan of Essex Junction,

House bill, entitled

An act relating to boards and commissions

To the Committee on Government Operations and Military Affairs.

**H. 126**

By Reps. Sheldon of Middlebury, Anthony of Barre City, Arrison of Weathersfield, Austin of Colchester, Bartholomew of Hartland, Bluemle of Burlington, Bongartz of Manchester, Bos-Lun of Westminster, Brown of Richmond, Brumsted of Shelburne, Burrows of West Windsor, Campbell of St. Johnsbury, Chapin of East Montpelier, Chase of Colchester, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Cole of Hartford, Demrow of Corinth, Dolan of Essex Junction, Dolan of Waitsfield, Donahue of Northfield, Durfee of Shaftsbury, Goldman of Rockingham, Headrick of Burlington, Holcombe of Norwich, Houghton of Essex Junction, Howard of Rutland City, Hyman of South Burlington, James of Manchester, Kornheiser of Brattleboro, Krasnow of South Burlington, LaLonde of South Burlington, Masland of Thetford, McCarthy of St. Albans City, Minier of South Burlington, Morris of Springfield, Mrowicki of Putney, Nicoll of Ludlow, Ode of Burlington, Priestley of Bradford, Rice of Dorset, Satcowitz of Randolph, Scheu of Middlebury, Squirrell of Underhill, Stebbins of Burlington, Torre of Moretown, Troiano of Stannard, White of Bethel, Whitman of Bennington, and Wood of Waterbury,

House bill, entitled

An act relating to community resilience and biodiversity protection

To the Committee on Environment and Energy.



**H. 127**

By Reps. Birong of Vergennes, Boyden of Cambridge, Canfield of Fair Haven, Demrow of Corinth, Elder of Starksboro, Hango of Berkshire, Morgan of Milton, Nicoll of Ludlow, Noyes of Wolcott, and Surprenant of Barnard,

House bill, entitled

An act relating to sports wagering

To the Committee on Government Operations and Military Affairs.

**H. 128**

By Reps. Sims of Craftsbury, Birong of Vergennes, Boyden of Cambridge, Buss of Woodstock, Demrow of Corinth, Hango of Berkshire, Leavitt of Grand Isle, Lipsky of Stowe, Noyes of Wolcott, Pajala of Londonderry, Pearl of Danville, Priestley of Bradford, Surprenant of Barnard, and Williams of Granby,

House bill, entitled

An act relating to removing regulatory barriers for working lands businesses

To the Committee on Agriculture, Food Resiliency, and Forestry.

**H. 129**

By Reps. Dolan of Waitsfield, Morris of Springfield, Ode of Burlington, and Sheldon of Middlebury,

House bill, entitled

An act relating to funding brownfields redevelopment

To the Committee on Environment and Energy.

**H. 130**

By Reps. Dolan of Waitsfield, Ode of Burlington, Roberts of Halifax, Small of Winooski, Squirrell of Underhill, and Whitman of Bennington,

House bill, entitled

An act relating to the management of biosolids

To the Committee on Environment and Energy.

**H. 131**

By Reps. Sims of Craftsbury, Boyden of Cambridge, Buss of Woodstock, Campbell of St. Johnsbury, Demrow of Corinth, Elder of Starksboro, Harrison of Chittenden, Jerome of Brandon, Leavitt of Grand Isle, Lipsky of Stowe, Masland of Thetford, Morris of Springfield, Priestley of Bradford, Surprenant of Barnard, and Torre of Moretown,

House bill, entitled

An act relating to the creation of the Green Mountain Recreation Fund

To the Committee on Agriculture, Food Resiliency, and Forestry.

**H. 132**

By Reps. Stevens of Waterbury, Bartley of Fairfax, Bluemle of Burlington, Burke of Brattleboro, Burrows of West Windsor, Carroll of Bennington, Garofano of Essex, Graning of Jericho, Howard of Rutland City, Krasnow of South Burlington, LaBounty of Lyndon, LaMont of Morristown, McCann of Montpelier, McGill of Bridport, Patt of Worcester, Stone of Burlington, and Whitman of Bennington,

House bill, entitled

An act relating to establishing a homeless bill of rights and prohibiting discrimination against persons without homes

To the Committee on General and Housing.

**H. 133**

By Reps. Smith of Derby, Arrison of Weathersfield, Bartholomew of Hartland, Bartley of Fairfax, Birong of Vergennes, Branagan of Georgia, Brennan of Colchester, Burke of Brattleboro, Christie of Hartford, Cina of Burlington, Clifford of Rutland City, Corcoran of Bennington, Demar of Enosburgh, Dickinson of St. Albans Town, Dolan of Waitsfield, Galfetti of Barre Town, Goslant of Northfield, Hango of Berkshire, Harrison of Chittenden, Higley of Lowell, Howard of Rutland City, Jerome of Brandon, Labor of Morgan, LaBounty of Lyndon, McFaun of Barre Town, Minier of South Burlington, Morgan of Milton, Morris of Springfield, Page of Newport City, Parsons of Newbury, Patt of Worcester, Peterson of Clarendon, Satcowitz of Randolph, Sibilia of Dover, Taylor of Milton, Templeman of Brownington, Toof of St. Albans Town, Walker of Swanton, and Williams of Granby,

House bill, entitled

An act relating to penalties and point assessments for using a portable electronic device while operating a moving motor vehicle

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To the Committee on Transportation.

**H. 134**

By Reps. Templeman of Brownington, Burke of Brattleboro, Chase of Chester, Galfetti of Barre Town, Goldman of Rockingham, Hango of Berkshire, Lalley of Shelburne, Lipsky of Stowe, Maguire of Rutland City, McFaun of Barre Town, McGill of Bridport, O'Brien of Tunbridge, Pearl of Danville, Roberts of Halifax, Smith of Derby, Stone of Burlington, and Wilson of Lyndon,

House bill, entitled

An act relating to municipal speed limits on unposted and unpaved town highways

To the Committee on Transportation.

**H. 135**

By Reps. Bos-Lun of Westminster, Burrows of West Windsor, Arsenault of Williston, Buss of Woodstock, Campbell of St. Johnsbury, Casey of Montpelier, Christie of Hartford, Cina of Burlington, Garofano of Essex, Goldman of Rockingham, Headrick of Burlington, Hooper of Burlington, Howard of Rutland City, LaBounty of Lyndon, LaMont of Morristown, Maguire of Rutland City, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Rachelson of Burlington, Small of Winooski, Stone of Burlington, Torre of Moretown, and Troiano of Stannard,

House bill, entitled

An act relating to capping annual rent increases and security deposits

To the Committee on General and Housing.

**H. 136**

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to prohibiting the use of certain social media platforms on State-owned devices and networks

To the Committee on Government Operations and Military Affairs.

**H. 137**

By Rep. Stevens of Waterbury,

House bill, entitled

An act relating to expanding the Vermont Housing Improvement Program

To the Committee on General and Housing.

**H. 138**

By Rep. Kornheiser of Brattleboro,

House bill, entitled

An act relating to business practices for employers and contractors receiving State funds

To the Committee on Government Operations and Military Affairs.

**H. 139**

By Reps. Stevens of Waterbury, Anthony of Barre City, Bartley of Fairfax, Bluemle of Burlington, Burke of Brattleboro, Burrows of West Windsor, Carroll of Bennington, Chesnut-Tangerman of Middletown Springs, Garofano of Essex, Graning of Jericho, Howard of Rutland City, Krasnow of South Burlington, LaBounty of Lyndon, LaMont of Morristown, McCann of Montpelier, McGill of Bridport, Patt of Worcester, Stone of Burlington, Troiano of Stannard, and Whitman of Bennington,

House bill, entitled

An act relating to requiring employment breaks

To the Committee on General and Housing.

**H. 140**

By Reps. Williams of Barre City, Andriano of Orwell, Carroll of Bennington, Krasnow of South Burlington, Lalley of Shelburne, Masland of Thetford, McGill of Bridport, Morris of Springfield, Nugent of South Burlington, Priestley of Bradford, Rachelson of Burlington, Sims of Craftsbury, Stebbins of Burlington, and Torre of Moretown,

House bill, entitled

An act relating to requirements for State-funded grants

To the Committee on Government Operations and Military Affairs.

**H. 141**

By Reps. Sibilina of Dover and Small of Winooski,

House bill, entitled

An act relating to an inventory and needs assessment of organizations supporting Vermont's immigrant communities

To the Committee on General and Housing.

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**H. 142**

By Reps. Small of Winooski, Christie of Hartford, Rachelson of Burlington, Bos-Lun of Westminster, Brumsted of Shelburne, Cina of Burlington, Garofano of Essex, Gregoire of Fairfield, Headrick of Burlington, Hyman of South Burlington, Logan of Burlington, McGill of Bridport, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Pajala of Londonderry, Surprenant of Barnard, and Whitman of Bennington,

House bill, entitled

An act relating to juvenile delinquency and criminal proceedings involving children

To the Committee on Judiciary.

**H. 143**

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to consumer protections related to the towing and storage of vehicles

To the Committee on Transportation.

**H. 144**

By Rep. Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to exempting unemployment compensation from income tax

To the Committee on Ways and Means.

**H. 145**

By the Committee on Appropriations,

House bill, entitled

An act relating to fiscal year 2023 budget adjustments

Pursuant to House Rule 48, was placed on the Notice Calendar.

**Joint Resolution Referred to Committee****J.R.H. 1**

Joint resolution constituting an application for a Convention of the States under Article V of the Constitution of the United States

Offered by: Representatives Higley of Lowell, Burditt of West Rutland, Labor of Morgan, and Wilson of Lyndon

Whereas, the founders of our Constitution empowered State Legislators to be guardians of liberty against future abuses of power by the federal government, and

Whereas, the federal government has created a crushing national debt through improper and imprudent spending, and

Whereas, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent, and

Whereas, the federal government has ceased to live under a proper interpretation of the Constitution of the United States, and

Whereas, it is the solemn duty of the States to protect the liberty of our people—particularly for the generations to come—by proposing Amendments to the Constitution of the United States through a Convention of the States under Article V for the purpose of restraining these and related abuses of power, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly of the State of Vermont hereby applies to Congress under the provisions of Article V of the Constitution of the United States, and be it further

Resolved: That the General Assembly requests that the convention of the States be limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress, and be it further

Resolved: That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of the Vermont Congressional Delegation, and to the presiding officers of each of the legislative houses in the several States, requesting their cooperation.

Was read by title, treated as a bill, and referred to the Committee on Government Operations and Military Affairs pursuant to House Rule 52.

### **Ceremonial Reading**

#### **H.C.R. 9**

House concurrent resolution in memory of former Representative Joseph L. Krawczyk Jr. of Bennington

Offered by: Representatives Morrissey of Bennington, Bongartz of Manchester, Brownell of Pownal, Carroll of Bennington, Corcoran of Bennington, Durfee of Shaftsbury, James of Manchester, and Whitman of Bennington

Offered by: Senators Campion and Sears

Whereas, Joseph Krawczyk grew up in Bennington, graduated from Colorado State University–Pueblo, and earned a master’s degree from the U.S. Naval War College in Newport, Rhode Island, and

Whereas, he served with distinction in the U.S. Army for over two decades, attaining the rank of colonel, and he saw combat in Vietnam, and

Whereas, upon his military retirement, Joseph Krawczyk returned home, serving four terms in the Vermont House of Representatives and, for six years, concurrently chairing the Governor’s Veterans Advisory Council, and

Whereas, Joseph Krawczyk’s 12 years as a Bennington Select Board member included service as vice chair and chair, and

Whereas, in 2011, the Governor appointed him to the Board of the Vermont Veterans’ Home, and, for a decade, he served as the panel’s president, and

Whereas, Joseph Krawczyk died on December 13, 2022, and his survivors include his wife, Dolores, and his children, stepchildren, grandchildren, step-grandchildren, and step-great-grandchildren, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly extends its sincere sympathy to the family of former Representative Joseph L. Krawczyk Jr. of Bennington, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the family of Joseph L. Krawczyk Jr.

Having been adopted in concurrence on Friday, January 27, 2023 in accord with Joint Rule 16b, was read.

### **Remarks Journalized**

On motion of **Rep. Hooper of Burlington**, the following remarks by

**Rep. Morrissey of Bennington** were ordered printed in the Journal:

“Good Morning Madam Speaker,

We just heard the reading of the Resolution H.C.R. 9, in honor and memory of former Representative Joseph Krawczyk. I was honored to call Joe a longtime friend. Joseph Krawczyk knew the true meaning of what it meant to serve. Joe served his Country, his State of Vermont, and our Bennington Community with great distinction. In serving his country, Col. Krawczyk served in the U. S. Army for over 20 years, saw combat in Vietnam and was the recipient of not one, but two Purple Heart Medals, as well as numerous other service-related medals. Joe was a proud veteran, like his father and other Krawczyk family members.

In serving his State of Vermont, I had asked Joe to run for his House of Representative’s seat, which he held for four terms. He sat in Seat 110, right behind me. At the same time, he served in the Legislature, Joe chaired the Governor’s Veterans Advisory Council. Since 2011, after being appointed by the Governor, Joe served on the Board of Trustees for the Vermont Veterans Home. He served as the President for ten years, up until a short time before his death. In serving his beloved Bennington Community, Joe served for twelve years on the Bennington Select Board, which he also chaired for several years.

On this day that we honor the former member of this chamber, Joseph Krawczyk, the Board of Trustee members and staff from the Vermont Veterans Home are pleased to be here at the State House to hear the reading of this Resolution. Seated in the Senate seats are Board of Trustee members: Col. Gary DeGasta who is now the President of the Board, Captain Brenda Cruikshank, former Representatives Col. Peter Fagan, and Representative Larry Cupoli, Representative Bob Hooper, and Charly Dickerson. The Vermont Veterans Home staff include: Asa Morin (COO), Melinda Crowl (Marketing & Admissions Coordinator, Robyn Boland (Executive Assistant), Steve McClaffery (Chief Financial Officer) and Melissa Jackson (chief Executive Officer).



Please take time today, to stop by the Card Room and visit with these Representatives of the Vermont Veterans Home. Now join me in giving a warm welcome to our Vermont Veterans Home guests, who are seated in the Senate seats.”

### **Ceremonial Reading**

#### **H.C.R. 21**

House concurrent resolution honoring the organizations and individuals working to resolve Vermont’s rural broadband access crisis

Offered by: All Members of the House

Whereas, the State of Vermont is committed to solving the rural broadband access crisis, and to achieve this goal, the General Assembly has enacted 2015 Acts and Resolves No. 41, recognizing multi-municipality Communications Union Districts (CUDs,) for broadband implementation and management;

2019 Acts and Resolves No. 79, providing new State funding, a Department of Public Service (DPS) position, and the establishment of the Broadband Innovation Grant Program at DPS; and 2021 Acts and Resolves No. 71, creating the Vermont Community Broadband Board (VCBB) to oversee and manage the newly established Vermont Community Broadband Fund, and

Whereas, the CUDs have organized the Vermont Communications Union Districts Association (VCUDA) to assist the CUDS and represent their interests before the General Assembly and other organizations, and

Whereas, since 2007, Vermont’s first CUD, ECFiber, under its operator, ValleyNet, has pioneered the development, with public and private funding, including the bonding of universal broadband access in its jurisdiction, and serving over 7,500 customers via a nearly 1,700-mile network encompassing 31 towns, and

Whereas, in 2023, the 10 CUDs—Chittenden County CUD, CVFiber, DVFiber, ECFiber, Lamoille FiberNet, Maple Broadband, Northwest FiberworX, NEK Broadband, Otter Creek CUD, and Southern Vermont CUD—are currently providing or developing broadband service for customers in over 200 municipalities, facilitating access to educational, economic development, healthcare, and governmental services, as well as family entertainment, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes the central importance of CUDs to the establishment of statewide universal high-speed broadband access and

congratulates the CUDs, the VCUDA, and the VCBB in this essential endeavor, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to each of the CUDs, the VCUDA, and the VCBB.

Having been adopted in concurrence on Friday, January 27, 2023 in accord with Joint Rule 16b, was read.

### **Joint Resolutions Adopted in Concurrence**

#### **J.R.S. 10**

Joint resolution, entitled

Joint resolution providing for the election of a Sergeant at Arms, and three Trustees of the University of Vermont and State Agricultural College

Was taken up and adopted in concurrence.

#### **J.R.S. 11**

Joint resolution, entitled

Joint resolution establishing a procedure for the conduct of the election of the University of Vermont and State Agricultural College trustees by plurality vote by the General Assembly in 2023

Was taken up and adopted in concurrence.

### **Joint Committee on Judicial Retention Appointments**

Pursuant to 4 V.S.A. § 607, the Speaker announced the appointment of the following members to the Joint Committee on Judicial Retention:

**Rep. Troiano of Stannard**

**Rep. Notte of Rutland City**

**Rep. Arsenault of Williston**

**Rep. Oliver of Sheldon**

### **Adjournment**

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

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**Wednesday, February 1, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rev. Devon Thomas, Second Congregational Church, Hyde Park.

**House Bills Introduced**

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

**H. 146**

By Reps. Sims of Craftsbury, Campbell of St. Johnsbury, Labor of Morgan, LaBounty of Lyndon, Templeman of Brownington, Troiano of Stannard, and Williams of Granby,

House bill, entitled

An act relating to amendments to the charter of the Northeast Kingdom Waste Management District

To the Committee on Government Operations and Military Affairs.

**H. 147**

By Reps. Demrow of Corinth, Hooper of Burlington, and Sims of Craftsbury,

House bill, entitled

An act relating to creation of the Vermont State Building Security Board

To the Committee on Corrections and Institutions.

**H. 148**

By Reps. Ode of Burlington, Burke of Brattleboro, Bluemle of Burlington, and Coffey of Guilford,

House bill, entitled

An act relating to raising the age of eligibility to marry

To the Committee on Judiciary.

**H. 149**

By Reps. Brennan of Colchester, Austin of Colchester, Chase of Colchester,  
and Taylor of Colchester,

House bill, entitled

An act relating to write-in candidate consent of candidate filings in State  
elections

To the Committee on Government Operations and Military Affairs.

**H. 150**

By Reps. Leavitt of Grand Isle and Morgan of Milton,

House bill, entitled

An act relating to approval of an amendment to the charter of the Village of  
Alburgh

To the Committee on Government Operations and Military Affairs.

**H. 151**

By Reps. Brumsted of Shelburne and Wood of Waterbury,

House bill, entitled

An act relating to petitions for guardianship of individuals with  
developmental disabilities

To the Committee on Human Services.

**H. 152**

By Reps. Dolan of Waitsfield, Whitman of Bennington, Ode of Burlington,  
Roberts of Halifax, and Small of Winooski,

House bill, entitled

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

To the Committee on Human Services.

**H. 153**

By Rep. Canfield of Fair Haven,

House bill, entitled

An act relating to Vermont tax incentives

To the Committee on Ways and Means.

**H. 154**

By Reps. Coffey of Guilford, Rachelson of Burlington, Arsenault of Williston, Bartley of Fairfax, Berbeco of Winooski, Bluemle of Burlington, Bos-Lun of Westminster, Brumsted of Shelburne, Burke of Brattleboro, Buss of Woodstock, Chapin of East Montpelier, Dodge of Essex, Garofano of Essex, Goldman of Rockingham, Graning of Jericho, Krasnow of South Burlington, McCann of Montpelier, Mulvaney-Stanak of Burlington, Ode of Burlington, Pajala of Londonderry, Priestley of Bradford, Roberts of Halifax, and Stone of Burlington,

House bill, entitled

An act relating to Medicaid coverage for doula services

To the Committee on Health Care.

**H. 155**

By Reps. Williams of Barre City, Hooper of Randolph, and Nugent of South Burlington,

House bill, entitled

An act relating to mileage reimbursement rates for plug-in electric vehicles

To the Committee on Government Operations and Military Affairs.

**H. 156**

By Reps. Cina of Burlington, Christie of Hartford, Andriano of Orwell, Anthony of Barre City, Birong of Vergennes, Black of Essex, Bluemle of Burlington, Bos-Lun of Westminster, Brumsted of Shelburne, Burke of Brattleboro, Burrows of West Windsor, Campbell of St. Johnsbury, Casey of Montpelier, Chapin of East Montpelier, Chesnut-Tangerman of Middletown Springs, Cole of Hartford, Conlon of Cornwall, Cordes of Lincoln, Durfee of Shaftsbury, Elder of Starksboro, Emmons of Springfield, Farlice-Rubio of Barnet, Goldman of Rockingham, Headrick of Burlington, Hooper of Randolph, Hooper of Burlington, Howard of Rutland City, Hyman of South Burlington, Krasnow of South Burlington, LaBounty of Lyndon, LaMont of Morristown, Logan of Burlington, Masland of Thetford, McCann of Montpelier, McFaun of Barre Town, McGill of Bridport, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Noyes of Wolcott, Ode of Burlington, Page of Newport City, Pajala of Londonderry, Patt of Worcester, Pouech of Hinesburg, Rachelson of Burlington, Rice of Dorset, Satcowitz of Randolph, Scheu of Middlebury, Sheldon of Middlebury, Sims of Craftsbury, Small of Winooski, Stebbins of Burlington, Stone of Burlington, Surprenant of Barnard,

Toleno of Brattleboro, Troiano of Stannard, White of Bethel, Whitman of Bennington, and Wood of Waterbury,

House bill, entitled

An act relating to incremental implementation of Green Mountain Care

To the Committee on Health Care.

**H. 157**

By Reps. Bluemle of Burlington and Stevens of Waterbury,

House bill, entitled

An act relating to the Vermont basic needs budget

To the Committee on General and Housing.

**H. 158**

By Reps. Sheldon of Middlebury, Bongartz of Manchester, Morris of Springfield, Satcowitz of Randolph, and Torre of Moretown,

House bill, entitled

An act relating to the beverage container redemption system

To the Committee on Environment and Energy.

**H. 159**

By Rep. Sibilias of Dover,

House bill, entitled

An act relating to the Vermont Broadband Internet Access Service Privacy Act

To the Committee on Commerce and Economic Development.

**Bill Referred to Committee on Ways and Means**

**H. 46**

House bill, entitled

An act relating to approval of the dissolution of Colchester Fire District No. 3

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.

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**Joint Resolution Adopted in Concurrence****J.R.S. 12**

By Senator Baruth,

Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, February 3, 2023, it be to meet again no later than Tuesday, February 7, 2023.

Was taken up, read, and adopted in concurrence.

**Ceremonial Reading****H.C.R. 16**

House concurrent resolution celebrating the importance of mentoring programs for young persons in Vermont

Offered by: Representatives Brown of Richmond and Brady of Williston

Whereas, the future of Vermont rests on the hopes and dreams of its young people, and

Whereas, caring and committed mentors offer support for youth when they act as a consistent friend and role model, help to ignite a young person's curiosities, solidify a youth's passions, and encourage the flowering of an individual's potential, and

Whereas, mentored youths exhibit improved resiliency and better relationships with peers, family, schools, and community, and

Whereas, Vermont mentoring agencies, including MENTOR Vermont and other public and private organizations, are committed to working collaboratively to empower youth and broaden the reach of mentoring relationships in our communities, and

Whereas, in January 2002, MENTOR: The National Mentoring Partnership and Harvard University's T.H. Chan School of Public Health jointly designated January as National Mentoring month, and

Whereas, today, February 1, 2023, MENTOR Vermont, which is committed to fostering an environment of diversity and inclusion, is extending Mentoring Month 2023 by one day for a special legislative commemoration of this creative and invaluable movement to assist young persons in their quest to develop meaningful lives, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly celebrates the importance of mentoring programs for young persons in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to MENTOR Vermont.

Having been adopted in concurrence on Friday, January 27, 2023 in accord with Joint Rule 16b, was read.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 45**

**Rep. Rachelson of Burlington**, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to abusive litigation filed against survivors of domestic abuse, stalking, or sexual assault

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

Sec. 1. 15 V.S.A. chapter 21, subchapter 5 is added to read:

Subchapter 5. Abusive Litigation

§ 1181. DEFINITION OF ABUSIVE LITIGATION

As used in this subchapter:

(1) “Abusive litigation” means:

(A) litigation where the following apply:

(i) the opposing parties have a current or former family or household member relationship or there has been a civil order or criminal conviction determining that one of the parties stalked or sexually assaulted the other party;

(ii) the party who is filing, initiating, advancing, or continuing the litigation has been found by a court to have abused, stalked, or sexually assaulted the other party pursuant to:

(I) a final order issued pursuant to subchapter 1 of this chapter (abuse prevention orders);

(II) a final order issued pursuant to 12 V.S.A. chapter 178 (orders against stalking or sexual assault);

(III) a final foreign abuse prevention order;



(IV) an order under section 665a of this title (conditions of parent-child contact in cases involving domestic violence);

(V) a conviction for domestic assault pursuant to 13 V.S.A. chapter 19, subchapter 6; stalking pursuant to 13 V.S.A. chapter 19, subchapter 7; or sexual assault pursuant to 13 V.S.A. chapter 72; or

(VI) a court determination of probable cause for a charge of domestic assault and the court imposed criminal conditions of release pertaining to the safety of the victim, which include distance restrictions or restrictions on contact with the victim; and

(iii) the litigation is being initiated, advanced, or continued primarily for the purpose of abusing, harassing, intimidating, threatening, or maintaining contact with the other party; and

(B) at least one of the following factors apply:

(i) claims, allegations, or other legal contentions made in the litigation are not warranted by existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of new law;

(ii) allegations and other factual contentions made in the litigation are without adequate evidentiary support or are unlikely to have evidentiary support after a reasonable opportunity for further investigation; or

(iii) an issue or issues that are the basis of the litigation have previously been filed in one or more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably to the party filing, initiating, advancing, or continuing the litigation.

(2) “Foreign abuse prevention order” means any protection order issued by the court of any other state that contains provisions similar to relief provisions authorized under this chapter, the Vermont Rules for Family Proceedings, or 12 V.S.A. chapter 178. “Other state” and “issuing state” mean any state other than Vermont and any federally recognized Indian tribe, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(3) “Litigation” means any kind of legal action or proceeding, including:

(A) filing a summons, complaint, or petition;

(B) serving a summons, complaint, or petition, regardless of whether it has been filed;

(C) filing a motion, notice of court date, or order to appear;

(D) serving a motion, notice of court date, or order to appear, regardless of whether it has been filed or scheduled;

(E) filing a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request; or

(F) serving a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request.

(4) “Perpetrator of abusive litigation” means a person who files, initiates, advances, or continues litigation in violation of an order restricting abusive litigation.

#### § 1182. ORDER RESTRICTING ABUSIVE LITIGATION

(a) A party may request from the court an order restricting abusive litigation if:

(1) the opposing parties have a current or former family or household member relationship or there has been a civil order or criminal conviction determining that one of the parties stalked or sexually assaulted the other party; and

(2) the party who is filing, initiating, advancing, or continuing the litigation has been found by a court to have abused, stalked, or sexually assaulted the other party pursuant to:

(i) a final order issued pursuant to subchapter 1 of this chapter (abuse prevention orders);

(ii) a final order issued pursuant to 12 V.S.A. chapter 178 (orders against stalking or sexual assault);

(iii) a final foreign abuse prevention order;

(iv) an order under section 665a of this title (conditions of parent-child contact in cases involving domestic violence);

(v) a conviction for domestic assault pursuant to 13 V.S.A. chapter 19, subchapter 6; stalking pursuant to 13 V.S.A. chapter 19, subchapter 7; or sexual assault pursuant to 13 V.S.A. chapter 72; or

(vi) a court determination of probable cause for a charge of domestic assault and the court imposed criminal conditions of release pertaining to the safety of the victim, which include distance restrictions or restrictions on contact with the victim.

(b) A party who meets the requirements of subsection (a) of this section may request an order restricting abusive litigation:

(1) in any answer or response to the litigation being filed, initiated, advanced, or continued;

(2) by motion made at any time during any open or ongoing case;

(3) in an answer or response to any motion or request for an order; or

(4) orally in any hearing.

(c) Any court of competent jurisdiction may, on its own motion or on motion of a party, determine that a hearing is necessary to determine if a party is engaging in abusive litigation.

(d) Proceedings pursuant to this subchapter may be initiated by petition instituting a new case or by motion in a pending case.

(e) The Court Administrator shall create forms for a petition or motion for an order restricting abusive litigation and an order restricting abusive litigation, and the forms shall be maintained by the clerks of the courts.

(f) No filing fee shall be charged to the unrestricted party for proceedings pursuant to this subchapter, regardless of whether it is filed pursuant to this subchapter.

(g) The provisions of this subchapter are nonexclusive and shall not affect any other remedy available.

#### § 1183. HEARING; PROCEDURE

At the hearing, evidence of any of the following shall create a rebuttable presumption that litigation is being initiated, advanced, or continued primarily for the purpose of harassing, intimidating, or maintaining contact with the other party:

(1) The same or substantially similar issues between the same or substantially similar parties have been litigated within the past five years in the same court or any other court of competent jurisdiction.

(2) The same or substantially similar issues between the same or substantially similar parties have been raised, pled, or alleged in the past five years and were decided on the merits or dismissed.

(3) Within the last 10 years, the party allegedly engaging in abusive litigation has been sanctioned by any court for filing one or more cases, petitions, motions, or other filings that were found to have been frivolous, vexatious, intransigent, or brought in bad faith involving the same opposing party.

(4) Any court has determined that the party allegedly engaging in abusive litigation has previously engaged in abusive litigation or similar conduct and has been subject to a court order imposing prefiling restrictions.

§ 1184. BURDEN OF PROOF

(a) If the court finds by a preponderance of the evidence that a party is engaging in abusive litigation and that any or all of the motions or actions pending before the court are abusive litigation, the litigation shall be dismissed, denied, stricken, or resolved by other disposition with prejudice.

(b)(1) After providing the parties an opportunity to be heard on any order or sanctions to be issued, the court may enter an order restricting abusive litigation that may include conditions deemed necessary and appropriate including:

(2) awarding the other party reasonable attorney's fees and costs of responding to the abusive litigation, including the cost of seeking the order restricting abusive litigation; and

(3) identifying the party protected by the order and imposing prefiling restrictions upon the party found to have engaged in abusive litigation that pertains to any future litigation against the protected party or the protected party's dependents.

(c) If the court finds that the litigation does not constitute abusive litigation, the court shall enter written or oral findings and the litigation shall proceed. Nothing in this section or chapter shall be construed as limiting the court's inherent authority to control the proceedings and litigants before it.

§ 1185. FILING OF A NEW CASE BY A PERSON SUBJECT TO AN  
ORDER RESTRICTING ABUSIVE LITIGATION

(a) Except as otherwise provided in this section, a person who is subject to an order restricting abusive litigation is prohibited from filing, initiating, advancing, or continuing the litigation against the protected party for the period of time that the filing restrictions are in effect.

(b) A person who is subject to an order restricting litigation against whom prefiling restrictions have been imposed pursuant to this subchapter who wishes to initiate a new case or file a motion in an existing case during the time the person is under filing restrictions shall make an application to a judicial officer. A judicial officer shall review such application and determine whether the proposed litigation is abusive litigation or if there are reasonable and legitimate grounds upon which the litigation is based. The judicial officer shall determine whether a hearing is necessary.

(c)(1) If the judicial officer determines the proposed litigation is abusive litigation based on reviewing the files, records, and pleadings, it is not necessary for the person protected by the order to appear or participate in any way. If the judicial officer is unable to determine whether the proposed litigation is abusive without hearing from the person protected by the order, then the court shall issue an order scheduling a hearing and notifying the protected party of the party's right to appear or participate in the hearing. The order shall specify whether the protected party is expected to submit a written response. When possible, the protected party shall be permitted to appear remotely.

(2) If the judicial officer believes the litigation that the party who is subject to the prefiling order is making application to file will constitute abusive litigation, the application shall be denied, dismissed, or otherwise disposed of with prejudice.

(3) If the judicial officer believes that the litigation the party who is subject to the prefiling order is making application to file will not be abusive litigation, the judicial officer may grant the application and issue an order permitting the filing of the case, motion, or pleading. The order shall be attached to the front of the pleading to be filed with the clerk. The party who is protected by the order shall be served with a copy of the order at the same time as the underlying pleading.

(d) The judicial officer shall make findings and issue a written order supporting the ruling. If the party who is subject to the order disputes the finding of the judge, the party may seek review of the decision as provided by the applicable court rules.

(e) If the application for the filing of a pleading is granted pursuant to this section, the period of time commencing with the filing of the application requesting permission to file the action and ending with the issuance of an order permitting filing of the action shall not be computed as a part of any applicable period of limitations within which the matter must be instituted.

(f) If, after a party who is subject to prefiling restrictions has made application and been granted permission to file or advance a case pursuant to this section, any judicial officer hearing or presiding over the case, or any part thereof, determines that the person is attempting to add parties, amend the complaint, or is otherwise attempting to alter the parties and issues involved in the litigation in a manner that the judicial officer reasonably believes would constitute abusive litigation, the judicial officer shall stay the proceedings and refer the case back to the judicial officer who granted the application to file, for further disposition.

(g)(1) If a party who is protected by an order restricting abusive litigation is served with a pleading filed by the person who is subject to the order, and the pleading does not have an attached order allowing the pleading, the protected party may respond to the case by filing a copy of the order restricting abusive litigation.

(2) If it is brought to the attention of the court that a person against whom prefiling restrictions have been imposed has filed a new case or is continuing an existing case without having been granted permission pursuant to this section, the court shall dismiss, deny, or otherwise dispose of the matter. This action may be taken by the court on the court's own motion or initiative. The court may take whatever action against the perpetrator of abusive litigation deemed necessary and appropriate for a violation of the order restricting abusive litigation.

#### Sec. 2. EFFECTIVE DATE

This act shall take effect on September 1, 2023.

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.

#### **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 three o'clock in the afternoon.

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#### **Thursday, February 2, 2023**

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.

#### **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. 160**

By Reps. Christie of Hartford, Goslant of Northfield, LaBounty of Lyndon, Smith of Derby, and Troiano of Stannard,

House bill, entitled

An act relating to minimum reimbursement rates for labor related to automobile insurance claims

To the Committee on Commerce and Economic Development.

**H. 161**

By the Committee on Agriculture, Food Resiliency, and Forestry,

House bill, entitled

An act relating to issuance of burning permits

Pursuant to House Rule 48, placed on the Notice Calendar.

**H. 162**

By Rep. Burke of Brattleboro,

House bill, entitled

An act relating to operation of motor vehicles with studded snow tires

To the Committee on Transportation.

**H. 163**

By Reps. Burke of Brattleboro, Gregoire of Fairfield, and Boyden of Cambridge,

House bill, entitled

An act relating to eco-sanitation systems

To the Committee on Environment and Energy.

**H. 164**

By Rep. Burke of Brattleboro,

House bill, entitled

An act relating to the permitting of low-impact wastewater systems

To the Committee on Environment and Energy.

**Bill Amended; Third Reading; Bill Passed****H. 45**

House bill, entitled

An act relating to abusive litigation filed against survivors of domestic abuse, stalking, or sexual assault

Was taken up and, pending third reading of the bill, **Rep. Rachelson of Burlington** moved to amend the bill as follows:

In Sec. 1, 15 V.S.A. chapter 21, subchapter 5, in subsection 1185(d), in the second sentence, by striking out “judge” and inserting in lieu thereof “judicial officer”

Which was agreed to. Thereupon, the bill was read the third time and passed.

**Committee Bill; Second Reading; Bill Amended;  
Amendment Offered; Third Reading Ordered****H. 145**

**Rep. Lanpher of Vergennes** spoke for the Committee on Appropriations.

House bill, entitled

An act relating to fiscal year 2023 budget adjustments

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. McCarthy of St. Albans City, Marcotte of Coventry, and Durfee of Shaftsbury** moved to amend the bill as follows:

First: In Sec. 45, 2022 Acts and Resolves No. 185, Sec. B.1100, in subdivision (a)(7)(H), by striking out the final sentence in its entirety and inserting in lieu thereof a new sentence to read: “The plan shall be submitted not later than March 15, 2023 and shall be reviewed by the committees of jurisdiction and enacted into law by the General Assembly prior to implementation.”

Second: In Sec. 45, 2022 Acts and Resolves No. 185, Sec. B.1100, in subsection (a), by striking out subdivision (24) in its entirety and inserting in lieu thereof a new subdivision (24) to read:

(24) \$3,000,000 to the Secretary of Administration to provide funding for municipal technical assistance and related services pursuant to Sec. 87a of this act.



Third: By adding a Sec. 87a to read:

Sec. 87a. MUNICIPAL TECHNICAL ASSISTANCE TO ACCESS STATE  
AND FEDERAL FUNDING

(a) Expanding municipal access to State and federal funding. The Agency of Administration, consistent with the provisions of this section, shall design and implement a process to provide expanded technical and administrative assistance to municipalities with high need that may be eligible for State or federal funding for the following activities:

(1) Community needs assessment. Conducting a review of community assets and needs, strategic planning, and identifying potential eligible projects, including in the following categories:

(A) water supply and wastewater infrastructure;

(B) housing;

(C) community recovery, workforce development, and business support;

(D) climate change mitigation and resilience; and

(E) other community economic development projects identified by a municipality and approved by the Agency of Administration.

(2) Opportunity assessment. Assessing the technical assistance and funding available from State, federal, and private sources; evaluating eligibility and compliance requirements; and conducting a feasibility analysis of whether the municipality has, or can develop, the capacity to complete a project and meet applicable requirements.

(3) Application and permit assistance. Providing technical and administrative assistance with completing funding applications, permit applications, and satisfying initial regulatory requirements.

(4) Project management and implementation. Providing ongoing support to successful grant recipients with project management, funding program implementation, funding program compliance, and administrative and regulatory compliance through project completion.

(5) Other capacity-building activities. Providing additional assistance, subject to approval by the Agency, to advance priority projects identified by municipalities.

(b) Eligible service providers; service delivery.

(1) Eligibility.

(A) The Agency shall develop eligibility criteria, issue a request for proposals, and implement an approval process for service providers within each region to provide the technical assistance and services specified in subsection (a) of this section.

(B) The Agency may exercise its discretion in structuring the terms of service and payments, provided that the Agency shall adopt a set of minimum standards, duties, and performance requirements applicable to all service providers.

(2) Providers; mode of delivery. The Agency may:

(A) award a grant or contract for services to a regional planning commission, regional development corporation, or other similar instrumentality; to a private for-profit or nonprofit contractor; or to a combination of these;

(B) award funding to two or more municipalities to create a shared full-time, part-time, or limited-service position; or

(C) authorize an eligible municipality to directly contract for services from one or more providers approved by the Agency, subject to terms approved by the Agency.

(3) Regional collaboration. In approving service providers, the Agency shall give priority to applicants that demonstrate a commitment and ability to promote regional collaboration and maximize the efficient use of resources.

(c) Eligible municipalities; communities index.

(1) The Agency shall develop an index that ranks Vermont municipalities based on their relative administrative capacity to access and maximize the benefits of technical assistance and funding that is available from State, federal, and other sources.

(2) In developing the index, for each municipality in this State, the Agency shall consider its demographic profile, geographic location, and economic resources; the current size and administrative capacity of the municipal government; the availability of regional partners and supports; and other factors the Agency determines to be relevant in assessing the municipality's capacity to fully access available funding and related assistance.

(d) Eligible municipalities; priority.

(1) The Agency shall approve funding on a first-come, first-served basis to municipalities that rank in the top 25th percentile on the index developed pursuant to subsection (c) of this section.

(2) Notwithstanding subdivision (1) of this subsection, the Agency may adopt a process to consider and approve funding for a municipality that ranks below the top 25th percentile but demonstrates exceptional circumstances.

(3) If funds remain available after meeting the funding requirements of municipalities that qualify under subdivisions (1)–(2) of this subsection, the Agency may award funding to other municipalities according to index ranking.

(e) Outreach; implementation.

(1) The Agency, in coordination with the Vermont League of Cities and Towns, shall conduct a general public engagement campaign to make municipalities aware of the potential opportunity for services and funding pursuant to this section.

(2) The Agency, the Vermont League of Cities and Towns, and each regional planning commission and regional development corporation that serves a municipality that is eligible for funding priority under subdivision (d)(1) of this section shall work collaboratively to ensure that individual outreach to each eligible municipality occurs:

(A) to inform the municipality that it is eligible for funding for technical assistance and related services based on its index ranking;

(B) to educate the municipality on the process for identifying the types of services and assistance available, identifying eligible service providers, and accessing funding pursuant to this section; and

(C) to determine whether the municipality intends to further pursue funding for technical assistance and related services or waives its priority for funding.

(f) Reporting.

(1) The Agency shall report to the House and Senate Committees on Appropriations, the Senate Committee on Government Operations, the House Committee on Government Operations and Military Affairs, the House Committee on Commerce and Economic Development, and the Senate Committee on Economic Development, Housing and General Affairs on or before the following dates:

(A) April 1, 2023;

(B) July 1, 2023; and

(C) January 15, 2024.

(2) The Agency shall address in its reports the design and implementation of the process for providing municipal technical assistance pursuant to this section, including information addressing:

(A) the activities specified in subsection (a) of this section for which the Agency provided funding and the type and amount of State, federal, or other funds that were leveraged for each activity;

(B) the eligibility criteria, request for proposals, and approval process for service providers; the standards, duties, and performance requirements applicable to service providers; and the identity and scope of services performed by approved service providers;

(C) the mode of delivery, amount, and purpose of funding awarded to municipalities;

(D) the design, methodology, and efficacy of the index; the effectiveness of the index in identifying relative priority and capacity of municipalities; and, if applicable, the basis of any funding awards made due to exceptional circumstances pursuant to subdivision (d)(3) of this section; and

(E) the design, implementation, and effectiveness of outreach efforts undertaken pursuant to subsection (e) of this section.

Which was agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Clifford of Rutland City** moved to amend the bill as follows:

In Sec. 45, 2022 Acts and Resolves No. 185, Sec. B.1100, in subsection (a), by striking out subdivision (34) in its entirety and inserting a new subdivision (34) to read as follows:

(34) \$13,424,710 to the Department for Children and Families to extend the General Assistance Temporary Housing program between March 15, 2023 and July 1, 2023 for households that are otherwise eligible for GA housing pursuant to section 2652.3 of DCF's General Assistance rule (13-170-260) and that have an individual who is either 60 years of age or older, are in receipt of SSI or SSDI, or have a child who is 18 years of age or younger. These households shall be eligible for temporary housing independent of maximum nights received or weather forecasts or conditions.

Which was disagreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Lanpher of Vergennes** 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, 107. Nays, 33.

Those who voted in the affirmative are:

Andrews of Westford	Dolan of Essex Junction	Mulvaney-Stanak of Burlington
Andriano of Orwell	Dolan of Waitsfield	Nicoll of Ludlow
Anthony of Barre City	Durfee of Shaftsbury	Notte of Rutland City
Arrison of Weathersfield	Elder of Starksboro	Noyes of Wolcott
Arsenault of Williston	Emmons of Springfield	Nugent of South Burlington
Austin of Colchester	Garofano of Essex	Ode of Burlington
Bartholomew of Hartland	Goldman of Rockingham	Pajala of Londonderry
Berbeco of Winooski	Graham of Williamstown	Mrowicki of Putney
Birong of Vergennes	Graning of Jericho	Patt of Worcester
Black of Essex	Headrick of Burlington	Pearl of Danville
Bluemle of Burlington	Holcombe of Norwich	Priestley of Bradford
Bongartz of Manchester	Hooper of Randolph	Rachelson of Burlington
Bos-Lun of Westminster	Hooper of Burlington	Rice of Dorset
Boyden of Cambridge	Houghton of Essex Junction	Roberts of Halifax
Brady of Williston	Howard of Rutland City	Satcowitz of Randolph
Brown of Richmond	Hyman of South Burlington	Scheu of Middlebury
Brownell of Pownal	James of Manchester *	Sheldon of Middlebury
Brumsted of Shelburne	Jerome of Brandon	Sibilia of Dover
Burke of Brattleboro	Kornheiser of Brattleboro	Sims of Craftsbury
Burrows of West Windsor	Krasnow of South Burlington	Small of Winooski
Buss of Woodstock	LaBounty of Lyndon	Squirrell of Underhill
Campbell of St. Johnsbury	Lalley of Shelburne	Stebbins of Burlington
Carroll of Bennington	LaLonde of South Burlington	Stevens of Waterbury
Casey of Montpelier	LaMont of Morristown	Stone of Burlington
Chapin of East Montpelier	Lanpher of Vergennes	Surprenant of Barnard
Chase of Chester	Leavitt of Grand Isle	Taylor of Colchester
Chase of Colchester	Lipsky of Stowe	Templeman of Brownington
Chesnut-Tangerman of Middletown Springs	Logan of Burlington	Toleno of Brattleboro
Christie of Hartford	Long of Newfane	Torre of Moretown
Cina of Burlington	McCann of Montpelier	Troiano of Stannard
Coffey of Guilford	McCarthy of St. Albans City	Waters Evans of Charlotte
Cole of Hartford	McGill of Bridport	White of Bethel
Conlon of Cornwall	Mihaly of Calais	Whitman of Bennington
Corcoran of Bennington	Minier of South Burlington	Williams of Barre City
Cordes of Lincoln	Morris of Springfield	Wood of Waterbury
Demrow of Corinth	Morrissey of Bennington	

Those who voted in the negative are:

Bartley of Fairfax	Goslant of Northfield	Oliver of Sheldon
Beck of St. Johnsbury	Gregoire of Fairfield	Page of Newport City

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Branagan of Georgia	Hango of Berkshire	Parsons of Newbury
Brennan of Colchester	Harrison of Chittenden	Peterson of Clarendon
Burditt of West Rutland	Higley of Lowell	Sammis of Castleton *
Canfield of Fair Haven	Labor of Morgan	Shaw of Pittsford
Clifford of Rutland City	Laroche of Franklin	Smith of Derby
Demar of Enosburgh	Maguire of Rutland City	Taylor of Milton
Dickinson of St. Albans Town	Marcotte of Coventry	Toof of St. Albans Town
Donahue of Northfield	McCoy of Poultney *	Williams of Granby
Galfetti of Barre Town	McFaun of Barre Town	
	Morgan of Milton	

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

Dodge of Essex	Mattos of Milton	Walker of Swanton
Farlice-Rubio of Barnet	O'Brien of Tunbridge	Wilson of Lyndon
Masland of Thetford	Pouech of Hinesburg	

**Rep. James of Manchester** explained her vote as follows:

“Madam Speaker:

I was proud today to vote yes for H.145, the mid-year Budget Adjustment Act. Budgets are moral documents — they reflect our deepest values and priorities. In this document, we make thoughtful investments in State government — in the agencies, partners, and programs that help people and lift up communities in every single corner of our State. Notably, we support housing that will provide shelter — in both the short- and long-term — for our fellow Vermonters who are the most vulnerable.”

**Rep. McCoy of Poultney** explained her vote as follows:

“Madam Speaker:

While I applaud the House Committee on Appropriations for the heavy lift in preparing and presenting the FY23 Budget Adjustment, there are a few items in this FY23 Budget Adjustment of concern. Due to a lack of a plan going forward for our Emergency Housing Program, the appropriation of \$9.2 Million to the Organic Dairy Industry, without any policy or plan and, the additional \$50 Million added to the bottom line of VHCB without assurances of regional equity give me great pause. It is for these reasons that I cannot support the FY23 Budget Adjustment Bill as presented.”

**Rep. Sammis of Castleton** explained his vote as follows:

“Madam Speaker:

Neither side of the aisle has addressed the cause of homelessness — addiction, mental health, substance abuse disorder, or other issues, and how to create solutions for these issues, and how to transition individuals out of homelessness in this budget.”

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**Adjournment**

At five o'clock and thirteen 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.

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**Friday, February 3, 2023**

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. Brian Cina of Burlington.

**House Bills Introduced**

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

**H. 165**

By Reps. Brady of Williston, Brown of Richmond, Cole of Hartford, and Leavitt of Grand Isle,

House bill, entitled

An act relating to school food programs and universal school meals

To the Committee on Agriculture, Food Resiliency, and Forestry.

**H. 166**

By Reps. Ode of Burlington, Bongartz of Manchester, Brumsted of Shelburne, Hyman of South Burlington, Lalley of Shelburne, and Torre of Moretown,

House bill, entitled

An act relating to the medical expenses deduction

To the Committee on Ways and Means.

**H. 167**

By Rep. Chesnut-Tangerman of Middletown Springs,

House bill, entitled

An act relating to supporting expanded access to emergency veterinary care

To the Committee on Agriculture, Food Resiliency, and Forestry.

**H. 168**

By Reps. Hooper of Burlington, Anthony of Barre City, Austin of Colchester, Biron of Vergennes, Casey of Montpelier, Chase of Colchester, Christie of Hartford, Demar of Enosburgh, Harrison of Chittenden, McCann of Montpelier, Morgan of Milton, Morris of Springfield, Nugent of South Burlington, Peterson of Clarendon, Troiano of Stannard, and Waters Evans of Charlotte,

House bill, entitled

An act relating to the maintenance of a database of veterans in Vermont, reduced motor vehicle registration fees for veterans, and exempting U.S. military retirement pay from Vermont income tax

To the Committee on Government Operations and Military Affairs.

**H. 169**

By Reps. Bluemle of Burlington, Stebbins of Burlington, Anthony of Barre City, Berbeco of Winooski, Christie of Hartford, Garofano of Essex, Harrison of Chittenden, Hooper of Burlington, LaMont of Morristown, Ode of Burlington, and Stone of Burlington,

House bill, entitled

An act relating to child abuse and neglect substantiations and the use of the Child Protection Registry

To the Committee on Judiciary.

**H. 170**

By Reps. Emmons of Springfield, Shaw of Pittsford, Squirrell of Underhill, and Wood of Waterbury,

House bill, entitled

An act relating to creating a task force to examine the restorative justice approach to Vermont's criminal justice system

To the Committee on Corrections and Institutions.

**H. 171**

By Reps. Noyes of Wolcott, Brumsted of Shelburne, Wood of Waterbury, Carroll of Bennington, Garofano of Essex, Gregoire of Fairfield, Hyman of South Burlington, McGill of Bridport, Pajala of Londonderry, Small of Winooski, and Whitman of Bennington,



House bill, entitled

An act relating to adult protective services

To the Committee on Human Services.

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

**H. 141**

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

An act relating to an inventory and needs assessment of organizations supporting Vermont's immigrant communities

And that the bill be committed to the Committee on Human Services, which was agreed to.

**Committee Bill; Amendments Offered; Amendment Offered and  
Withdrawn; Third Reading; Bill Passed**

**H. 145**

House bill, entitled

An act relating to fiscal year 2023 budget adjustments

Was taken up and, pending third reading of the bill, **Rep. Beck of St. Johnsbury** moved to amend the bill as follows:

In Sec. 45, amending 2022 Acts and Resolves No. 185, Sec. B.1100, in subsection (a), by striking out subdivision (37) (appropriating \$50,000,000 to the Vermont Housing Conservation Board) in its entirety and by renumbering the remaining subdivisions to be numerically correct.

Which was disagreed to.

Pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill as follows:

First: In Sec. 45, 2022 Acts and Resolves No. 185, Sec. B.1100, in subdivision (a)(30), in the second sentence, following "completed to", by inserting "evaluate the need for additional adolescent inpatient mental health services and"

Second: In Sec. 45, 2022 Acts and Resolves No. 185, Sec. B.1100, in subdivision (a)(30), in subdivision (A), by striking out the second sentence in its entirety and inserting in lieu thereof two new sentences to read as follows:

In the event that the study does show a need for additional beds but that this proposal is not feasible or appropriate, DMH shall report on alternate plans to move forward with increasing the number of psychiatric inpatient youth beds in the State that can accommodate co-occurring diseases and potentially complex medical needs. The alternative plan may include the issuance of a new request for proposals.

Which was disagreed to.

Pending third reading of the bill, **Rep. Toof of St. Albans Town** moved to amend the bill as follows:

In Sec. 45, 2022 Acts and Resolves No. 185, Sec. B.1100, in subdivision (a)(37), by inserting the following: “To ensure geographic equity in the distribution of resources, the Board shall limit the number of units created per project to not more than 10.”

Thereupon, **Rep. Toof of St. Albans Town** asked and was granted leave of the House to withdraw his amendment. Thereafter, the bill was read the third time and passed.

### **Message from the Senate No. 13**

A message was received from the Senate by Ms. Kucserik, 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. 1.** An act relating to legislative oversight of payment reform and conflict-free case management for developmental disability services.

And has passed the same in concurrence.

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

**H.C.R. 22.** House concurrent resolution recognizing July 2023 as Park and Recreation Month in Vermont and designating July 21, 2023 as Vermont Park and Recreation Professionals Day in Vermont.

**H.C.R. 23.** House concurrent resolution recognizing the importance of mental health treatment in Vermont.

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**Adjournment**

At ten o'clock and fifty-five minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, February 7, 2023, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 12.

**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. 22**

House concurrent resolution recognizing July 2023 as Park and Recreation Month in Vermont and designating July 21, 2023 as Vermont Park and Recreation Professionals Day in Vermont

**H.C.R. 23**

House concurrent resolution recognizing the importance of mental health treatment 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 2023 Biennial Session.]

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**Tuesday, February 7, 2023**

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 Will Cunningham of Burlington 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. 172**

By Reps. Hooper of Burlington, Anthony of Barre City, Austin of Colchester, Birong of Vergennes, Burrows of West Windsor, Chase of Colchester, Christie of Hartford, Demrow of Corinth, Harrison of Chittenden, Morris of Springfield, Mrowicki of Putney, Peterson of Clarendon, Toleno of Brattleboro, Troiano of Stannard, and Waters Evans of Charlotte,

House bill, entitled

An act relating to possession of firearms in hospital buildings by licensed security guards and private investigators

To the Committee on Judiciary.

**H. 173**

By Reps. Small of Winooski, Andrews of Westford, Arsenault of Williston, Bartley of Fairfax, Berbeco of Winooski, Black of Essex, Brumsted of Shelburne, Burditt of West Rutland, Burrows of West Windsor, Buss of Woodstock, Cina of Burlington, Coffey of Guilford, Dolan of Essex Junction, Dolan of Waitsfield, Garofano of Essex, Gregoire of Fairfield, Headrick of Burlington, Hooper of Randolph, Jerome of Brandon, LaLonde of South Burlington, Masland of Thetford, McGill of Bridport, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Noyes of Wolcott, Ode of Burlington, Page of Newport City, Patt of Worcester, Rachelson of Burlington, Sabilia of Dover, Stebbins of Burlington, Stone of Burlington, Surprenant of Barnard, and Troiano of Stannard,

House bill, entitled

An act relating to prohibiting manipulating a child for the purpose of sexual contact

To the Committee on Judiciary.

**H. 174**

By Reps. Peterson of Clarendon, Branagan of Georgia, Hango of Berkshire, Labor of Morgan, Morrissey of Bennington, and Williams of Granby,

House bill, entitled

An act relating to establishing fetal personhood

To the Committee on Health Care.

**H. 175**

By Rep. LaLonde of South Burlington,

House bill, entitled

An act relating to modernizing the Children and Family Council for Prevention Programs

To the Committee on Judiciary.

**H. 176**

By Reps. Small of Winooski, Andrews of Westford, Anthony of Barre City, Berbeco of Winooski, Black of Essex, Bluemle of Burlington, Bos-Lun of Westminster, Brumsted of Shelburne, Cina of Burlington, Garofano of Essex, Hyman of South Burlington, LaMont of Morristown, Leavitt of Grand Isle, Lipsky of Stowe, McGill of Bridport, Mulvaney-Stanak of Burlington, Pajala of Londonderry, Rachelson of Burlington, Roberts of Halifax, Sibilina of Dover, Sims of Craftsbury, Stone of Burlington, Surprenant of Barnard, and Waters Evans of Charlotte,

House bill, entitled

An act relating to secondary enforcement of certain motor vehicle violations

To the Committee on Transportation.

**H. 177**

By Reps. Bartholomew of Hartland, Arrison of Weathersfield, Burke of Brattleboro, Burrows of West Windsor, Campbell of St. Johnsbury, Christie of Hartford, Clifford of Rutland City, Cole of Hartford, Emmons of Springfield, Holcombe of Norwich, Labor of Morgan, Masland of Thetford, Morris of Springfield, Mrowicki of Putney, Smith of Derby, and Toleno of Brattleboro,

House bill, entitled

An act relating to the feasibility of a bicycle path that runs adjacent U.S. Route 5

To the Committee on Transportation.

**H. 178**

By Rep. Emmons of Springfield,

House bill, entitled

An act relating to commissioning Department of Corrections personnel as notaries public

To the Committee on Government Operations and Military Affairs.

**H. 179**

By Reps. Elder of Starksboro, Cina of Burlington, Gregoire of Fairfield, Ode of Burlington, Page of Newport City, Satcowitz of Randolph, and Sims of Craftsbury,

House bill, entitled

An act relating to reforming the State Board of Education

To the Committee on Education.

**H. 180**

By Reps. Burrows of West Windsor, Arsenault of Williston, Bartley of Fairfax, Bluemle of Burlington, Chesnut-Tangerman of Middletown Springs, Cordes of Lincoln, Elder of Starksboro, Emmons of Springfield, Galfetti of Barre Town, Goldman of Rockingham, Harrison of Chittenden, Howard of Rutland City, Krasnow of South Burlington, Labor of Morgan, LaBounty of Lyndon, LaMont of Morristown, Minier of South Burlington, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Satcowitz of Randolph, Smith of Derby, Torre of Moretown, Troiano of Stannard, and Waters Evans of Charlotte,

House bill, entitled

An act relating to standardizing the opening time of polling places

To the Committee on Government Operations and Military Affairs.

**H. 181**

By Rep. Elder of Starksboro,

House bill, entitled

An act relating to the creation of the Statewide Supervisory Union Study Committee

To the Committee on Education.

**H. 182**

By Reps. Higley of Lowell and Wilson of Lyndon,

House bill, entitled

An act relating to bodily autonomy and health care decision making

To the Committee on Human Services.

**H. 183**

By Reps. Higley of Lowell, Donahue of Northfield, Peterson of Clarendon, Williams of Granby, and Wilson of Lyndon,

House bill, entitled

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

To the Committee on Health Care.

**H. 184**

By Reps. Bluemle of Burlington, Ode of Burlington, and Stebbins of Burlington,

House bill, entitled

An act relating to exempting an owner of rental housing from renovation, repair, painting, and maintenance (RRPM) licensing requirements

To the Committee on General and Housing.

**H. 185**

By Reps. Chase of Colchester, Austin of Colchester, Brennan of Colchester, Leavitt of Grand Isle, Morgan of Milton, and Taylor of Colchester,

House bill, entitled

An act relating to authorizing dredging for navigation of public waters

To the Committee on Environment and Energy.

**H. 186**

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to regulating warranty registration requirements

To the Committee on Commerce and Economic Development.

**H. 187**

By Reps. Higley of Lowell, Burditt of West Rutland, Peterson of Clarendon, Sammis of Castleton, Williams of Granby, and Wilson of Lyndon,

House bill, entitled

An act relating to establishing an exemption to immunizations required for attendance at school and child care facilities on the basis of conscientious and personal beliefs

To the Committee on Human Services.

**H. 188**

By Reps. Higley of Lowell, Peterson of Clarendon, Williams of Granby, and Wilson of Lyndon,

House bill, entitled

An act relating to informed consent for the administration of immunizations

To the Committee on Judiciary.

**H. 189**

By Reps. Higley of Lowell, Burditt of West Rutland, Hango of Berkshire, Maguire of Rutland City, Masland of Thetford, Morrissey of Bennington, Peterson of Clarendon, Sammis of Castleton, Williams of Granby, and Wilson of Lyndon,

House bill, entitled

An act relating to reporting on adverse reactions related to immunizations

To the Committee on Health Care.

**H. 190**

By Reps. Garofano of Essex, Brumsted of Shelburne, McGill of Bridport, Noyes of Wolcott, Pajala of Londonderry, and Small of Winooski,

House bill, entitled

An act relating to removing the residency requirement from Vermont's patient choice at end of life laws

To the Committee on Human Services.

**H. 191**

By Reps. Satcowitz of Randolph, Bluemle of Burlington, Bongartz of Manchester, Bos-Lun of Westminster, Burke of Brattleboro, Burrows of West Windsor, Casey of Montpelier, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Elder of Starksboro, Goldman of Rockingham, Headrick of Burlington, Hooper of Burlington, Jerome of Brandon, Logan of Burlington, McCann of Montpelier, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Patt of Worcester, Scheu of Middlebury, Sheldon of Middlebury, Squirrell of Underhill, Stebbins of Burlington, Torre of Moretown, and Troiano of Stannard,

House bill, entitled

An act relating to trapping

To the Committee on Environment and Energy.



**H. 192**

By Rep. Burke of Brattleboro,

House bill, entitled

An act relating to mandatory instruction in vulnerable user safety and regulation of electric cargo bicycles

To the Committee on Transportation.

**Committee Bill; Second Reading; Third Reading Ordered****H. 161**

**Rep. Graham of Williamstown** spoke for the Committee on Agriculture, Food Resiliency, and Forestry.

House bill, entitled

An act relating to issuance of burning permits

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

**House Standing Committee Appointment Change**

The Speaker announced the following change to House standing committees:

**Rep. Andriano of Orwell** was reassigned from the Committee on Health Care to the Committee on Judiciary.

**Art in State Buildings Advisory Committee Appointment**

Pursuant to 29 V.S.A. § 47, the Speaker announced that the Chair of the Committee on Corrections and Institutions had designated the following member to serve on the Art in State Buildings Advisory Committee:

**Rep. Headrick of Burlington****Message from the Senate No. 14**

A message was received from the Senate by Ms. Kucserik, 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. 13.** 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-three minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

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**Wednesday, February 8, 2023**

At three o'clock in the afternoon, **Rep. Long of Newfane** called the House to order.

**Devotional Exercises**

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

**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. 193**

By Reps. Dolan of Waitsfield, Ode of Burlington, and Squirrell of Underhill,

House bill, entitled

An act relating to increasing revenue for the Environmental Contingency Fund

To the Committee on Environment and Energy.

**H. 194**

By Reps. Stebbins of Burlington, Torre of Moretown, Anthony of Barre City, Bluemle of Burlington, and Bongartz of Manchester,

House bill, entitled

An act relating to establishing the Legislative Office of Government Accountability and Strategic Planning

To the Committee on Government Operations and Military Affairs.

**H. 195**

By Rep. Elder of Starksboro,

House bill, entitled

An act relating to jurisdiction over electric distribution upgrades

To the Committee on Environment and Energy.

**H. 196**

By Rep. Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to prevailing wages on State construction projects

To the Committee on General and Housing.

**H. 197**

By Reps. Stebbins of Burlington, Bos-Lun of Westminster, Burke of Brattleboro, Burrows of West Windsor, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Cordes of Lincoln, Elder of Starksboro, Goldman of Rockingham, Hyman of South Burlington, Logan of Burlington, McGill of Bridport, Pouech of Hinesburg, Priestley of Bradford, Rice of Dorset, Satcowitz of Randolph, Templeman of Brownington, and Waters Evans of Charlotte,

House bill, entitled

An act relating to divestment of State pension funds of investments in the fossil fuel industry

To the Committee on Government Operations and Military Affairs.

**H. 198**

By Reps. Noyes of Wolcott, Burke of Brattleboro, Buss of Woodstock, Chesnut-Tangerman of Middletown Springs, Cole of Hartford, Donahue of Northfield, Garofano of Essex, Graham of Williamstown, Gregoire of Fairfield, Harrison of Chittenden, Hooper of Burlington, Howard of Rutland City, Krasnow of South Burlington, LaBounty of Lyndon, Leavitt of Grand Isle, Masland of Thetford, McCann of Montpelier, McGill of Bridport, Morgan of Milton, Patt of Worcester, Rachelson of Burlington, Scheu of Middlebury, Stone of Burlington, Torre of Moretown, Troiano of Stannard, and Williams of Granby,

House bill, entitled

An act relating to establishing a Dementia Coordinator

To the Committee on Human Services.

**H. 199**

By Reps. Christie of Hartford, Andriano of Orwell, Berbeco of Winooski, Black of Essex, Burrows of West Windsor, Cina of Burlington, Cordes of Lincoln, Garofano of Essex, Goldman of Rockingham, Graning of Jericho, LaMont of Morristown, Masland of Thetford, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Pajala of Londonderry, and Torre of Moretown,

House bill, entitled

An act relating to expanding eligibility for health insurance to all income-eligible adults regardless of immigration status

To the Committee on Health Care.

**H. 200**

By Reps. Casey of Montpelier and Troiano of Stannard,

House bill, entitled

An act relating to naming the State office building located at 133 State Street in Montpelier

To the Committee on Corrections and Institutions.

**H. 201**

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 and Housing.

**H. 202**

By Rep. LaBounty of Lyndon,

House bill, entitled

An act relating to traffic violations for illegally passing a school bus

To the Committee on Transportation.

**H. 203**

By Reps. Smith of Derby, Anthony of Barre City, Arrison of Weathersfield, Bartholomew of Hartland, Bartley of Fairfax, Beck of St. Johnsbury, Branagan of Georgia, Burditt of West Rutland, Clifford of Rutland City, Corcoran of Bennington, Demar of Enosburgh, Graham of Williamstown, Hango of Berkshire, Harrison of Chittenden, Higley of Lowell, Labor of Morgan, LaBounty of Lyndon, Lipsky of Stowe, Logan of Burlington, Morgan of Milton, Morris of Springfield, Oliver of Sheldon, Parsons of Newbury, Patt of Worcester, Peterson of Clarendon, Satcowitz of Randolph, Stebbins of Burlington, Surprenant of Barnard, Taylor of Milton, Templeman of Brownington, Toof of St. Albans Town, Torre of Moretown, Walker of Swanton, Williams of Granby, and Wilson of Lyndon,

House bill, entitled

An act relating to a report on distracted driving and options for education, enforcement, and conviction

To the Committee on Transportation.

**H. 204**

By Reps. Nugent of South Burlington, Arsenault of Williston, Goldman of Rockingham, Hyman of South Burlington, Minier of South Burlington, Pouech of Hinesburg, Roberts of Halifax, Torre of Moretown, and Williams of Barre City,

House bill, entitled

An act relating to banning flavored tobacco products and e-liquids

To the Committee on Human Services.

**H. 205**

By Reps. Graham of Williamstown, Surprenant of Barnard, Bartley of Fairfax, Beck of St. Johnsbury, Branagan of Georgia, Clifford of Rutland City, Cole of Hartford, Goslant of Northfield, Higley of Lowell, Labor of Morgan, Leavitt of Grand Isle, Lipsky of Stowe, Maguire of Rutland City, Mattos of Milton, McFaun of Barre Town, Morgan of Milton, Morrissey of Bennington, Noyes of Wolcott, O'Brien of Tunbridge, Oliver of Sheldon, Pajala of Londonderry, Parsons of Newbury, Pearl of Danville, Peterson of Clarendon, Rice of Dorset, Sammis of Castleton, Sims of Craftsbury, Small of Winooski, Smith of Derby, Templeman of Brownington, Whitman of Bennington, Williams of Granby, and Wilson of Lyndon,

House bill, entitled

An act relating to establishing the Small Farm Diversification and Transition Program

To the Committee on Agriculture, Food Resiliency, and Forestry.

**H. 206**

By Rep. Goldman of Rockingham,

House bill, entitled

An act relating to miscellaneous changes affecting the duties of the Department of Vermont Health Access

To the Committee on Health Care.

**H. 207**

By Rep. Satcowitz of Randolph,

House bill, entitled

An act relating to acquittal by reason of insanity in criminal cases

To the Committee on Judiciary.

**Joint Resolution Adopted in Concurrence**

**J.R.S. 13**

By Senator Baruth,

**J.R.S. 13.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, February 10, 2023, it be to meet again no later than Tuesday, February 14, 2023.

Was taken up, read, and adopted in concurrence.

**Third Reading; Bill Passed**

**H. 161**

House bill, entitled

An act relating to issuance of burning permits

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

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**Favorable Reports; Second Reading; Third Reading Ordered****H. 46**

**Rep. Waters Evans of Charlotte**, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to approval of the dissolution of Colchester Fire District No. 3

Reported in favor of its passage.

**Rep. Taylor 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.

**Remarks Journalized**

On motion of **Rep. Sibilis of Dover**, the following remarks by **Rep. Brady of Williston** were ordered printed in the Journal:

“Madam Speaker:

Your House Education Committee was scheduled to hear testimony from local high school students this morning and those students were unable to join us because their entire school was in lockdown at the time. I feel compelled to rise today to offer my care and compassion for 1,000s of VT students and teachers who spent time this morning huddled on the floor and behind desks in over 20 of our schools while they endured the terror of an unplanned school lockdown amid reports of active shooter events. But I also have to acknowledge that care and compassion are hollow words for this awful American phenomenon. At the press conference earlier today, we were reminded that no one does their best thinking when they are afraid. While we now know that the reports today were a hoax, once again, emotional damage has been done and our schools that should be centers of thinking and learning are coping with widespread fear.”

**Joint Legislative Management Committee Appointments**

Pursuant to 2 V.S.A. § 41, the Chair announced the Speaker's updated appointments of the following members to the Joint Legislative Management Committee:

**Rep. James of Manchester**  
**Rep. Wood of Waterbury**  
**Rep. Shaw of Pittsford**

### Adjournment

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

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### Thursday, February 9, 2023

At three o'clock in the afternoon, in the absence of the Speaker (who was Acting Governor in the absence of the Governor and Lieutenant Governor), **Rep. Long of Newfane** called the House to order.

### Devotional Exercises

Devotional exercises were conducted by Rev. Canon Walter Brownridge, Episcopal Diocese of Vermont, Burlington.

### 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. 208

By Reps. Brumsted of Shelburne, Wood of Waterbury, Andriano of Orwell, Anthony of Barre City, Arsenault of Williston, Austin of Colchester, Bartley of Fairfax, Berbeco of Winooski, Birong of Vergennes, Black of Essex, Bluemle of Burlington, Bongartz of Manchester, Bos-Lun of Westminster, Boyden of Cambridge, Brady of Williston, Branagan of Georgia, Brown of Richmond, Burke of Brattleboro, Burrows of West Windsor, Buss of Woodstock, Campbell of St. Johnsbury, Carroll of Bennington, Casey of Montpelier, Chapin of East Montpelier, Cina of Burlington, Coffey of Guilford, Cole of Hartford, Conlon of Cornwall, Cordes of Lincoln, Demrow of Corinth, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Durfee of Shaftsbury, Elder of Starksboro, Garofano of Essex, Goldman of Rockingham, Graning of Jericho, Headrick of Burlington, Holcombe of Norwich, Hooper of Burlington, Houghton of Essex Junction, Howard of Rutland City, Hyman of South Burlington, James of Manchester, Jerome of Brandon, Kornheiser of Brattleboro, Krasnow of South Burlington, LaBounty of Lyndon, Lalley of Shelburne, LaLonde of South Burlington, Leavitt of Grand Isle, Lipsky of Stowe, Logan of Burlington, Long of Newfane, Marcotte of Coventry, Masland of Thetford, McCann of Montpelier, McCarthy of St. Albans City,



McFaun of Barre Town, McGill of Bridport, Mihaly of Calais, Minier of South Burlington, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Notte of Rutland City, Noyes of Wolcott, Nugent of South Burlington, Ode of Burlington, Pajala of Londonderry, Patt of Worcester, Pouech of Hinesburg, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Satcowitz of Randolph, Scheu of Middlebury, Sims of Craftsbury, Small of Winooski, Squirrell of Underhill, Stebbins of Burlington, Stevens of Waterbury, Stone of Burlington, Surprenant of Barnard, Taylor of Colchester, Toleno of Brattleboro, Torre of Moretown, Troiano of Stannard, Waters Evans of Charlotte, White of Bethel, Whitman of Bennington, and Williams of Barre City,

House bill, entitled

An act relating to child care and early childhood education

To the Committee on Human Services.

#### **H. 209**

By Rep. Sibia of Dover,

House bill, entitled

An act relating to public elementary school choice within a supervisory union

To the Committee on Education.

#### **H. 210**

By Reps. Dolan of Essex Junction, Arsenault of Williston, Bartley of Fairfax, Berbeco of Winooski, Black of Essex, Bluemle of Burlington, Burke of Brattleboro, Buss of Woodstock, Cordes of Lincoln, Dodge of Essex, Garofano of Essex, Graning of Jericho, Howard of Rutland City, Pajala of Londonderry, Priestley of Bradford, Scheu of Middlebury, Stone of Burlington, and Waters Evans of Charlotte,

House bill, entitled

An act relating to leave from employment for legislators

To the Committee on Government Operations and Military Affairs.

#### **H. 211**

By Reps. Labor of Morgan, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Hango of Berkshire, Higley of Lowell, Lipsky of Stowe, McFaun of Barre Town, Parsons of Newbury, and Smith of Derby,

House bill, entitled

An act relating to direct-current fast chargers at former welcome centers

To the Committee on Transportation.

**H. 212**

By Reps. Roberts of Halifax, Bluemle of Burlington, Brumsted of Shelburne, Burrows of West Windsor, Cina of Burlington, Sims of Craftsbury, and Toleno of Brattleboro,

House bill, entitled

An act relating to allowing minors to possess tobacco in connection with Indigenous cultural tobacco practices

To the Committee on Human Services.

**H. 213**

By Reps. Stevens of Waterbury and Chesnut-Tangerman of Middletown Springs,

House bill, entitled

An act relating to creating a study committee on mobile homes and mobile home parks

To the Committee on General and Housing.

**H. 214**

By Rep. Chesnut-Tangerman of Middletown Springs,

House bill, entitled

An act relating to creating a department to routinely examine police body camera and police cruiser dashboard camera footage

To the Committee on Judiciary.

**H. 215**

By Reps. Cina of Burlington, Cordes of Lincoln, Goldman of Rockingham, Headrick of Burlington, Logan of Burlington, and Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to joining interstate compacts for all health care professions

To the Committee on Health Care.

**H. 216**

By Rep. Birong of Vergennes,  
House bill, entitled  
An act relating to open air cremation  
To the Committee on General and Housing.

**H. 217**

By Reps. Marcotte of Coventry, Carroll of Bennington, Graning of Jericho, Jerome of Brandon, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Priestley of Bradford, White of Bethel, and Williams of Barre City,  
House bill, entitled  
An act relating to miscellaneous workers' compensation amendments  
To the Committee on Commerce and Economic Development.

**H. 218**

By Reps. Mulvaney-Stanak of Burlington, Anthony of Barre City, Bos-Lun of Westminster, Burrows of West Windsor, Casey of Montpelier, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Cordes of Lincoln, Elder of Starksboro, Garofano of Essex, Headrick of Burlington, Howard of Rutland City, Krasnow of South Burlington, LaBounty of Lyndon, LaMont of Morristown, Logan of Burlington, Masland of Thetford, McCann of Montpelier, McGill of Bridport, Mrowicki of Putney, Rachelson of Burlington, Small of Winooski, Troiano of Stannard, and White of Bethel,  
House bill, entitled  
An act relating to requiring good cause for termination of employment  
To the Committee on General and Housing.

**H. 219**

By Reps. Mulvaney-Stanak of Burlington, Anthony of Barre City, Bos-Lun of Westminster, Burrows of West Windsor, Casey of Montpelier, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Cordes of Lincoln, Elder of Starksboro, Garofano of Essex, Headrick of Burlington, Howard of Rutland City, Krasnow of South Burlington, LaBounty of Lyndon, LaMont of Morristown, Logan of Burlington, Masland of Thetford, McCann of Montpelier, McGill of Bridport, Mrowicki of Putney, Rachelson of Burlington, Small of Winooski, Troiano of Stannard, and White of Bethel,

House bill, entitled

An act relating to miscellaneous employee and collective bargaining rights

To the Committee on General and Housing.

**H. 220**

By Reps. Black of Essex, Brumsted of Shelburne, Cina of Burlington, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Houghton of Essex Junction, and Small of Winooski,

House bill, entitled

An act relating to primary care and preventive services

To the Committee on Health Care.

**H. 221**

By Reps. Stebbins of Burlington, Casey of Montpelier, and Goldman of Rockingham,

House bill, entitled

An act relating to considering modifying and restructuring the Vermont General Assembly

To the Committee on Government Operations and Military Affairs.

**Ceremonial Reading**

**H.C.R. 20**

House concurrent resolution recognizing February 2023 as School Board Recognition Month in Vermont

Offered by: Representatives Sibia of Dover, Conlon of Cornwall, Hango of Berkshire, Arsenault of Williston, Brady of Williston, Burrows of West Windsor, Christie of Hartford, Clifford of Rutland City, Goslant of Northfield, Long of Newfane, Morris of Springfield, Priestley of Bradford, Sims of Craftsbury, Small of Winooski, Smith of Derby, and Torre of Moretown

Whereas, Vermonters who serve as school board members are performing a not-widely acknowledged yet essential role in public education governance, and

Whereas, school board members are participants in frontline civic engagement in a manner often dissimilar to other elected officials, and

Whereas, whether it be the aftermath of district consolidation or the challenges of school operations during the pandemic, school board members confront these difficulties, ever mindful of students' academic success, and

Whereas, these citizen leaders merit our admiration in their fulfillment of a role for which they deserve our respect and gratitude, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates February 2023 as School Board Recognition Month in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont School Board Association.

Having been adopted in concurrence on Friday, January 27, 2023 in accord with Joint Rule 16b, was read.

### **Third Reading; Bill Passed**

#### **H. 46**

House bill, entitled

An act relating to approval of the dissolution of Colchester Fire District No. 3

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

### **Second Reading; Amendment Offered; Bill Amended; Third Reading Ordered**

#### **H. 89**

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

An act relating to civil and criminal procedures concerning legally protected health care activity

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

\* \* \* Definitions \* \* \*

Sec. 1. 1 V.S.A. § 150 is added to read:

#### § 150. LEGALLY PROTECTED HEALTH CARE ACTIVITY

(a) “Gender-affirming health care services” means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature relating to the treatment of gender dysphoria, including insurance coverage for any of the foregoing. Gender-affirming health care services does not include conversion therapy as defined by 18 V.S.A. § 8351.

(b)(1) “Legally protected health care activity” means:

(A) the exercise and enjoyment, or attempted exercise and enjoyment, by any person of rights to reproductive health care services or gender-affirming health care services secured by this State or the provision of insurance coverage for such services; or

(B) any act or omission undertaken to aid or encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive health care services or gender-affirming health care services secured by this State or to provide insurance coverage for such services.

(2) Except as provided in subdivision (3) of this subsection (b), the protections applicable to ‘legally protected health care activity’ shall not apply to a lawsuit, judgment, or civil, criminal or administrative action that is based on conduct for which an action would exist under the laws of this State if the course of conduct that forms the basis for liability had occurred entirely in this State.

(3) Notwithstanding subdivision (2) of this subsection (b), the provision of a health care service by a person duly licensed under the laws of this State and physically present in this State and the provision of insurance coverage for such services shall be legally protected if the service is permitted under the laws of this State, regardless of the patient’s location or whether the provider is licensed in the state where the patient is located at the time the service is rendered.

(c) “Reproductive health care services” means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature relating to pregnancy, contraception, sterilization, assisted reproduction, pregnancy loss management, or the termination of a pregnancy, including insurance coverage for any of the foregoing.

\* \* \* Legally Protected Health Care Exemption from SLAPP Suits \* \* \*

Sec. 2. 12 V.S.A. § 1041 is amended to read:

§ 1041. EXERCISE OF RIGHTS TO FREE SPEECH AND TO PETITION  
GOVERNMENT FOR REDRESS OF GRIEVANCES; SPECIAL  
MOTION TO STRIKE

\* \* \*

(h) This section shall not apply to:

(1) any enforcement action or criminal proceeding brought by the State of Vermont or any political subdivision thereof; or

(2) a case involving tortious interference with legally protected health care as provided in section 7302 of this title.

\* \* \*

\* \* \* Abusive Litigation Concerning Legally Protected Health  
Care Activity \* \* \*

Sec. 3. 12 V.S.A. chapter 221 is added to read:

CHAPTER 221. LEGALLY PROTECTED HEALTH CARE ACTIVITY

§ 7301. DEFINITION

As used in this chapter:

(1)(A) “Abusive litigation” means litigation or other legal action to deter, prevent, sanction, or punish any person engaging in legally protected health care activity by:

(i) filing or prosecuting any action in any other state where liability, in whole or part, directly or indirectly, is based on legally protected health care activity that occurred in this State, including any action in which liability is based on any theory of vicarious, joint, or several liability derived therefrom; or

(ii) attempting to enforce any order or judgment issued in connection with any such action by any party to the action, or any person acting on behalf of a party to the action

(B) A lawsuit shall be considered to be based on conduct that occurred in this State if any part of any act or omission involved in the course of conduct that forms the basis for liability in the lawsuit occurs or is initiated in this State, whether or not such act or omission is alleged or included in any pleading or other filing in the lawsuit.

(2) “Gender-affirming health care services” has the same meaning as provided in 1 V.S.A. § 150.

(3) “Legally protected health care activity” has the same meaning as in 1 V.S.A. § 150.

(4) “Public agency” has the same meaning as in 1 V.S.A. § 317(a).

(5) “Reproductive health care services” has the same meaning as provided in 1 V.S.A. § 150.

§ 7302. TORTIOUS INTERFERENCE WITH LEGALLY PROTECTEDHEALTH CARE ACTIVITY

(a) Access to reproductive health care services and gender-affirming health care services is a legal right in this State. Interference with legally protected health care activity, whether or not under the color of law, is against the public policy of this State.

(b) Any public act or record of a foreign jurisdiction that prohibits, criminalizes, sanctions, or authorizes a person to bring a civil action against or otherwise interferes with a person, provider, payer, or other entity in this State that seeks, receives, causes, aids in access to, aids or abets, or provides, or attempts or intends to seek, receive, cause, aid in access to, aid or abet, or provide, legally protected health care services shall be an interference with the exercise and enjoyment of the rights secured by this State and shall be a violation of the public policy of this State.

(c) If a person, whether or not acting under color of law, engages or attempts to engage in abusive litigation that infringes on or interferes with, or attempts to infringe on or interfere with, legally protected health care activity, any aggrieved person, provider, payer, or other entity, including any defendant in such abusive litigation, may initiate a civil action for injunctive, monetary, or other appropriate relief within six years after the cause of action accrues.

(d) If the court finds for the petitioner in an action authorized by this section, recovery may include damages for the amount of any judgment issued in connection with any abusive litigation, and any and all other expenses, costs, or reasonable attorney's fees incurred in connection with the abusive litigation and with the tortious interference action.

(e) A court may exercise jurisdiction over a person in an action authorized by this section if:

(1) personal jurisdiction is found;

(2) the person has commenced any action in any court in this State and, during the pendency of that action or any appeal therefrom, a summons and complaint is served on the person or the attorney appearing on the person's behalf in that action or as otherwise permitted by law; or

(3) the exercise of jurisdiction is permitted under the Constitution of the United States.



(f) Abusive litigation does not include a lawsuit or judgment entered in another state that is based on conduct for which a cause of action would exist under the laws of this State if the course of conduct that forms the basis for liability had occurred entirely in this State, including any contract, tort, common law, or statutory claims.

(g) An attorney shall not be liable under this section, if acting on behalf of another and within the scope of the attorney's license. A lawyer acting pro se, or a public prosecutor having the personal discretion to decide whether to bring abusive litigation, shall not be immune under this subsection.

#### § 7303. FOREIGN JUDGMENTS

(a) In any action filed to enforce a foreign judgment issued in connection with abusive litigation concerning legally protected health care activity, the court shall not give any force or effect to any judgment issued without jurisdiction or due process or to any judgment that is penal in nature.

(b) Foreign judgments issued in connection with abusive litigation concerning legally protected health care activity shall be brought by filing a new and independent action on the judgment within five years after the rendition of the judgment, and not after.

#### § 7304. TESTIMONY AND DOCUMENTS

(a) Notwithstanding any other provision in this title or court rule to the contrary, except as required by federal law, a court shall not order a person who is domiciled or found within this State to give testimony or a statement or produce documents or other things with any proceeding in a tribunal outside this State concerning abusive litigation involving legally protected health care activity.

(b) Any aggrieved person, provider, payer, or other entity, including any defendant in abusive litigation, may move to modify or quash any subpoena issued in connection with such abusive litigation on any grounds provided by court rule, statute, or on the grounds that the subpoena is inconsistent with the public policy of this State.

#### § 7305. CHOICE OF LAW

Notwithstanding any general or special law or common law conflict of law rule to the contrary, the laws of this State shall govern in any case or controversy heard in this State related to legally protected health care activity, except as may be required by federal law.

§ 7306. NONCOOPERATION

(a) No public agency or employee, appointee, officer or official, or any other person acting on behalf of a public agency may knowingly provide any information or expend or use time, money, facilities, property, equipment, personnel, or other resources in furtherance of any interstate investigation or proceeding seeking to impose civil or criminal liability upon a person or entity for:

(1) the provision, seeking or receipt of, or inquiring about legally protected health care activity that is legal in this State; or

(2) assisting any person or entity providing, seeking, receiving, or responding to an inquiry about legally protected health care activity that is legal in this State.

(b) This section shall not apply to:

(1) any investigation or proceeding where the conduct subject to potential liability under the investigation or proceeding would be subject to liability under the laws of this State if committed in this State; or

(2) any action taken by the judicial branch in judicial proceedings;

(3) a public agency or employee, appointee, officer or official who, in the course of normal business, is responding to a warrant or extradition demand on the good faith belief that the warrant or demand is valid in this State.

\* \* \* Freedom of Access to Clinics \* \* \*

Sec. 4. 13 V.S.A. § 1033 is added to read:

§ 1033. INTERFERENCE WITH ACCESS TO HEALTH CARE FACILITY

(a) The General Assembly finds that:

(1) all persons must be able to access health care facilities for the purpose of obtaining or providing legally protected health care activity;

(2) the exercise of a person's right to protest or counsel against certain medical procedures must be balanced against another person's right to obtain or provide legally protected health care activity in an unobstructed manner;

(3) preventing the willful obstruction of a person's access to legally protected health care activity at a health care facility is a matter of public concern; and

(4) it is necessary and appropriate to prohibit individuals from knowingly obstructing another person's entry to or exit from a health care facility that provides legally protected health care activity.

(b) As used in this section:

(1) “Health care facility” means a hospital, ambulatory surgical center, health center, clinic, health care provider’s office, or other facility that provides reproductive health care services or gender-affirming health care services, and includes the building or structure in which the facility is located.

(2) “Health care provider” has the same meaning as provided in 18 V.S.A. § 9402.

(3) “Legally protected health care activity” has the same meaning as provided in 1 V.S.A. § 150.

(4) “Physical obstruction” means rendering impassable ingress to or egress from a facility that provides legally protected health care activity or rendering passage to or from such a facility unreasonably difficult or hazardous.

(c) No person shall:

(1) by force or threat of force or by physical obstruction knowingly injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with, another person because such other person was or is obtaining or providing legally protected health care activity; or

(2) knowingly damage the property of a health care facility, or attempt to do so, because such facility provides legally protected health care activity.

(d) A person who violates this section shall be assessed a civil penalty of not more than \$300.00.

(e) Nothing in this section shall be construed to prohibit any constitutionally protected activity.

Sec. 5. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

(a) The Judicial Bureau is created within the Judicial Branch under the supervision of the Supreme Court.

(b) The Judicial Bureau shall have jurisdiction of the following matters:

\* \* \*

(31) Violations of 13 V.S.A. § 1033 relating to interference with access to health care facility.

\* \* \* Prohibition Against Extradition of Person Charged with Engaging  
in Legally Protected Health Care Activity \* \* \*

Sec. 6. 13 V.S.A. § 4970 is added to read:

§ 4970. LEGALLY PROTECTED HEALTH CARE ACTIVITY

EXCEPTION

Notwithstanding any other provision in this chapter to the contrary, except as required by federal law, the Governor shall not surrender a person charged in another state as a result of engaging in legally protected health care activity as defined in 1 V.S.A. § 150 unless the executive authority of the demanding state alleges in writing that the accused was physically present in the demanding state at the time of the commission of the alleged offense and that thereafter the accused fled from the demanding state.

\* \* \* Prohibition of Issuance of a Summons Concerning a Person Charged  
with Engaging in Legally Protected Health Care Activity \* \* \*

Sec. 7. 13 V.S.A. § 6650 is added to read:

§ 6650. LEGALLY PROTECTED HEALTH CARE ACTIVITY

EXCEPTION

(a) Access to reproductive health care services and gender-affirming health care services is a legal right in this State. Interference with legally protected health care activity, whether or not under the color of law, is against the public policy of this State.

(b) Notwithstanding any other provision in this chapter to the contrary, except as required by federal law, a court shall not issue a summons where a prosecution is pending in another state concerning legally protected health care activity as defined in 1 V.S.A. § 150 or where a grand jury investigation concerning legally protected health care activity has commenced or is about to commence for a criminal violation of a law of such other state unless the acts forming the basis of the prosecution or investigation would also constitute an offense if occurring entirely in this State.

\* \* \* Address Confidentiality for Persons Engaging in  
Legally Protected Health Care Activity \* \* \*

Sec. 8. 15 V.S.A. chapter 21, subchapter 3 is amended to read:

Subchapter 3. Address Confidentiality for Victims of Domestic Violence,  
Sexual Assault, or Stalking

§ 1150. FINDINGS AND INTENT

(a) The General Assembly finds that:

(1) persons attempting to escape from actual or threatened domestic violence, sexual assault, and stalking, and human trafficking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them; and

(2) persons who provide reproductive health care services or gender-affirming health care services, persons who assist others in obtaining reproductive health care services or gender-affirming health care services, and persons who exercise their legal right to obtain reproductive health care services or gender-affirming health care services in this State may be harassed, intimidated, or threatened because of their legally protected health care activity.

(b) It is the purpose of this subchapter to:

(1) enable state State and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, sexual assault, or stalking persons identified in subsection (a) of this section;

(2) promote interagency cooperation with the Secretary of State in providing address confidentiality for victims of domestic violence, sexual assault, and stalking persons identified in subsection (a) of this section; and

(3) enable State and local agencies and local agencies school districts to accept a Program participant's use of an address, and local agencies to accept an address, designated by the Secretary of State as a substitute mailing address.

#### § 1151. DEFINITIONS

Unless the context clearly requires otherwise, the definitions in this section apply throughout the subchapter.

(1) “Actual address” means the physical location where the applicant resides and may include a school address or work address of an individual, as specified on the individual’s application to be a Program participant under this chapter.

(2) “Agency” means any subdivision of the State of Vermont, a municipality, or a subdivision of a municipality.

(3) “Domestic violence” means an act of abuse as defined in subdivision 1101(1) of this title and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

(4) “Gender-affirming health care services” has the same meaning as provided in 1 V.S.A. § 150.

(5) “Human trafficking” means conduct prohibited by 13 V.S.A. § 2652 or 2653, and includes a threat of such, regardless of whether the conduct or threat of conduct has been reported to law enforcement officers.

~~(5)~~(6) “Law enforcement agency” means the Department of Public Safety, a municipal police department, a sheriff’s department, the Attorney General’s Office, a State’s Attorney’s Office, or certified law enforcement officers of the Department of Motor Vehicles, Agency of Natural Resources, or Department of Liquor and Lottery. “Law enforcement agency” ~~shall~~ also ~~mean~~ means the Department for Children and Families when engaged in:

(A) the investigation of child abuse and neglect;

(B) the delivery of services to families and children with whom the Department is working pursuant to the provisions of 33 V.S.A. chapters 51, 52, and 53; or

(C) the performance of the Department’s responsibilities pursuant to an interstate compact to which the State is a party.

~~(6)~~(7) “Law enforcement purpose” means all matters relating to:

(A) the prevention, investigation, prosecution, or adjudication of criminal offenses, civil matters, or juvenile matters;

(B) the investigation, prosecution, adjudication, detention, supervision, or correction of persons suspected, charged, or convicted of criminal offenses or juvenile delinquencies;

(C) the protection of the general health, welfare, and safety of the public or the State of Vermont;

(D) the execution and enforcement of court orders;

(E) service of criminal or civil process or court orders;

(F) screening for criminal justice employment;

(G) other actions taken in performance of official duties, as set forth by statutes, rules, policies, judicial case law, and the U.S. and Vermont Constitutions; and

(H) criminal identification activities, including the collection, storage, and dissemination of criminal history records, as defined in 20 V.S.A. § 2056a(a)(1), sex offender registry information, and DNA material and information.

~~(7)~~(8) “Program participant” means a person certified as a Program participant under this chapter.

~~(8)~~(9) “Public record” means a public record as defined in 1 V.S.A. § 317.

(10) “Reproductive health care services” has the same meaning as provided in 1 V.S.A. § 150.

~~(9)~~(11) “Secretary” means the Vermont Secretary of State.

~~(10)~~(12) “Sexual assault” means an act of assault as defined in 13 V.S.A. § 3252(a) or (b) (sexual assault) or 3253(a) (aggravated sexual assault), and includes a threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

~~(11)~~(13) “Stalking” means conduct as defined in 13 V.S.A. § 1061 (stalking) or 1063 (aggravated stalking), and includes a threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

~~(12)~~(14) “Substitute address” means the Secretary’s designated address for the Address Confidentiality Program.

§ 1152. ADDRESS CONFIDENTIALITY PROGRAM; APPLICATION;

#### CERTIFICATION

(a) An adult person, a parent, or a legal guardian acting on behalf of a minor, or a legal guardian acting on behalf of an incapacitated person may apply to the Secretary of State to have an address designated by the Secretary serve as the person’s address or the address of the minor or incapacitated person. The Secretary of State shall approve an application if it is filed in the manner and on the form prescribed by the Secretary of State, and if it contains:

(1) a statement made under oath by the applicant that:

(A) the applicant, or the minor or incapacitated person on whose behalf the application is made;

(i) is a victim of domestic violence, sexual assault, stalking, or human trafficking; or

(ii) is a person providing, assisting another person in obtaining, or obtaining for themselves reproductive health care services or gender-affirming health care services in this State;

(B) the applicant fears for his or her the applicant’s safety or his or her the applicant’s children’s safety, or the safety of the minor or incapacitated person on whose behalf the application is made;

(C) the parent or legal guardian applying on behalf of a minor or incapacitated person has legal authority to act on the person’s behalf;

(D) if the applicant is under the supervision of the Department of Corrections, the applicant has notified the Department of the actual address and the applicant authorizes the release of the actual address to the Department; and

(E) if the applicant is required to report the actual address for the Sex Offender Registry under 13 V.S.A. chapter 167, subchapter 3, the applicant authorizes the release of the actual address to the Registry;

(2) a designation of the Secretary as agent for purposes of service of process and for the purpose of receipt of mail;

(3) the mailing address and e-mail address where the applicant can be contacted by the Secretary and the telephone number or numbers where the applicant can be called by the Secretary;

(4) the new address or addresses within Vermont that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, sexual assault, stalking, ~~or~~ human trafficking, harassment, intimidation, or threats; and

(5) the signature of the applicant and the name of any individual or representative of any office who assisted in the preparation of the application and the date on which the applicant signed the application.

(b) Applications shall be filed directly with the Office of the Secretary or through a certified applicant assistant.

(c) Upon receipt of a properly completed application, the Secretary shall certify the applicant as a Program participant. Applicants shall be certified for four years following the date of filing, unless the certification is withdrawn or cancelled before that date. The Secretary shall by rule establish a renewal procedure.

(d) A person who knowingly provides false or incorrect information to the Secretary as required by this chapter may be prosecuted under 13 V.S.A. § 2904.

(e) A Program participant shall notify the Secretary of State of a change of actual address within seven days of following the change of address.

(f) The Civil or Family Division of Washington County Superior Court shall have jurisdiction over petitions for protective orders filed by Program participants pursuant to 12 V.S.A. §§ 5133 and 5134, to sections 1103 and 1104 of this title, and to 33 V.S.A. § 6935. A Program participant may file a petition for a protective order in the county in which ~~he or she~~ the participant resides or in Washington County to protect the confidentiality of ~~his or her~~ the participant's address.



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\* \* \*

§ 1157. ASSISTANCE FOR PROGRAM APPLICANTS

The Secretary of State shall make available a list of State and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic violence, sexual assault, stalking, and human trafficking to assist persons applying to be ~~program~~ Program participants pursuant to subdivision 1152(a)(1)(A)(i) of this title. Such information provided by the Office of the Secretary or designees to applicants shall in no way be construed as legal advice.

\* \* \*

§ 1160. ADOPTION OF RULES

(a) The Secretary of State shall adopt rules necessary to perform ~~his or her~~ the Secretary's duties under this subchapter relating to:

- (1) program application and certification;
- (2) certification cancellation;
- (3) agency use of designated addresses and exceptions;
- (4) voting by Program participants; and
- (5) recording of vital statistics for Program participants.

(b) All such rules shall conform with the findings and intent of the General Assembly, as described in section 1150 of this title, and shall be designed with an understanding of the needs and circumstances of ~~victims of domestic violence, sexual assault, stalking, and human trafficking~~ Program participants.

\* \* \* Effective Dates \* \* \*

Sec. 9. EFFECTIVE DATES

- (a) This section and Secs. 1–7 shall take effect on passage.
- (b) Sec. 8 shall take effect on September 1, 2023.

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 Judiciary?, **Reps. Donahue of Northfield and Higley of Lowell** moved to amend the report of the Committee on Judiciary by striking out Sec. 9, effective dates, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

\* \* \* Protecting Health Care Providers' Rights of Conscience \* \* \*

Sec. 9. 18 V.S.A. chapter 233 is added to read:

CHAPTER 233. HEALTH CARE FREEDOM OF CONSCIENCE ACT

§ 9751. TITLE

This chapter shall be known and may be cited as the "Health Care Freedom of Conscience Act."

§ 9752. FINDINGS AND PURPOSE

(a) The General Assembly finds that:

(1) It is the public policy of the State of Vermont to respect and protect the fundamental right of conscience of health care providers.

(2) Without comprehensive protection, health care rights of conscience may be violated in various ways, such as harassment, demotion, salary reduction, transfer, termination, loss of staffing privileges, denial of aid or benefits, and refusal to license or refusal to certify.

(b) Based on the findings set forth in subsection (a) of this section, it is the purpose of this act to:

(1) Protect as a basic civil right the right of all health care providers and institutions to decline to counsel, advise, provide, perform, assist, or participate in providing or performing health care services that violate their consciences. These health care services may include abortion, artificial birth control, sterilization, artificial insemination, assisted reproduction, human embryonic stem-cell research, fetal experimentation, human cloning, physician-assisted suicide, and euthanasia.

(2) Prohibit all forms of discrimination, disqualification, coercion, disability, or liability upon health care providers and institutions that decline to perform or provide any health care service that violates their consciences.

§ 9753. DEFINITIONS

As used in this act:

(1) "Conscience" means the religious, moral, or ethical principles held by a health care provider or a health care institution. For purposes of this act, the conscience of a health care institution shall be determined by reference to its existing or proposed religious, moral, or ethical guidelines; mission statement; constitution; bylaws; articles of incorporation; rules or regulations; or other relevant documents.

(2) “Health care institution” means any public or private organization, corporation, partnership, sole proprietorship, association, agency, network, joint venture, or other entity that is involved in providing health care services, including hospitals, clinics, medical centers, ambulatory surgical centers, private physicians’ offices, pharmacies, nursing homes, university medical schools, nursing schools, medical training facilities, and other institutions and locations in which health care services are provided to any person.

(3) “Health care provider” means any individual who may be asked to participate in any way in a health care service, including a physician; physician assistant; nurse; nursing assistant; medical assistant; hospital employee; clinic employee; nursing home employee; pharmacist; pharmacy employee; researcher; medical or nursing school faculty, student, or employee; counselor; social worker; or any professional, paraprofessional, or other individual who furnishes or assists in the furnishing of health care services.

(4) “Health care service” means any phase of patient medical care, treatment, or procedure, including patient referral; counseling; therapy; testing; research; instruction; prescribing, dispensing, or administering any device, drug, or medication; surgery; or any other care or treatment rendered by health care providers or health care institutions.

(5) “Participate” in a health care service means to counsel, advise, provide, perform, assist in, refer for, admit for purposes of providing, or participate in providing any health care service or any form of a health care service.

(6) “This act” means the Health Care Freedom of Conscience Act established in this chapter.

#### § 9754. FREEDOM OF CONSCIENCE OF HEALTH CARE PROVIDERS

(a) Freedom of conscience. A health care provider has the right not to participate, and no health care provider shall be required to participate, in a health care service that violates the provider’s conscience.

(b) Immunity from liability. No health care provider shall be civilly, criminally, or administratively liable for declining to participate in a health care service that violates the provider’s conscience.

(c) Discrimination.

(1) It shall be unlawful for any person, health care provider, health care institution, public or private institution, public official, or any board that certifies competency in medical specialties to discriminate against any health care provider in any manner based on the provider declining to participate in a health care service that violates the provider’s conscience.

(2) For purposes of this act, discrimination includes termination; transfer; refusal of staff privileges; refusal of board certification; adverse administrative action; demotion; loss of career specialty; reassignment to a different shift; reduction of wages or benefits; refusal to award any grant, contract, or other program; refusal to provide residency training opportunities; giving an incomplete or failing grade to a student; denying a student an earned distinction or the opportunity for distinction; denying a student the opportunity for graduation; or any other penalty or retaliatory disciplinary action.

§ 9755. FREEDOM OF CONSCIENCE OF HEALTH CARE INSTITUTIONS

(a) Freedom of conscience. A health care institution has the right not to participate, and no health care institution shall be required to participate, in a health care service that violates its conscience.

(b) Immunity from liability. A health care institution that declines to provide or participate in a health care service that violates its conscience shall not be civilly, criminally, or administratively liable if the institution provides a consent form to be signed by a patient before admission to the institution stating that it reserves the right to decline to provide or participate in health care services that violate its conscience.

(c) Discrimination. It shall be unlawful for any person, public or private institution, or public official to discriminate against any health care institution or any person, association, corporation, or other entity attempting to establish a new health care institution or operating an existing health care institution, in any manner, including any denial, deprivation, or disqualification with respect to license; any aid, assistance, benefit, or privilege, including staff privileges; or any authorization, including authorization to create, expand, improve, acquire, affiliate, or merge with any health care institution because the institution or person, association, or corporation planning, proposing, or operating a health care institution declines to participate in a health care service that violates the health care institution's conscience.

(d) Denial of aid or benefit. It shall be unlawful for any public official, agency, institution, or entity to deny any form of aid, assistance, grants, or benefits or in any other manner to coerce, disqualify, or discriminate against any person, association, corporation, or other entity attempting to establish a new health care institution or operating an existing health care institution because the existing or proposed health care institution declines to participate in a health care service that violates the institution's conscience.

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§ 9756. CIVIL REMEDIES

(a) Civil action. A civil action for damages or injunctive relief, or both, may be brought for a violation of any provision of this act. It shall not be a defense to any claim arising out of a violation of this act that the violation was necessary to prevent additional burden or expense on any other health care provider, health care institution, individual, or patient.

(b) Damage remedies. Any individual, association, corporation, entity, or health care institution injured by any public official, private individual, association, agency, entity, or corporation by reason of any conduct prohibited by this act may commence a civil action. Upon finding a violation of this act, the aggrieved party shall be entitled to recover treble damages, including pain and suffering sustained by the individual, association, corporation, entity, or health care institution; the costs of the action; and reasonable attorney's fees. These damage remedies shall be cumulative and not exclusive of other remedies afforded under any other State or federal law.

(c) Injunctive remedies. The court in a civil action brought pursuant to this section may award injunctive relief, including ordering reinstatement of a health care provider to the provider's prior employment position.

\* \* \* Effective Dates \* \* \*

Sec. 10. EFFECTIVE DATES

(a) Secs. 1–7, Sec. 9, and this section shall take effect on passage.

(b) Sec. 8 (15 V.S.A. chapter 21, subchapter 3) shall take effect on September 1, 2023.

**Rep. Bartholomew of Hartland** raised a Point of Order in that the amendment was not germane to the bill under Mason's Sec. 402, which the Chair ruled well-taken because the bill would provide civil and criminal procedures for people obtaining or providing specific legally protected health care activities, whereas the amendment would provide health care providers and institutions with a legal right to not participate in any health care services that would violate their conscience, and therefore the amendment introduced an independent question and would change the purpose, scope, or object of the bill.

Thereupon, the bill was amended as recommended by the Committee on Judiciary 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 nine o'clock and thirty minutes in the forenoon.

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**Friday, February 10, 2023**

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. Matt Miller, Community Bible Chapel, Brattleboro.

**Memorial Service**

The Speaker placed before the House the following name of a member of past sessions of the Vermont General Assembly who had passed away recently:

Rep. Robert Walker of Brownington	Member of the House, Sessions 1995-1998
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Thereupon, the members of the House held a moment of silence in memory of the deceased member.

**Pages Honored**

In appreciation of their many services to the members of the General Assembly, the Speaker recognized the following named Pages who completed their service today and presented them with commemorative pins:

**Chase Cassel of Barre Town**  
**William Cunningham of Burlington**  
**Sara DiGuglielmo of Shelburne**  
**Grace Donahue of Roxbury**  
**Nadia Frazier of Montpelier**  
**Elliot Palm of Essex Junction**  
**Hannah Young of Tunbridge**

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**House Bills Introduced**

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

**H. 222**

By Reps. Whitman of Bennington, Andrews of Westford, Austin of Colchester, Berbeco of Winooski, Black of Essex, Bongartz of Manchester, Brown of Richmond, Brumsted of Shelburne, Burrows of West Windsor, Buss of Woodstock, Campbell of St. Johnsbury, Carroll of Bennington, Christie of Hartford, Cole of Hartford, Dodge of Essex, Dolan of Essex Junction, Donahue of Northfield, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Graham of Williamstown, Headrick of Burlington, Houghton of Essex Junction, Hyman of South Burlington, James of Manchester, Kornheiser of Brattleboro, Krasnow of South Burlington, Logan of Burlington, Long of Newfane, Maguire of Rutland City, McGill of Bridport, Morris of Springfield, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Notte of Rutland City, Noyes of Wolcott, Pajala of Londonderry, Pouech of Hinesburg, Rachelson of Burlington, Rice of Dorset, Small of Winooski, Surprenant of Barnard, Torre of Moretown, Troiano of Stannard, Williams of Barre City, and Wood of Waterbury,

House bill, entitled

An act relating to reducing overdoses

To the Committee on Human Services.

**H. 223**

By Rep. Stebbins of Burlington,

House bill, entitled

An act relating to creating a felony penalty for recklessly endangering another person

To the Committee on Judiciary.

**H. 224**

By Reps. Garofano of Essex, Berbeco of Winooski, Black of Essex, Dolan of Essex Junction, Goldman of Rockingham, Hyman of South Burlington, McGill of Bridport, Pajala of Londonderry, Small of Winooski, and Whitman of Bennington,

House bill, entitled

An act relating to child input in child custody cases

To the Committee on Judiciary.

**H. 225**

By Reps. Troiano of Stannard, Arrison of Weathersfield, Campbell of St. Johnsbury, Carroll of Bennington, Cina of Burlington, Farlice-Rubio of Barnet, Goldman of Rockingham, Headrick of Burlington, LaBounty of Lyndon, Leavitt of Grand Isle, Logan of Burlington, Masland of Thetford, McCann of Montpelier, Morris of Springfield, Mrowicki of Putney, Mulvaney-Stanak of Burlington, and Patt of Worcester,

House bill, entitled

An act relating to eliminating the tipped minimum wage

To the Committee on General and Housing.

**H. 226**

By Rep. Bluemle of Burlington,

House bill, entitled

An act relating to candidate information to be provided to the Secretary of State

To the Committee on Government Operations and Military Affairs.

**H. 227**

By Reps. LaLonde of South Burlington, Marcotte of Coventry, and Andriano of Orwell,

House bill, entitled

An act relating to the Vermont Uniform Power of Attorney Act

To the Committee on Judiciary.

**H. 228**

By Reps. Jerome of Brandon, Marcotte of Coventry, Austin of Colchester, Bongartz of Manchester, Carroll of Bennington, Chase of Chester, Clifford of Rutland City, Dolan of Waitsfield, Graning of Jericho, Howard of Rutland City, Lipsky of Stowe, Mrowicki of Putney, Nicoll of Ludlow, Priestley of Bradford, Rice of Dorset, Sammis of Castleton, Sibia of Dover, Sims of Craftsbury, Surprenant of Barnard, and White of Bethel,

House bill, entitled

An act relating to financial literacy in Vermont's public schools

To the Committee on Education.



**H. 229**

By Rep. Marcotte of Coventry,  
House bill, entitled  
An act relating to the Petroleum Cleanup Fund  
To the Committee on Environment and Energy.

**H. 230**

By Reps. Black of Essex, Andrews of Westford, Berbeco of Winooski, Bluemle of Burlington, Brady of Williston, Brown of Richmond, Brumsted of Shelburne, Cina of Burlington, Cordes of Lincoln, Dodge of Essex, Dolan of Essex Junction, Garofano of Essex, Goldman of Rockingham, Houghton of Essex Junction, James of Manchester, Kornheiser of Brattleboro, LaLonde of South Burlington, McCann of Montpelier, Mulvaney-Stanak of Burlington, Notte of Rutland City, Priestley of Bradford, Small of Winooski, Stebbins of Burlington, and Stone of Burlington,

House bill, entitled  
An act relating to implementing mechanisms to reduce suicide  
To the Committee on Health Care.

**Ceremonial Reading****H.C.R. 15**

House concurrent resolution in memory of former Representative and District 4 Act 250 Environmental Commissioner James McNamara of Burlington

Offered by: Representatives Hooper of Burlington, Ode of Burlington, Bluemle of Burlington, Cina of Burlington, Headrick of Burlington, Krowinski of Burlington, Logan of Burlington, Mulvaney-Stanak of Burlington, Rachelson of Burlington, Stebbins of Burlington, and Stone of Burlington

Offered by: Senators Baruth, Chittenden, Gulick, Lyons, Ram Hinsdale, and Vyhovsky

Whereas, Jim McNamara was a loving husband, father, and grandfather, a dedicated public servant, and an enthusiastic golfer, skier, and singer of sacred and secular music, and

Whereas, after serving in the U.S. Navy during World War II and graduating from the College of the Holy Cross and Cornell Law School, he worked as an assistant Burlington City Attorney, as a private practitioner with

his father, and then with the law firm of McNamara, Fitzpatrick, and McCormick, and

Whereas, for more than 30 years he served as a Burlington Justice of the Peace, and in advance of the 1994 session, Governor Howard Dean appointed Jim McNamara to a vacant seat in the House of Representatives, where he served honorably until 2000 as a member of the Committee on Transportation, and

Whereas, in the 1970s, Governor Thomas Salmon nominated Jim McNamara to the District 4 Act 250 Environmental Commission, and, following Jim's legislative service, Governors Dean, Douglas, Shumlin, and Scott returned Jim McNamara to the Commission as an alternate, where his active participation as commissioner reflected his intelligence, reasonableness, thorough preparation, and engaging wit, and

Whereas, Jim McNamara died on November 27, 2022, leaving his children and grandchildren, his wife of 44 years, Ellie, having predeceased him in 2004, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly extends its sincere sympathies to the family of former Representative and District 4 Act 250 Environmental Commissioner James McNamara, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the family of Jim McNamara and to the District 4 Act 250 Environmental Commission.

Having been adopted in concurrence on Friday, January 27, 2023 in accord with Joint Rule 16b, was read.

**Third Reading; Bill Passed**

**H. 89**

House bill, entitled

An act relating to civil and criminal procedures concerning legally protected health care activity

Was taken up and read the third time.

Pending the question, Shall the bill pass?, **Rep. Small 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 bill pass?, was decided in the affirmative. Yeas, 130. Nays, 13.

Those who voted in the affirmative are:

Andrews of Westford	Dolan of Essex Junction	Morris of Springfield
Andriano of Orwell	Dolan of Waitsfield	Morrissey of Bennington
Anthony of Barre City	Durfee of Shaftsbury	Mrowicki of Putney
Arrison of Weathersfield	Elder of Starksboro	Mulvaney-Stanak of Burlington *
Arsenault of Williston	Emmons of Springfield	Nicoll of Ludlow
Austin of Colchester	Farlice-Rubio of Barnet	Notte of Rutland City
Bartholomew of Hartland	Galfetti of Barre Town	Noyes of Wolcott
Bartley of Fairfax	Garofano of Essex	O'Brien of Tunbridge
Beck of St. Johnsbury	Goldman of Rockingham	Ode of Burlington
Berbeco of Winooski	Goslant of Northfield	Pajala of Londonderry
Birong of Vergennes	Graning of Jericho	Patt of Worcester
Black of Essex	Harrison of Chittenden	Pearl of Danville
Bluemle of Burlington	Headrick of Burlington	Pouech of Hinesburg
Bongartz of Manchester	Holcombe of Norwich	Priestley of Bradford
Bos-Lun of Westminster	Hooper of Randolph	Rachelson of Burlington
Boyden of Cambridge	Hooper of Burlington	Rice of Dorset
Brady of Williston	Houghton of Essex Junction	Roberts of Halifax
Brennan of Colchester	Howard of Rutland City	Sammis of Castleton
Brown of Richmond	James of Manchester	Satcowitz of Randolph
Brownell of Pownal	Jerome of Brandon	Scheu of Middlebury
Brumsted of Shelburne	Kornheiser of Brattleboro	Shaw of Pittsford
Burditt of West Rutland	Krasnow of South Burlington	Sheldon of Middlebury
Burke of Brattleboro	Lalley of Shelburne	Sibilia of Dover
Burrows of West Windsor	LaLonde of South Burlington	Sims of Craftsbury
Buss of Woodstock	LaMont of Morristown	Small of Winooski
Campbell of St. Johnsbury	Lanpher of Vergennes	Squirrell of Underhill
Canfield of Fair Haven	Laroche of Franklin	Stebbins of Burlington
Carroll of Bennington	Leavitt of Grand Isle	Stevens of Waterbury
Casey of Montpelier	Lipsky of Stowe	Stone of Burlington
Chapin of East Montpelier	Logan of Burlington	Surprenant of Barnard
Chase of Colchester	Long of Newfane	Taylor of Milton
Chesnut-Tangerman of Middletown Springs	Maguire of Rutland City	Taylor of Colchester
Christie of Hartford	Marcotte of Coventry	Templeman of Brownington
Cina of Burlington	Masland of Thetford	Toleno of Brattleboro
Clifford of Rutland City	Mattos of Milton	Toof of St. Albans Town
Coffey of Guilford	McCann of Montpelier	Torre of Moretown
Cole of Hartford	McCarthy of St. Albans City	Troiano of Stannard
Conlon of Cornwall	McCoy of Poultney	Walker of Swanton
Corcoran of Bennington	McFaun of Barre Town	Waters Evans of Charlotte
Cordes of Lincoln	McGill of Bridport	White of Bethel
Demar of Enosburgh	Mihaly of Calais	Whitman of Bennington
Demrow of Corinth	Minier of South Burlington	Williams of Barre City
Dodge of Essex	Morgan of Milton	Williams of Granby
		Wood of Waterbury

Those who voted in the negative are:

Branagan of Georgia	Hango of Berkshire *	Page of Newport City
Dickinson of St. Albans Town	Higley of Lowell	Parsons of Newbury
Donahue of Northfield *	Labor of Morgan	Peterson of Clarendon
Graham of Williamstown	LaBounty of Lyndon	Smith of Derby
	Oliver of Sheldon	

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

Chase of Chester	Hyman of South Burlington	Wilson of Lyndon
Gregoire of Fairfield	Nugent of South Burlington	

**Rep. Donahue of Northfield** explained her vote as follows:

“Madam Speaker:

I cannot support a bill to protect those who choose to provide legally protected services when we – as one of only two states in the country – refuse to equally protect those who choose not to provide services for reasons of conscience. This bill makes some sense to protect providers against any chilling effect of laws in other states that are contrary to our laws and public policy, and I do not disagree with that concept. However, it lacks balance when it fails to protect providers against the chilling effect of the lack of legal protection in our State for their decisions to not participate in some services for ethical reasons, so I vote no.”

**Rep. Hango of Berkshire** explained her vote as follows:

“Madam Speaker:

My vote reflects my objection to this bill that provides protections to Vermont practitioners who perform legal procedures but omits providing any protections for those practitioners who conscientiously decline to take part in those procedures.”

**Rep. Mulvaney-Stanak of Burlington** explained her vote as follows:

“Madam Speaker:

I am proud to vote yes to protect the legal right to affirming and life-saving health care, specifically reproductive services, abortion, and gender affirming care. This is an important day and bill for the people of Vermont and Vermont health care providers.”

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**Message from the Senate No. 15**

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

Madam Speaker:

I am directed to inform the House that:

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

**H.C.R. 24.** House concurrent resolution honoring teenage Rockingham volunteer firefighter Alex Leonard for his heroism and decisive action.

**H.C.R. 25.** House concurrent resolution recognizing the critical importance of 3SquaresVT for thousands of Vermonters.

**H.C.R. 26.** House concurrent resolution honoring Putney Selectboard Vice Chair Joshua Laughlin for his outstanding municipal public service.

**H.C.R. 27.** House concurrent resolution honoring Edwin G. Camp of Derby for his outstanding 58-year career in the Vermont insurance industry.

**H.C.R. 28.** House concurrent resolution honoring the Vermont Creative Network for its effective initiatives to develop a thriving creative sector in Vermont.

**H.C.R. 29.** House concurrent resolution congratulating the Vermont Housing and Conservation Board on its 35th anniversary.

**H.C.R. 30.** House concurrent resolution congratulating World Learning Inc on its 90th anniversary.

**Adjournment**

At ten o'clock and twenty-seven minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, February 14, 2023, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 13.

**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. 24**

House concurrent resolution honoring teenage Rockingham volunteer firefighter Alex Leonard for his heroism and decisive action

**H.C.R. 25**

House concurrent resolution recognizing the critical importance of 3SquaresVT for thousands of Vermonters

**H.C.R. 26**

House concurrent resolution honoring Putney Selectboard Vice Chair Joshua Laughlin for his outstanding municipal public service

**H.C.R. 27**

House concurrent resolution honoring Edwin G. Camp of Derby for his outstanding 58-year career in the Vermont insurance industry

**H.C.R. 28**

House concurrent resolution honoring the Vermont Creative Network for its effective initiatives to develop a thriving creative sector in Vermont

**H.C.R. 29**

House concurrent resolution congratulating the Vermont Housing and Conservation Board on its 35th anniversary

**H.C.R. 30**

House concurrent resolution congratulating World Learning Inc on its 90th anniversary

[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 2023 Biennial Session.]

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**Tuesday, February 14, 2023**

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 Nicholas R. Cellini of Pomfret led the House in the Pledge of Allegiance.

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**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 13th day of February 2023, he signed a bill originating in the House of the following title:

**H. 1 An act relating to legislative oversight of payment reform and conflict-free case management for developmental disability services**

**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. 231**

By Rep. Sibilias of Dover,

House bill, entitled

An act relating to requiring municipalities to provide notice of a cybersecurity breach

To the Committee on Government Operations and Military Affairs.

**H. 232**

By Rep. Satcowitz of Randolph,

House bill, entitled

An act relating to the timing of posting and recording notice of the prohibition on taking game from private property

To the Committee on Environment and Energy.

**H. 233**

By Rep. Cordes of Lincoln,

House bill, entitled

An act relating to pharmacy benefit management and Medicaid wholesale drug distribution

To the Committee on Health Care.

**H. 234**

By Rep. Hango of Berkshire,

House bill, entitled

An act relating to regional support for municipal animal control services

To the Committee on Government Operations and Military Affairs.

**H. 235**

By Reps. Sims of Craftsbury, Brady of Williston, Austin of Colchester, Elder of Starksboro, and McCann of Montpelier,

House bill, entitled

An act relating to an education spending exclusion for salary and wage increases

To the Committee on Ways and Means.

**H. 236**

By Rep. Satcowitz of Randolph,

House bill, entitled

An act relating to increasing legislator compensation and benefits beginning in the 2033–34 biennium

To the Committee on Government Operations and Military Affairs.

**H. 237**

By Rep. Hooper of Burlington,

House bill, entitled

An act relating to health insurance, life insurance, and adjournment compensation for members of the General Assembly

To the Committee on Government Operations and Military Affairs.

**H. 238**

By Reps. Mulvaney-Stanak of Burlington and Ode of Burlington,

House bill, entitled

An act relating to the Renter Credit program and the Landlord Certificate

To the Committee on Ways and Means.



**H. 239**

By Reps. Arrison of Weathersfield, Galfetti of Barre Town, Hango of Berkshire, Smith of Derby, and Williams of Granby,

House bill, entitled

An act relating to designating "National Emblem" as the State March

To the Committee on General and Housing.

**H. 240**

By Reps. Bos-Lun of Westminster, Brumsted of Shelburne, Cina of Burlington, Dodge of Essex, Garofano of Essex, Headrick of Burlington, Lalley of Shelburne, McGill of Bridport, Nicoll of Ludlow, Nugent of South Burlington, Pajala of Londonderry, Priestley of Bradford, Templeman of Brownington, Torre of Moretown, and White of Bethel,

House bill, entitled

An act relating to establishing a residential peer respite facility in southern Vermont

To the Committee on Health Care.

**H. 241**

By Reps. Troiano of Stannard, Anthony of Barre City, Bartholomew of Hartland, Birong of Vergennes, Bluemle of Burlington, Burke of Brattleboro, Carroll of Bennington, Casey of Montpelier, Christie of Hartford, Cina of Burlington, Headrick of Burlington, Hooper of Randolph, Howard of Rutland City, Hyman of South Burlington, LaBounty of Lyndon, Lipsky of Stowe, Logan of Burlington, Maguire of Rutland City, Masland of Thetford, Mrowicki of Putney, Nicoll of Ludlow, Noyes of Wolcott, Patt of Worcester, Squirrell of Underhill, Stebbins of Burlington, Templeman of Brownington, and White of Bethel,

House bill, entitled

An act relating to recovery residences

To the Committee on Human Services.

**H. 242**

By Reps. Cordes of Lincoln, Andriano of Orwell, Anthony of Barre City, Bos-Lun of Westminster, Burrows of West Windsor, Buss of Woodstock, Campbell of St. Johnsbury, Casey of Montpelier, Chase of Colchester, Chesnut-Tangerman of Middletown Springs, Cole of Hartford, Dodge of Essex, Elder of Starksboro, Goldman of Rockingham, Headrick of Burlington,

Hyman of South Burlington, Logan of Burlington, McGill of Bridport, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Patt of Worcester, Pouech of Hinesburg, Sims of Craftsbury, Small of Winooski, Stebbins of Burlington, Templeman of Brownington, Toleno of Brattleboro, Torre of Moretown, and Troiano of Stannard,

House bill, entitled

An act relating to thermal energy networks

To the Committee on Environment and Energy.

**H. 243**

By Rep. Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to the creation of a model policy regarding school safety and violent intruders

To the Committee on Education.

**H. 244**

By Reps. Sammis of Castleton, Andriano of Orwell, Branagan of Georgia, Buss of Woodstock, Cina of Burlington, Clifford of Rutland City, Maguire of Rutland City, McFaun of Barre Town, Nicoll of Ludlow, Roberts of Halifax, White of Bethel, and Williams of Granby,

House bill, entitled

An act relating to establishing a division within the Department for Children and Families to support families affected by substance use disorder

To the Committee on Human Services.

**H. 245**

By Reps. Hooper of Burlington, Andriano of Orwell, Anthony of Barre City, Austin of Colchester, Boyden of Cambridge, Brownell of Pownal, Casey of Montpelier, Christie of Hartford, Demrow of Corinth, Goldman of Rockingham, Graning of Jericho, Harrison of Chittenden, Hooper of Randolph, Lipsky of Stowe, McCann of Montpelier, Morris of Springfield, Mrowicki of Putney, Ode of Burlington, Troiano of Stannard, and Waters Evans of Charlotte,

House bill, entitled

An act relating to tuition assistance for youth in foster and kinship care

To the Committee on Education.

**H. 246**

By Reps. Hango of Berkshire, Biron of Vergennes, Hooper of Burlington, Morgan of Milton, Noyes of Wolcott, Pajala of Londonderry, and Sibia of Dover,

House bill, entitled

An act relating to veteran status inquiries on program and service intake forms

To the Committee on Human Services.

**H. 247**

By Reps. Stone of Burlington, Andriano of Orwell, Arsenault of Williston, Austin of Colchester, Bartholomew of Hartland, Bluemle of Burlington, Bos-Lun of Westminster, Boyden of Cambridge, Brumsted of Shelburne, Burrows of West Windsor, Buss of Woodstock, Casey of Montpelier, Chapin of East Montpelier, Chase of Chester, Cina of Burlington, Cole of Hartford, Conlon of Cornwall, Cordes of Lincoln, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Graning of Jericho, Hango of Berkshire, Headrick of Burlington, Holcombe of Norwich, Hooper of Randolph, Hooper of Burlington, Hyman of South Burlington, Krasnow of South Burlington, Lalley of Shelburne, LaMont of Morristown, Leavitt of Grand Isle, McCann of Montpelier, McCarthy of St. Albans City, Minier of South Burlington, Mulvaney-Stanak of Burlington, Nugent of South Burlington, Ode of Burlington, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Small of Winooski, Stebbins of Burlington, Taylor of Milton, Templeman of Brownington, Toof of St. Albans Town, Torre of Moretown, Waters Evans of Charlotte, and Williams of Granby,

House bill, entitled

An act relating to Vermont's adoption of the Occupational Therapy Licensure Compact

To the Committee on Health Care.

**H. 248**

By Reps. Dolan of Waitsfield, Stebbins of Burlington, Anthony of Barre City, Austin of Colchester, Bluemle of Burlington, Brumsted of Shelburne, Burke of Brattleboro, Buss of Woodstock, Campbell of St. Johnsbury, Cina of Burlington, Cole of Hartford, Cordes of Lincoln, Headrick of Burlington, Holcombe of Norwich, Hooper of Burlington, Hyman of South Burlington, Logan of Burlington, McCann of Montpelier, Mrowicki of Putney, Ode of Burlington, Rachelson of Burlington, Rice of Dorset, Satcowitz of Randolph,

Sims of Craftsbury, Surprenant of Barnard, Templeman of Brownington, Torre of Moretown, and Troiano of Stannard,

House bill, entitled

An act relating to creating a Vermont Climate Infrastructure Fund

To the Committee on Environment and Energy.

**H. 249**

By Rep. LaLonde of South Burlington,

House bill, entitled

An act relating to the scope of liability in dispersing or apprehending rioters

To the Committee on Judiciary.

**H. 250**

By Rep. LaLonde of South Burlington,

House bill, entitled

An act relating to obtaining a blood sample during a DUI investigation

To the Committee on Judiciary.

**H. 251**

By Reps. LaLonde of South Burlington and McCarthy of St. Albans City,

House bill, entitled

An act relating to the issuance of a Brady or Giglio letter as misconduct under jurisdiction of the Vermont Criminal Justice Council

To the Committee on Government Operations and Military Affairs.

**H. 252**

By Reps. Labor of Morgan, Higley of Lowell, Page of Newport City, Smith of Derby, and Williams of Granby,

House bill, entitled

An act relating to allowing the unified towns and gores to hire a professional assessor

To the Committee on Government Operations and Military Affairs.

**H. 253**

By Reps. Roberts of Halifax, Arrison of Weathersfield, Arsenault of Williston, Berbeco of Winooski, Bos-Lun of Westminster, Boyden of Cambridge, Brownell of Pownal, Burrows of West Windsor, Buss of Woodstock, Campbell of St. Johnsbury, Casey of Montpelier, Christie of Hartford, Cina of Burlington, Dolan of Waitsfield, Farlice-Rubio of Barnet, Galfetti of Barre Town, Goldman of Rockingham, Graning of Jericho, Headrick of Burlington, Hooper of Randolph, Hooper of Burlington, Krasnow of South Burlington, Labor of Morgan, LaBounty of Lyndon, LaMont of Morristown, Laroche of Franklin, Lipsky of Stowe, Logan of Burlington, Maguire of Rutland City, McCann of Montpelier, McFaun of Barre Town, Minier of South Burlington, Morgan of Milton, Morris of Springfield, Morrissey of Bennington, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Nugent of South Burlington, Oliver of Sheldon, Patt of Worcester, Pouech of Hinesburg, Priestley of Bradford, Sammis of Castleton, Sibia of Dover, Sims of Craftsbury, Small of Winooski, Smith of Derby, Stebbins of Burlington, Surprenant of Barnard, Templeman of Brownington, Toleno of Brattleboro, Torre of Moretown, Troiano of Stannard, White of Bethel, and Williams of Barre City,

House bill, entitled

An act relating to eliminating prohibitions and penalties on the purchase, use, and possession of tobacco products

To the Committee on Human Services.

**H. 254**

By Reps. Mulvaney-Stanak of Burlington, Andriano of Orwell, Anthony of Barre City, Brumsted of Shelburne, Burrows of West Windsor, Chase of Chester, Cina of Burlington, Cole of Hartford, Cordes of Lincoln, Garofano of Essex, Goldman of Rockingham, Graning of Jericho, Headrick of Burlington, Krasnow of South Burlington, Leavitt of Grand Isle, Logan of Burlington, McCann of Montpelier, Nicoll of Ludlow, Ode of Burlington, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Sibia of Dover, Small of Winooski, Stebbins of Burlington, Stone of Burlington, White of Bethel, Whitman of Bennington, and Williams of Barre City,

House bill, entitled

An act relating to pregnancy center fraud

To the Committee on Health Care.

**H. 255**

By Reps. Canfield of Fair Haven, Bartley of Fairfax, Birong of Vergennes, Branagan of Georgia, Brennan of Colchester, Burditt of West Rutland, Burrows of West Windsor, Christie of Hartford, Cina of Burlington, Clifford of Rutland City, Cole of Hartford, Demar of Enosburgh, Dickinson of St. Albans Town, Dolan of Waitsfield, Donahue of Northfield, Galfetti of Barre Town, Goslant of Northfield, Graham of Williamstown, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Higley of Lowell, Hooper of Randolph, Howard of Rutland City, Krasnow of South Burlington, Labor of Morgan, LaBounty of Lyndon, Laroche of Franklin, Lipsky of Stowe, Maguire of Rutland City, Marcotte of Coventry, Mattos of Milton, McFaun of Barre Town, Morgan of Milton, Morris of Springfield, Morrissey of Bennington, Noyes of Wolcott, Nugent of South Burlington, Oliver of Sheldon, Page of Newport City, Parsons of Newbury, Peterson of Clarendon, Sammis of Castleton, Sibia of Dover, Sims of Craftsbury, Smith of Derby, Taylor of Milton, Templeman of Brownington, Toof of St. Albans Town, Troiano of Stannard, Walker of Swanton, Williams of Granby, and Wilson of Lyndon,

House bill, entitled

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

To the Committee on Ways and Means.

**H. 256**

By Rep. Anthony of Barre City,

House bill, entitled

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

To the Committee on Ways and Means.

**H. 257**

By Reps. Peterson of Clarendon, Demar of Enosburgh, Hango of Berkshire, Labor of Morgan, Page of Newport City, and Wilson of Lyndon,

House bill, entitled

An act relating to the repeal of all laws concerning the regulation of licensed cannabis establishments

To the Committee on Government Operations and Military Affairs.

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**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, under House Rule 35(a), were referred to the Committee on Ways and Means:

**H. 62**

House bill, entitled

An act relating to the interstate Counseling Compact

**H. 77**

House bill, entitled

An act relating to Vermont's adoption of the Physical Therapy Licensure Compact

**H. 86**

House bill, entitled

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

**Vermont Economic Progress Council Appointment**

Pursuant to 32 V.S.A. § 3325, the Speaker appointed the following member to the Vermont Economic Progress Council:

**Rep. Kornheiser of Brattleboro**

**Vermont Milk Commission Appointment**

Pursuant to 6 V.S.A. § 2922, the Speaker appointed the following member to the Vermont Milk Commission:

**Rep. O'Brien of Tunbridge**

**Message from the Senate No. 16**

A message was received from the Senate by Ms. Kucserik, 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. 14.** Joint resolution relating to weekend adjournment.

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

**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.

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**Wednesday, February 15, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Josh Collier, Artistic Director, Barn Opera, Brandon.

**House Bills Introduced**

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

**H. 258**

By Reps. Graning of Jericho, Arsenault of Williston, Berbeco of Winooski, Birong of Vergennes, Burrows of West Windsor, Casey of Montpelier, Chapin of East Montpelier, Christie of Hartford, Cordes of Lincoln, Dodge of Essex, Dolan of Waitsfield, Garofano of Essex, Goldman of Rockingham, Headrick of Burlington, Holcombe of Norwich, Hooper of Burlington, Jerome of Brandon, Lalley of Shelburne, LaMont of Morristown, Lipsky of Stowe, Logan of Burlington, McCann of Montpelier, McGill of Bridport, Mihaly of Calais, Mulvaney-Stanak of Burlington, Ode of Burlington, Rachelson of Burlington, Sammis of Castleton, Sibia of Dover, Small of Winooski, Squirrell of Underhill, Surprenant of Barnard, Templeman of Brownington, Toleno of Brattleboro, Torre of Moretown, Waters Evans of Charlotte, and White of Bethel,

House bill, entitled

An act relating to the provision of State-funded education in districts that do not maintain an elementary or high school

To the Committee on Education.



**H. 259**

By Reps. Burrows of West Windsor, Andriano of Orwell, Arrison of Weathersfield, Bartholomew of Hartland, Bos-Lun of Westminster, Brumsted of Shelburne, Campbell of St. Johnsbury, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Garofano of Essex, Graning of Jericho, Harrison of Chittenden, Howard of Rutland City, Krasnow of South Burlington, Labor of Morgan, LaBounty of Lyndon, LaMont of Morristown, Masland of Thetford, McGill of Bridport, Priestley of Bradford, Roberts of Halifax, Small of Winooski, and Waters Evans of Charlotte,

House bill, entitled

An act relating to school board student members

To the Committee on Education.

**H. 260**

By Reps. Sims of Craftsbury, Bluemle of Burlington, Andriano of Orwell, Birong of Vergennes, Brumsted of Shelburne, Burrows of West Windsor, Chesnut-Tangerman of Middletown Springs, Dodge of Essex, Elder of Starksboro, Farlice-Rubio of Barnet, Garofano of Essex, Krasnow of South Burlington, LaBounty of Lyndon, Masland of Thetford, Roberts of Halifax, and Surprenant of Barnard,

House bill, entitled

An act relating to the Commission on Native American Affairs

To the Committee on General and Housing.

**H. 261**

By Rep. Nicoll of Ludlow,

House bill, entitled

An act relating to retail delivery of alcoholic beverages by third-party contractors

To the Committee on Government Operations and Military Affairs.

**H. 262**

By Rep. Chesnut-Tangerman of Middletown Springs,

House bill, entitled

An act relating to converting civil fines to community service

To the Committee on Judiciary.

**H. 263**

By Reps. Sims of Craftsbury, Houghton of Essex Junction, McCarthy of St. Albans City, Andriano of Orwell, Anthony of Barre City, Arrison of Weathersfield, Austin of Colchester, Berbeco of Winooski, Birong of Vergennes, Bos-Lun of Westminster, Boyden of Cambridge, Brumsted of Shelburne, Buss of Woodstock, Chapin of East Montpelier, Cole of Hartford, Cordes of Lincoln, Demrow of Corinth, Dolan of Essex Junction, Farlice-Rubio of Barnet, Goldman of Rockingham, Hango of Berkshire, Harrison of Chittenden, Hooper of Burlington, Lipsky of Stowe, Morgan of Milton, Morris of Springfield, Mrowicki of Putney, Noyes of Wolcott, Pajala of Londonderry, Priestley of Bradford, Sibia of Dover, Surprenant of Barnard, and Torre of Moretown,

House bill, entitled

An act relating to emergency medical services

To the Committee on Health Care.

**H. 264**

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

House bill, entitled

An act relating to excluding disabled veterans' disability and pension income from household income

To the Committee on Ways and Means.

**H. 265**

By Rep. Cordes of Lincoln,

House bill, entitled

An act relating to requiring the adoption of a Vermont Occupational Safety and Health Act standard for violence prevention in health care and community services workplaces

To the Committee on Health Care.

**H. 266**

By Reps. Elder of Starksboro, Mulvaney-Stanak of Burlington, Beck of St. Johnsbury, Burrows of West Windsor, Buss of Woodstock, Cina of Burlington, Cordes of Lincoln, Dodge of Essex, Headrick of Burlington, Hooper of Burlington, Howard of Rutland City, Krasnow of South Burlington, LaBounty of Lyndon, Lalley of Shelburne, McFaun of Barre Town, McGill of Bridport, Morris of Springfield, Nicoll of Ludlow, Patt of Worcester, Pearl of Danville,

Priestley of Bradford, Satcowitz of Randolph, Sibilia of Dover, Sims of Craftsbury, Small of Winooski, Surprenant of Barnard, Templeman of Brownington, and Waters Evans of Charlotte,

House bill, entitled

An act relating to the postretirement adjustments to the retirement allowance for the State Teachers' Retirement System of Vermont

To the Committee on Government Operations and Military Affairs.

#### **H. 267**

By Reps. Roberts of Halifax, Demrow of Corinth, Donahue of Northfield, Goldman of Rockingham, and McGill of Bridport,

House bill, entitled

An act relating to the establishment of year-round U.S. Eastern Standard Time

To the Committee on General and Housing.

#### **Joint Resolution Adopted in Concurrence**

#### **J.R.S. 14**

By Senator Baruth,

**J.R.S. 14.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, February 17, 2023, it be to meet again no later than Tuesday, February 21, 2023.

Was taken up, read, and adopted in concurrence.

#### **Ceremonial Reading**

#### **H.C.R. 28**

House concurrent resolution honoring the Vermont Creative Network for its effective initiatives to develop a thriving creative sector in Vermont

Offered by: Representative Jerome of Brandon

Whereas, innovation and a creative culture are vital elements of the Vermont brand, and

Whereas, in 2016 Acts and Resolves No. 157, Sec. L.1, the General Assembly directed “the Vermont Arts Council...in collaboration with statewide partners...[to] establish the Vermont Creative Network” as a

“communications, advocacy, and capacity-building entity that strengthens Vermont’s creative sector,” and

Whereas, the Vermont Creative Network has completed an ambitious statewide study that documents the substantial impact of the creative sector and offers the rationale for its expansion, and

Whereas, the Vermont Creative Network has launched CreateVT, a vision and action planning process that has resulted in a strategy for growing an inclusive and resilient creative sector that will be a robust contributor to our State’s economy, and

Whereas, over 40,000 artists, architects, brewers, crafters, dancers, and members of other creative professions, as well as support staff, representing more than nine percent of the State’s workforce, are enthusiastically contributing to the State’s emerging creative sector, and

Whereas, the arts, the humanities, and creativity are all key to helping Vermont to recover from the pandemic and to address the challenges of racism, climate change, and affordability, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors the Vermont Creative Network for its effective initiatives to develop a thriving creative sector in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Creative Network.

Having been adopted in concurrence on Friday, February 10, 2023 in accord with Joint Rule 16b, was read.

### **Recess**

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

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

### **Favorable Report; Second Reading; Third Reading Ordered**

#### **H. 35**

**Rep. Chapin of East Montpelier**, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to the Victims Assistance Program

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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.

**Legislative Advisory Committee on the State House Appointments**

Pursuant to 2 V.S.A. § 651, the Speaker appointed the following members to the Legislative Advisory Committee on the State House:

**Rep. Emmons of Springfield**  
**Rep. Bartholomew of Hartland**  
**Rep. Shaw of Pittsford**

**Adjournment**

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

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**Thursday, February 16, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rev. Earle Kooperkamp, Church of the Good Shepherd, Barre.

**Message from the Senate No. 17**

A message was received from the Senate by Ms. Kucserik, 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. 54.** An act relating to individual and small group insurance markets.

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

**House Bills Introduced**

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

**H. 268**

By Rep. Howard of Rutland City,

House bill, entitled

An act relating to campaign expenditures and candidate salaries

To the Committee on Government Operations and Military Affairs.

**H. 269**

By Rep. Sibilias of Dover,

House bill, entitled

An act relating to the Rural Electric Vehicle Supply Equipment Grant Program

To the Committee on Transportation.

**H. 270**

By Reps. Birong of Vergennes and McCarthy of St. Albans City,

House bill, entitled

An act relating to miscellaneous amendments to the adult-use and medical cannabis programs

To the Committee on Government Operations and Military Affairs.

**H. 271**

By Reps. Emmons of Springfield and Morris of Springfield,

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Springfield

To the Committee on Government Operations and Military Affairs.

**H. 272**

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to a reciprocity requirement for out-of-state consumer shipping licenses

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To the Committee on Government Operations and Military Affairs.

**H. 273**

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to direct-to-consumer shipping of spirits and fortified wines

To the Committee on Government Operations and Military Affairs.

**H. 274**

By Reps. Pearl of Danville, Beck of St. Johnsbury, Cole of Hartford, Graham of Williamstown, Leavitt of Grand Isle, Lipsky of Stowe, Mattos of Milton, O'Brien of Tunbridge, Rice of Dorset, Sims of Craftsbury, Surprenant of Barnard, Templeman of Brownington, and Wilson of Lyndon,

House bill, entitled

An act relating to agriculture and nutrition education

To the Committee on Agriculture, Food Resiliency, and Forestry.

**H. 275**

By Reps. Dolan of Waitsfield, Anthony of Barre City, Austin of Colchester, Boyden of Cambridge, Brady of Williston, Goslant of Northfield, Hango of Berkshire, Higley of Lowell, Hooper of Randolph, Hooper of Burlington, Jerome of Brandon, Lipsky of Stowe, McCann of Montpelier, Morgan of Milton, Priestley of Bradford, Roberts of Halifax, Smith of Derby, Toof of St. Albans Town, and Torre of Moretown,

House bill, entitled

An act relating to the Introduction to Trade School Education Grant Pilot Project

To the Committee on Education.

**H. 276**

By Reps. Stevens of Waterbury and Chesnut-Tangerman of Middletown Springs,

House bill, entitled

An act relating to creating a rental housing registry

To the Committee on General and Housing.

**H. 277**

By Rep. Sibia of Dover,

House bill, entitled

An act relating to creating a Rural Business Technical Assistance Exchange  
To the Committee on Commerce and Economic Development.

**Senate Bill Referred****S. 54**

Senate bill, entitled

An act relating to individual and small group insurance markets

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

**Bill Referred to Committee on Ways and Means****H. 175**

House bill, entitled

An act relating to modernizing the Children and Family Council for  
Prevention Programs

Appearing 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.

**Ceremonial Reading****H.C.R. 25**

House concurrent resolution recognizing the critical importance of  
3SquaresVT for thousands of Vermonters

Offered by: Representative Williams of Barre City

Whereas, 3SquaresVT is the Vermont name for the federal Supplemental  
Nutrition Assistance Program (SNAP), and the Vermont Department for  
Children and Families—Economic Services Division serves as the State’s  
administrative authority, and

Whereas, SNAP is the most effective and efficient anti-hunger program in  
the country, providing nine meals for every one that the private charitable food  
system offers, and

Whereas, more than 40,000 households, consisting of over 70,000  
Vermonters of all ages and demographics, are 3SquaresVT beneficiaries, and



Whereas, this critical program supports the food needs of friends, neighbors, and families, with privacy and dignity, and it mitigates the impact of poverty on our most vulnerable residents, and

Whereas, 3SquaresVT strengthens Vermont's local communities' economic vitality, and, through the spending of more than \$18,000,000 in federal funds each month on food purchases, supports Vermont's retailers, grocers, farmers, and members of the State's workforce, and

Whereas, without a vibrant 3SquaresVT program, an essential nutritional lifeline for over 10 percent of Vermonters would vanish, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes the critical importance of 3SquaresVT for thousands of Vermonters.

Having been adopted in concurrence on Friday, February 10, 2023 in accord with Joint Rule 16b, was read.

### **Third Reading; Bill Passed**

#### **H. 35**

House bill, entitled

An act relating to the Victims Assistance Program

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

### **Favorable Report; Second Reading; Third Reading Ordered**

#### **H. 190**

**Rep. Garofano of Essex**, for the Committee on Human Services, to which had been referred House bill, entitled

An act relating to removing the residency requirement from 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, read the second time, and third reading ordered.

### **Adjournment**

At three o'clock and twenty-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.

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**Friday, February 17, 2023**

At nine o'clock and thirty minutes in the forenoon, **Rep. James of Manchester** called the House to order.

**Devotional Exercises**

Devotional exercises were conducted by Toussaint St. Negritude, Poet and Musician, Newark.

**House Bills Introduced**

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

**H. 278**

By Reps. Oliver of Sheldon, Bartley of Fairfax, Branagan of Georgia, Burditt of West Rutland, Christie of Hartford, Clifford of Rutland City, Demar of Enosburgh, Galfetti of Barre Town, Goslant of Northfield, Graham of Williamstown, Gregoire of Fairfield, Hango of Berkshire, Higley of Lowell, Hooper of Randolph, Labor of Morgan, Laroche of Franklin, McFaun of Barre Town, Morgan of Milton, Morrissey of Bennington, Parsons of Newbury, Peterson of Clarendon, Smith of Derby, Taylor of Milton, Toof of St. Albans Town, Walker of Swanton, and Wilson of Lyndon,

House bill, entitled

An act relating to postsecondary opportunities for Vermont career technical education students

To the Committee on Education.

**H. 279**

By Rep. Andriano of Orwell,

House bill, entitled

An act relating to the Uniform Trust Decanting Act

To the Committee on Judiciary.

**H. 280**

By Rep. Conlon of Cornwall,

House bill, entitled

An act relating to a property tax exemption for trailer coaches

To the Committee on Ways and Means.

**H. 281**

By Reps. Mulvaney-Stanak of Burlington, Anthony of Barre City, Arsenault of Williston, Bos-Lun of Westminster, Burke of Brattleboro, Casey of Montpelier, Cina of Burlington, Cole of Hartford, Cordes of Lincoln, Dodge of Essex, Garofano of Essex, Graning of Jericho, Headrick of Burlington, LaMont of Morristown, Logan of Burlington, McCann of Montpelier, McGill of Bridport, Nicoll of Ludlow, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Sims of Craftsbury, Small of Winooski, Stebbins of Burlington, Stone of Burlington, Surprenant of Barnard, Waters Evans of Charlotte, Whitman of Bennington, and Williams of Barre City,

House bill, entitled

An act relating to increased compensation and expanded benefits for members of the General Assembly

To the Committee on Government Operations and Military Affairs.

**H. 282**

By Reps. Houghton of Essex Junction, Berbeco of Winooski, Black of Essex, Cordes of Lincoln, and Goldman of Rockingham,

House bill, entitled

An act relating to the Psychology Interjurisdictional Compact

To the Committee on Health Care.

**H. 283**

By Reps. Black of Essex, Berbeco of Winooski, Cina of Burlington, Cordes of Lincoln, Demar of Enosburgh, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Houghton of Essex Junction, McFaun of Barre Town, and Peterson of Clarendon,

House bill, entitled

An act relating to initiatives to prevent death by suicide

To the Committee on Health Care.

**H. 284**

By Reps. Morgan of Milton, Leavitt of Grand Isle, and Taylor of Milton,

House bill, entitled

An act relating to regulating drones above privately owned real property

To the Committee on Judiciary.

**H. 285**

By Rep. Sammis of Castleton,  
House bill, entitled  
An act relating to tinted windows  
To the Committee on Transportation.

**H. 286**

By Rep. Mulvaney-Stanak of Burlington,  
House bill, entitled  
An act relating to miscellaneous workers' compensation amendments  
To the Committee on Commerce and Economic Development.

**H. 287**

By Rep. Hooper of Burlington,  
House bill, entitled  
An act relating to temporary State employees  
To the Committee on Government Operations and Military Affairs.

**H. 288**

By Rep. Nicoll of Ludlow,  
House bill, entitled  
An act relating to liability for the sale of alcoholic beverages  
To the Committee on Judiciary.

**H. 289**

By Reps. Sheldon of Middlebury and Sibia of Dover,  
House bill, entitled  
An act relating to the Renewable Energy Standard  
To the Committee on Environment and Energy.

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**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, under House Rule 35(a), were referred to the Committee on Ways and Means:

**H. 66**

House bill, entitled

An act relating to paid family and medical leave insurance

**H. 67**

House bill, entitled

An act relating to household products containing hazardous substances

**H. 76**

House bill, entitled

An act relating to captive insurance

**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. 62**

House bill, entitled

An act relating to the interstate Counseling Compact

**H. 77**

House bill, entitled

An act relating to Vermont's adoption of the Physical Therapy Licensure Compact

**H. 86**

House bill, entitled

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

**Ceremonial Reading****H.C.R. 29**

House concurrent resolution congratulating the Vermont Housing and Conservation Board on its 35th anniversary

Offered by: Representatives Stevens of Waterbury and Sheldon of Middlebury

Whereas, in Vermont, the extensive “creat[ion of] of affordable housing and conserving and protecting [of] Vermont’s agricultural land, historic properties, important natural areas, and recreational lands” can be attributed to the enactment of 1987 Acts and Resolves No. 88, “The Vermont Housing and Conservation Trust Fund Act,” which established both the Fund and the Vermont Housing and Conservation Board (VHCB), and

Whereas, the preserved 275,699 acres of working forests, natural areas, and recreational lands and the 170,918 acres of preserved agricultural lands, consisting of 789 farms, as well as the 900 businesses enrolled in the Farm & Forest Viability Program, all demonstrate the agricultural and forestry accomplishments of the VHCB, and

Whereas, the VHCB has funded the construction or rehabilitation of 15,000 affordable homes for rental or ownership, and lead paint has been reduced in over 2,800 residences, and

Whereas, 81 historic buildings have been restored for community use, promoting the State’s architectural heritage and revitalizing village and town centers, and

Whereas, over 600 AmeriCorps members have learned important life skills and values serving on VHCB projects, and

Whereas, Vermont is a far better place to live, work, and play due to the initiatives of the VHCB, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the Vermont Housing and Conservation Board on its 35th anniversary, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Housing and Conservation Board.

Having been adopted in concurrence on Friday, February 10, 2023 in accord with Joint Rule 16b, was read.

**Speaker** presiding.

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**Third Reading; Bill Passed****H. 190**

House bill, entitled

An act relating to removing the residency requirement from Vermont's patient choice at end of life laws

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

**Message from the Senate No. 18**

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

Madam Speaker:

I am directed to inform the House that:

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

**H.C.R. 31.** House concurrent resolution in memory of Marshall Webb.

**H.C.R. 32.** House concurrent resolution congratulating Jody Stahlman on winning the 2023 Vermont State Women's Pinball Championship.

**H.C.R. 33.** House concurrent resolution honoring Raymond and Joyce Ballantine for their enduring community service in the Town of Jamaica.

**H.C.R. 34.** House concurrent resolution congratulating the 2022 Montpelier High School Division III championship field hockey team.

**H.C.R. 35.** House concurrent resolution honoring Barre Town Manager Carl Rogers for his outstanding municipal public service.

**H.C.R. 36.** House concurrent resolution congratulating Shawna Wakeham-Smith of Shelburne on the tenth anniversary of her leadership as Director of Wish Granting at Make-A-Wish Vermont.

**Adjournment**

At ten o'clock in the forenoon, on motion of **Rep. Toof of St. Albans Town**, the House adjourned until Tuesday, February 21, 2023, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 14.

**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. 31**

House concurrent resolution in memory of Marshall Webb

**H.C.R. 32**

House concurrent resolution congratulating Jody Stahlman on winning the 2023 Vermont State Women's Pinball Championship

**H.C.R. 33**

House concurrent resolution honoring Raymond and Joyce Ballantine for their enduring community service in the Town of Jamaica

**H.C.R. 34**

House concurrent resolution congratulating the 2022 Montpelier High School Division III championship field hockey team

**H.C.R. 35**

House concurrent resolution honoring Barre Town Manager Carl Rogers for his outstanding municipal public service

**H.C.R. 36**

House concurrent resolution congratulating Shawna Wakeham-Smith of Shelburne on the tenth anniversary of her leadership as Director of Wish Granting at Make-A-Wish Vermont

[The full text of the concurrent resolutions appeared in the House Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2023 Biennial Session.]

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**Tuesday, February 21, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rep. Avram Patt of Worcester.

**Pledge of Allegiance**

Page Elise O'Brien of East Montpelier led the House in the Pledge of Allegiance.



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**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. 290**

By Rep. Cordes of Lincoln,  
House bill, entitled  
An act relating to pharmacist scope of practice  
To the Committee on Health Care.

**H. 291**

By Reps. Sabilia of Dover and Chase of Colchester,  
House bill, entitled  
An act relating to the creation of the Cybersecurity Advisory Council  
To the Committee on Government Operations and Military Affairs.

**H. 292**

By Rep. Hooper of Burlington,  
House bill, entitled  
An act relating to providing workers' compensation coverage for post-traumatic stress disorder suffered by certain public employees  
To the Committee on General and Housing.

**H. 293**

By Rep. Casey of Montpelier,  
House bill, entitled  
An act relating to establishing a union agent-represented worker privilege  
To the Committee on Judiciary.

**H. 294**

By Reps. Patt of Worcester, Anthony of Barre City, Arsenault of Williston, Berbeco of Winooski, Bos-Lun of Westminster, Boyden of Cambridge, Chapin of East Montpelier, Dodge of Essex, Elder of Starksboro, Farlice-Rubio of Barnet, Graning of Jericho, Howard of Rutland City, Masland of Thetford, McFaun of Barre Town, Morrissey of Bennington, Roberts of Halifax, Satcowitz of Randolph, Stebbins of Burlington, and Troiano of Stannard,

House bill, entitled

An act relating to Holocaust education in public schools

To the Committee on Education.

**H. 295**

By Reps. Peterson of Clarendon, Clifford of Rutland City, Demar of Enosburgh, Higley of Lowell, and Smith of Derby,

House bill, entitled

An act relating to a sales tax exemption for precious metals sold for investment

To the Committee on Ways and Means.

**H. 296**

By Reps. Troiano of Stannard and Carroll of Bennington,

House bill, entitled

An act relating to the certification of collective bargaining representatives

To the Committee on General and Housing.

**H. 297**

By Rep. Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to providing workers' compensation coverage for post-traumatic stress disorder suffered by certain State employees

To the Committee on General and Housing.

**H. 298**

By Rep. Troiano of Stannard,

House bill, entitled

An act relating to miscellaneous employee rights and protections

To the Committee on General and Housing.

**H. 299**

By Reps. Casey of Montpelier, Burke of Brattleboro, Maguire of Rutland City, McFaun of Barre Town, and Troiano of Stannard,

House bill, entitled

An act relating to creating the Vermont-Ireland Trade Commission

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To the Committee on Commerce and Economic Development.

**H. 300**

By Reps. Pajala of Londonderry, Birong of Vergennes, Brumsted of Shelburne, Buss of Woodstock, Christie of Hartford, Garofano of Essex, Gregoire of Fairfield, LaBounty of Lyndon, McGill of Bridport, Mrowicki of Putney, Noyes of Wolcott, Small of Winooski, Whitman of Bennington, and Wood of Waterbury,

House bill, entitled

An act relating to establishing the Afterschool and Summer Care Grant Program and Special Fund

To the Committee on Human Services.

**H. 301**

By Rep. Troiano of Stannard,

House bill, entitled

An act relating to providing protections against no-cause eviction

To the Committee on General and Housing.

**H. 302**

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to the appointment of legal counsel and record keeping in civil forfeiture actions

To the Committee on Judiciary.

**H. 303**

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to court surcharges and law enforcement training concerning domestic and sexual violence

To the Committee on Judiciary.

**H. 304**

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.

**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, under House Rule 35(a), were referred to the Committee on Ways and Means:

**H. 53**

House bill, entitled

An act relating to driver's license suspensions

**H. 127**

House bill, entitled

An act relating to sports wagering

**Bill Referred to Committee on Appropriations**

**H. 175**

House bill, entitled

An act relating to modernizing the Children and Family Council for Prevention Programs.

Appearing 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. 19**

A message was received from the Senate by Ms. Kucserik, 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. 15.** 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 bill of the following title:

**S. 3.** An act relating to prohibiting paramilitary training camps.

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

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**Adjournment**

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

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**Wednesday, February 22, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rep. Woodman Page of Newport City.

**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 or placed on the Notice Calendar as follows:

**H. 305**

By the Committee on Government Operations and Military Affairs,  
House bill, entitled

An act relating to professions and occupations regulated by the Office of Professional Regulation

Pursuant to House Rule 48, placed on the Notice Calendar.

**H. 306**

By Reps. Wood of Waterbury and Brumsted of Shelburne,  
House bill, entitled

An act relating to permitting oral reports of child abuse and neglect  
To the Committee on Human Services.

**H. 307**

By Reps. Lipsky of Stowe, Buss of Woodstock, and Torre of Moretown,  
House bill, entitled

An act relating to the housesite value exclusion

To the Committee on Ways and Means.

**H. 308**

By Rep. LaBounty of Lyndon,

House bill, entitled

An act relating to privatization contracts

To the Committee on Government Operations and Military Affairs.

**H. 309**

By Reps. Lipsky of Stowe, Graning of Jericho, Pearl of Danville, and Sims of Craftsbury,

House bill, entitled

An act relating to property transfer tax revenues designated for the Vermont Housing and Conservation Trust Fund

To the Committee on Ways and Means.

**H. 310**

By Reps. Lipsky of Stowe, Torre of Moretown, Austin of Colchester, Graning of Jericho, Hango of Berkshire, Hyman of South Burlington, Jerome of Brandon, Nicoll of Ludlow, Patt of Worcester, Priestley of Bradford, Satcowitz of Randolph, and Williams of Barre City,

House bill, entitled

An act relating to the Vermont Outdoor Recreation Economic Collaborative

To the Committee on Agriculture, Food Resiliency, and Forestry.

**H. 311**

By Reps. Headrick of Burlington, Cina of Burlington, Logan of Burlington, Mulvaney-Stanak of Burlington, and Stebbins of Burlington,

House bill, entitled

An act relating to University of Vermont and State Agricultural College residential living space

To the Committee on Education.

**H. 312**

By Reps. Goslant of Northfield, Burditt of West Rutland, and Oliver of Sheldon,

House bill, entitled

An act relating to criminal violence prevention and reduction

To the Committee on Judiciary.

**H. 313**

By Rep. Hooper of Burlington,

House bill, entitled

An act relating to requiring a license to purchase a semiautomatic firearm

To the Committee on Judiciary.

**H. 314**

By Reps. McCann of Montpelier, Anthony of Barre City, Arsenault of Williston, Austin of Colchester, Berbeco of Winooski, Black of Essex, Brady of Williston, Buss of Woodstock, Chapin of East Montpelier, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Graning of Jericho, Headrick of Burlington, Krasnow of South Burlington, Logan of Burlington, Masland of Thetford, McGill of Bridport, Minier of South Burlington, Mulvaney-Stanak of Burlington, Priestley of Bradford, Stebbins of Burlington, and Stone of Burlington,

House bill, entitled

An act relating to prohibiting firearms and deadly weapons in schools and on school property

To the Committee on Education.

**H. 315**

By Rep. LaBounty of Lyndon,

House bill, entitled

An act relating to allowing probation and parole officers to carry firearms while on duty

To the Committee on Corrections and Institutions.

**H. 316**

By Rep. Sammis of Castleton,

House bill, entitled

An act relating to designating Vermont Republic and Emancipation Day a legal holiday

To the Committee on Government Operations and Military Affairs.

**H. 317**

By Reps. Burrows of West Windsor and Krasnow of South Burlington,

House bill, entitled

An act relating to improving the accessibility of certain residential buildings

To the Committee on General and Housing.

**H. 318**

By Reps. Bartley of Fairfax, Arsenault of Williston, Beck of St. Johnsbury, Branagan of Georgia, Burrows of West Windsor, Carroll of Bennington, Chase of Chester, Demar of Enosburgh, Dodge of Essex, Dolan of Essex Junction, Elder of Starksboro, Galfetti of Barre Town, Goldman of Rockingham, Graning of Jericho, Gregoire of Fairfield, Krasnow of South Burlington, LaMont of Morristown, McCann of Montpelier, Mulvaney-Stanak of Burlington, Noyes of Wolcott, Ode of Burlington, Oliver of Sheldon, Parsons of Newbury, Sims of Craftsbury, Stone of Burlington, Taylor of Milton, and Toof of St. Albans Town,

House bill, entitled

An act relating to fair employment practices and legislative leave

To the Committee on Government Operations and Military Affairs.

**H. 319**

By Reps. Rachelson of Burlington, Headrick of Burlington, Mulvaney-Stanak of Burlington, Small of Winooski, and Stone of Burlington,

House bill, entitled

An act relating to postsecondary schools and sexual misconduct protections

To the Committee on Education.



**H. 320**

By Rep. Elder of Starksboro,  
House bill, entitled  
An act relating to the Renewable Energy Standard  
To the Committee on Environment and Energy.

**H. 321**

By Rep. Stebbins of Burlington,  
House bill, entitled  
An act relating to information sharing between State agencies  
To the Committee on Environment and Energy.

**H. 322**

By Reps. Rachelson of Burlington and Burditt of West Rutland,  
House bill, entitled  
An act relating to requiring approval of the General Assembly prior to  
using certain law enforcement technology or information obtained from such  
technology  
To the Committee on Judiciary.

**H. 323**

By Rep. Satcowitz of Randolph,  
House bill, entitled  
An act relating to prohibiting the hunting of bear or coyote with dogs  
To the Committee on Environment and Energy.

**H. 324**

By Rep. Mrowicki of Putney,  
House bill, entitled  
An act relating to exempting home sharing rental income from taxation  
To the Committee on Ways and Means.

**H. 325**

By Reps. Andriano of Orwell, Bongartz of Manchester, Howard of Rutland City, Jerome of Brandon, McGill of Bridport, and Sammis of Castleton,

House bill, entitled

An act relating to the purchase of Camp Sunrise

To the Committee on Corrections and Institutions.

**H. 326**

By Reps. Rachelson of Burlington, Headrick of Burlington, Mulvaney-Stanak of Burlington, Sims of Craftsbury, Small of Winooski, and Stone of Burlington,

House bill, entitled

An act relating to prohibition on the transfer of Vermont inmates to an out-of-state correctional facility

To the Committee on Corrections and Institutions.

**H. 327**

By Reps. Brumsted of Shelburne and Wood of Waterbury,

House bill, entitled

An act relating to revising child abuse and neglect substantiation procedures

To the Committee on Human Services.

**H. 328**

By Reps. Campbell of St. Johnsbury, Bos-Lun of Westminster, Chesnut-Tangerman of Middletown Springs, Headrick of Burlington, Logan of Burlington, Masland of Thetford, Patt of Worcester, Stebbins of Burlington, and Troiano of Stannard,

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. 329**

By Rep. Chase of Colchester,

House bill, entitled

An act relating to the establishment of year-round U.S. Eastern Daylight Saving Time

To the Committee on General and Housing.

**H. 330**

By Reps. Campbell of St. Johnsbury, Dodge of Essex, Lalley of Shelburne, Pouech of Hinesburg, and Stebbins of Burlington,

House bill, entitled

An act relating to new motor vehicle arbitration

To the Committee on Transportation.

**H. 331**

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 Environment and Energy.

**H. 332**

By Reps. Campbell of St. Johnsbury, Anthony of Barre City, Austin of Colchester, Bluemle of Burlington, Bos-Lun of Westminster, Brumsted of Shelburne, Burke of Brattleboro, Buss of Woodstock, Chesnut-Tangerman of Middletown Springs, Cordes of Lincoln, Farlice-Rubio of Barnet, Goldman of Rockingham, Headrick of Burlington, Hooper of Randolph, Hooper of Burlington, Jerome of Brandon, Logan of Burlington, Masland of Thetford, Mihaly of Calais, Morris of Springfield, Mrowicki of Putney, Ode of Burlington, Patt of Worcester, Pouech of Hinesburg, Rachelson of Burlington, Rice of Dorset, Roberts of Halifax, Satcowitz of Randolph, Stebbins of Burlington, Torre of Moretown, Troiano of Stannard, and Waters Evans of Charlotte,

House bill, entitled

An act relating to a building energy code study committee

To the Committee on General and Housing.

**H. 333**

By Reps. Rachelson of Burlington, Stone of Burlington, and Mulvaney-Stanak of Burlington,

House bill, entitled

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

To the Committee on Education.

**H. 334**

By Reps. Anthony of Barre City, Branagan of Georgia, Demrow of Corinth, Masland of Thetford, McCann of Montpelier, Mulvaney-Stanak of Burlington, Ode of Burlington, Taylor of Colchester, and Toleno of Brattleboro,

House bill, entitled

An act relating to educator employment certification under the Public Service Loan Forgiveness Program

To the Committee on Education.

**H. 335**

By Reps. Austin of Colchester and Ode of Burlington,

House bill, entitled

An act relating to implementing the recommendations of the Advisory Council on Literacy

To the Committee on Education.

**H. 336**

By Reps. O'Brien of Tunbridge, Birong of Vergennes, Brumsted of Shelburne, and Donahue of Northfield,

House bill, entitled

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

To the Committee on General and Housing.

**H. 337**

By Rep. Mrowicki of Putney,

House bill, entitled

An act relating to the classification of independent contractors

To the Committee on Commerce and Economic Development.

**H. 338**

By Reps. Casey of Montpelier, Andriano of Orwell, Anthony of Barre City, McCann of Montpelier, and Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to granting certain State employees the right to strike

To the Committee on General and Housing.

**H. 339**

By Reps. Berbeco of Winooski, Andrews of Westford, Andriano of Orwell, Arsenault of Williston, Black of Essex, Brumsted of Shelburne, Burrows of West Windsor, Buss of Woodstock, Christie of Hartford, Cina of Burlington, Cole of Hartford, Cordes of Lincoln, Dolan of Essex Junction, Donahue of Northfield, Farlice-Rubio of Barnet, Goldman of Rockingham, Graning of Jericho, Headrick of Burlington, Holcombe of Norwich, Houghton of Essex Junction, LaMont of Morristown, McCann of Montpelier, McFaun of Barre Town, McGill of Bridport, Minier of South Burlington, Mrowicki of Putney, Priestley of Bradford, Small of Winooski, Stebbins of Burlington, Stone of Burlington, Templeman of Brownington, Troiano of Stannard, Whitman of Bennington, and Williams of Barre City,

House bill, entitled

An act relating to updating certain rules adopted by the Agency of Human Services

To the Committee on Human Services.

**H. 340**

By Reps. Gregoire of Fairfield, Hango of Berkshire, Toof of St. Albans Town, Bartley of Fairfax, Beck of St. Johnsbury, Branagan of Georgia, Brennan of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Clifford of Rutland City, Demar of Enosburgh, Dickinson of St. Albans Town, Donahue of Northfield, Galfetti of Barre Town, Goslant of Northfield, Graham of Williamstown, Harrison of Chittenden, Higley of Lowell, Labor of Morgan, Laroche of Franklin, Maguire of Rutland City, Marcotte of Coventry, Mattos of Milton, McCoy of Poultney, McFaun of Barre Town, Morgan of Milton, Morris of Springfield, Oliver of Sheldon, Page of Newport City, Sammis of Castleton, Smith of Derby, Taylor of Milton, Walker of Swanton, and Williams of Granby,

House bill, entitled

An act relating to the Child Care Financial Assistance Program

To the Committee on Human Services.

**H. 341**

By Reps. Rachelson of Burlington, Stone of Burlington, and Small of Winooski,

House bill, entitled

An act relating to providing Supplemental Nutrition Assistance Program benefits to certain postsecondary and career technical education students

To the Committee on Human Services.

**H. 342**

By Rep. Emmons of Springfield,

House bill, entitled

An act relating to confidentiality for peer support counseling among emergency service providers

To the Committee on Health Care.

**H. 343**

By Reps. Rachelson of Burlington, Burditt of West Rutland, Oliver of Sheldon, and Small of Winooski,

House bill, entitled

An act relating to protecting genetic information privacy and consumer health information

To the Committee on Commerce and Economic Development.

**H. 344**

By Reps. Rachelson of Burlington, Arsenault of Williston, Burditt of West Rutland, Small of Winooski, and Stone of Burlington,

House bill, entitled

An act relating to adopting minimum security standards for connected devices

To the Committee on Commerce and Economic Development.

**Senate Bill Referred**

**S. 3**

Senate bill, entitled

An act relating to prohibiting paramilitary training camps

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

### House Resolution Referred to Committee

#### H.R. 6

House resolution, entitled

House resolution updating House Rules

Offered by: Representative Bartholomew of Hartland

Resolved by the House of Representatives:

That this legislative body amends the Rules and Orders of the House of Representatives as follows:

1. ~~Representatives shall present their~~ Representatives' credentials, in the form of their certificates of election, are presented to the Secretary of State in accordance with law before ten o'clock in the forenoon of the first Wednesday next after the first Monday of January following their election.

\* \* \*

43. The Clerk shall prescribe the form of bills, specifying suitable margins and spaces, and requiring the lines of each page be numbered, and shall ~~obtain from the printer designated by the Purchasing Director, two originals~~ cause to be printed one original and ~~not less than six hundred~~ a sufficient number of copies of each bill.

44.(a) The Clerk shall submit the original bill to the Speaker for examination, after which it shall be read the first time and by the Speaker referred to the appropriate committee.

(b) Short form bills shall be drafted in standard form by the Office of Legislative Counsel only if requested by a majority vote of the committee to which the bill has been referred. A request by a committee to have a short form bill drafted in standard form may be for any reason it deems appropriate, and shall not, in itself, indicate an approval of the bill or an intention to act favorably on it.

(c) When a short form bill ~~which~~ that was changed to standard form is reported by a committee, it shall appear on the Calendar for Notice for two legislative days before being placed in the Orders of the Day. ~~Also, when a committee is relieved of a short form bill, for consideration by the House, the Legislative Counsel shall within five legislative days draft it in standard form and present it to the Clerk who shall place it on the Calendar for Notice for two legislative days before placing it in the Orders of the Day.~~

45. No bill shall be passed unless it shall have had three readings, which shall be by title only. However, upon order of the House or at the request of the reporter or introducer of the bill or at the direction of the Speaker, the second or third reading shall be in full or for such portion of the bill as a member shall request specified.

\* \* \*

48. Except as provided in ~~Rules 25 and~~ Rule 35, bills originating in and reported by committees shall be read for the first time and placed on the Calendar for Notice on the succeeding day; the second succeeding day they shall be placed on the Calendar for second reading, after which they shall proceed in regular course as other bills.

\* \* \*

52. Joint resolutions shall be treated in the same manner as bills, except that joint resolutions expressing the sentiments of the General Assembly; relating to adjournment, other than final adjournment; relating to salaries or mileage of the officers or members of the General Assembly; and relating to joint assemblies, may be adopted upon first reading. However, in the discretion of the Speaker, any joint resolution may be treated as a bill. Joint resolutions shall be printed in the Journal and they may in the discretion of the Speaker, and shall, upon vote of the House, be placed on the Calendar for action on the next day after being offered. To the extent applicable, a House resolution shall be so treated.

\* \* \*

84. No person may be admitted within the well of the House except the Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts, Attorney General, members of the Senate, Justices of the Supreme Court, Superior Judges, ~~District Judges,~~ and Senators and Representatives in Congress; former Governors, Lieutenant Governors, Justices of the Supreme Court, Superior Judges, District Judges, and members of the General Assembly; District Judges and Attorneys of the United States, members of other ~~State Legislatures~~ state legislatures, the Secretary and Assistant Secretary of the Senate, Secretary of Civil and Military Affairs, and Executive Clerk; and other persons as the Speaker may allow.

\* \* \*

86. The taking of pictures on the floor of the House and the machine recording of the proceedings during a session thereof are prohibited except by previous permission of the presiding officer. When permission is given, all equipment to be used must be placed where it will be used before the opening of the sitting involved. ~~The use of telephones~~ Making audio or video calls or



allowing ~~telephones~~ electronic devices to ring or send audible notifications in the House Chamber during a session thereof, is prohibited.

\* \* \*

, and be it further

Resolved: That the Clerk of the House be directed to make technical capitalization, punctuation, and other purely non substantive, stylistic amendments to the Rules and Orders of the House of Representatives in accordance with legislative drafting style.

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. 15**

By Senator Baruth,

**J.R.S. 15.** Joint resolution relating to weekend adjournment.

#### ***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, February 24, 2023, it be to meet again no later than Tuesday, February 28, 2023.

Was taken up, read, and adopted in concurrence.

### **Message from the Senate No. 20**

A message was received from the Senate by Ms. Kucserik, 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. 145.** An act relating to fiscal year 2023 budget adjustments.

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 twenty-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, February 23, 2023**

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.

**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. 345**

By Reps. Page of Newport City, Higley of Lowell, Labor of Morgan, Marcotte of Coventry, Smith of Derby, and Williams of Granby,

House bill, entitled

An act relating to lakes in crisis and requirements for designation

To the Committee on Environment and Energy.

**H. 346**

By Rep. McFaun of Barre Town,

House bill, entitled

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

To the Committee on Environment and Energy.

**H. 347**

By Reps. Sabilia of Dover, Cina of Burlington, Headrick of Burlington, Logan of Burlington, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, and Small of Winooski,

House bill, entitled

An act relating to ranked-choice voting for presidential primary elections

To the Committee on Government Operations and Military Affairs.

**H. 348**

By Reps. Hango of Berkshire, Demar of Enosburgh, Sims of Craftsbury, Stone of Burlington, Taylor of Milton, Toof of St. Albans Town, and Walker of Swanton,

House bill, entitled

An act relating to requiring licensed athletic trainers at secondary school athletic events and practices

To the Committee on Education.

**H. 349**

By Reps. Mulvaney-Stanak of Burlington, Anthony of Barre City, Campbell of St. Johnsbury, Carroll of Bennington, Casey of Montpelier, Cina of Burlington, Garofano of Essex, Headrick of Burlington, Hyman of South Burlington, Logan of Burlington, McCann of Montpelier, Nicoll of Ludlow, Priestley of Bradford, Small of Winooski, and Stone of Burlington,

House bill, entitled

An act relating to increasing access to reproductive health care

To the Committee on General and Housing.

**H. 350**

By Reps. Marcotte of Coventry, Jerome of Brandon, and Nicoll of Ludlow,

House bill, entitled

An act relating to the Uniform Directed Trust Act

To the Committee on Judiciary.

**H. 351**

By Reps. Beck of St. Johnsbury, Anthony of Barre City, Burditt of West Rutland, Cina of Burlington, Clifford of Rutland City, Farlice-Rubio of Barnet, Goslant of Northfield, Hooper of Randolph, Labor of Morgan, Mattos of Milton, Oliver of Sheldon, Peterson of Clarendon, Taylor of Colchester, Troiano of Stannard, and Walker of Swanton,

House bill, entitled

An act relating to permitting an action for defamation of a deceased person

To the Committee on Judiciary.

**H. 352**

By Reps. Toof of St. Albans Town and Taylor of Milton,  
House bill, entitled  
An act relating to home study programs  
To the Committee on Education.

**H. 353**

By Reps. Toof of St. Albans Town and Stone of Burlington,  
House bill, entitled  
An act relating to racial equity in school districts  
To the Committee on Education.

**H. 354**

By Reps. Taylor of Milton, Morgan of Milton, Bartley of Fairfax, Branagan of Georgia, Brennan of Colchester, Burditt of West Rutland, Clifford of Rutland City, Demar of Enosburgh, Galfetti of Barre Town, Gregoire of Fairfield, Higley of Lowell, Labor of Morgan, Maguire of Rutland City, Oliver of Sheldon, Peterson of Clarendon, Smith of Derby, Templeman of Brownington, and Williams of Granby,  
House bill, entitled  
An act relating to an income tax deduction for home study programs  
To the Committee on Ways and Means.

**H. 355**

By Rep. Hooper of Burlington,  
House bill, entitled  
An act relating to requiring additional campaign finance reporting and disclosures  
To the Committee on Government Operations and Military Affairs.

**H. 356**

By Reps. Bartley of Fairfax, Andrews of Westford, Arsenault of Williston, Beck of St. Johnsbury, Berbeco of Winooski, Branagan of Georgia, Burrows of West Windsor, Carroll of Bennington, Demar of Enosburgh, Dodge of Essex, Dolan of Essex Junction, Elder of Starksboro, Galfetti of Barre Town, Goldman of Rockingham, Graning of Jericho, Gregoire of Fairfield, Hango of Berkshire, Krasnow of South Burlington, Labor of Morgan, LaBounty of

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Lyndon, LaMont of Morristown, McCann of Montpelier, Mulvaney-Stanak of Burlington, Ode of Burlington, Oliver of Sheldon, Parsons of Newbury, Roberts of Halifax, Sims of Craftsbury, Stebbins of Burlington, Stone of Burlington, Toof of St. Albans Town, and Williams of Granby,

House bill, entitled

An act relating to Medicaid and breast pumps

To the Committee on Health Care.

**H. 357**

By Reps. Noyes of Wolcott and Wood of Waterbury,

House bill, entitled

An act relating to Medicaid reimbursement rates for home- and community-based service providers

To the Committee on Human Services.

**H. 358**

By Reps. Masland of Thetford, Holcombe of Norwich, Anthony of Barre City, Beck of St. Johnsbury, Garofano of Essex, Hooper of Burlington, Priestley of Bradford, and Stebbins of Burlington,

House bill, entitled

An act relating to the provision of grants for community nurses working in collaboration with municipalities

To the Committee on Health Care.

**H. 359**

By Reps. Christie of Hartford, Burrows of West Windsor, Cina of Burlington, Cole of Hartford, Farlice-Rubio of Barnet, LaMont of Morristown, and Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to amending the prohibitions against discrimination and harassment

To the Committee on General and Housing.

**H. 360**

By Reps. Christie of Hartford, Berbeco of Winooski, Burrows of West Windsor, Cina of Burlington, Cole of Hartford, Farlice-Rubio of Barnet, LaMont of Morristown, and Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to protecting Vermonters

To the Committee on Appropriations.

**H. 361**

By Reps. Christie of Hartford, Berbeco of Winooski, Burrows of West Windsor, Cina of Burlington, Cole of Hartford, Farlice-Rubio of Barnet, LaMont of Morristown, and Mulvaney-Stanak of Burlington,

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

To the Committee on General and Housing.

**Ceremonial Reading**

**H.C.R. 24**

House concurrent resolution honoring teenage Rockingham volunteer firefighter Alex Leonard for his heroism and decisive action

Offered by: Representatives Goldman of Rockingham and Bos-Lun of Westminster

Offered by: Senators Harrison and Hashim

Whereas, Alex Leonard is a humble scholar-athlete at Bellows Falls Union High School and a volunteer firefighter for the Town of Rockingham, and

Whereas, on the night of January 17, 2023, after having responded to an earlier emergency call, he returned home at approximately 11:00 p.m. to discover the smoke alarm blaring and a fire raging in a second-story room, and he immediately called in this emergency, and

Whereas, Alex Leonard, then 17 years of age, rushed to the source of the fire and attempted to extinguish it with a fire extinguisher, and, when this proved unsuccessful, he immediately closed the door to the room, a decision that prevented the fire from spreading, and

Whereas, he expertly assisted a responding police officer and a crew from the Golden Cross Ambulance in the evacuation of his father, who is confined to a wheelchair, and

Whereas, Alex Leonard's quick action, which Bellows Falls Fire Chief Shaun McGinnis praised, saved his family's home and prevented a far greater tragedy from occurring, and his family is extremely proud of this fourth-generation firefighter, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors teenage Rockingham volunteer firefighter Alex Leonard for his heroism and decisive action, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Alex Leonard, to Rockingham Fire Chief Kevin Kingsbury, and to Bellows Falls Fire Chief Shaun McGinnis.

Having been adopted in concurrence on Friday, February 10, 2023 in accord with Joint Rule 16b, was read.

**Second Reading; Bill Amended; Third Reading Ordered****H. 76**

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

An act relating to captive insurance

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

Sec. 1. 8 V.S.A. § 6045 is amended to read:

## § 6045. BRANCH CAPTIVE REPORTS

Prior to March ~~4~~ 15 of each year, or with the approval of the Commissioner within ~~60~~ 75 days after its fiscal year-end, a branch captive insurance company shall file with the Commissioner a copy of all reports and statements required to be filed under the laws of the jurisdiction in which the alien captive insurance company is formed, verified by oath of two of its executive officers. If the Commissioner is satisfied that the annual report filed by the alien captive insurance company in its domiciliary jurisdiction provides adequate information concerning the financial condition of the alien captive insurance company, the Commissioner may waive the requirement for completion of the captive annual statement for business written in the alien jurisdiction.

Sec. 2. 8 V.S.A. § 6014(h) is amended to read:

(h) Annually, ~~11~~ 13 percent of the premium tax revenues collected pursuant to this section shall be transferred to the Department of Financial Regulation for the regulation of captive insurance companies under this chapter.

Sec. 3. 8 V.S.A. § 6034a is amended to read:

## § 6034a. INCORPORATED PROTECTED CELLS

\* \* \*

(c) The articles of incorporation or articles of organization of an incorporated protected cell shall refer to the sponsored captive insurance company for which it is a protected cell and shall state that the protected cell is incorporated or organized for the limited purposes authorized by the sponsored captive insurance company's license. A copy of the prior written approval of the Commissioner to add the incorporated protected cell, required by subdivision 6034(11)(8) of this title, shall be attached to and filed with the articles of incorporation or the articles of organization.

(d)(1) An incorporated protected cell formed after May 7, 2015 or established prior to the effective date of this act shall have its own distinct name or designation, which shall include the words "Incorporated Cell" or the abbreviation "IC;" or, in the alternative, such incorporated protected cell may instead choose to have its own distinct name or designation consistent with the naming conventions in subdivisions (2)(A)-(C) of this subdivision, as applicable. The provisions of Title 11A V.S.A., chapter 4 and Title 11B V.S.A., chapter 4 shall not apply to the naming of incorporated protected cells.

(2) An incorporated protected cell formed or established on or after the effective date of this act shall have its own distinct name or designation as follows:

(A) If the incorporated protected cell is formed or established as a corporation, mutual corporation, or nonprofit corporation, its name or designation shall include the words "Incorporated Cell" or the abbreviation "IC." The provisions of 11A V.S.A. chapter 4 and 11B V.S.A. chapter 4 shall not apply to the naming of such incorporated protected cell.

(B) If the incorporated protected cell is formed or established as a limited liability company, its name or designation shall include the word "Cell." In addition, 11 V.S.A. § 4005 shall apply to the naming of such incorporated protected cell.

(C) If the incorporated protected cell is formed or established as a reciprocal insurer, its name or designation shall include the word "Cell." In addition, subdivision 4834(1) of this title shall apply to the naming of such incorporated protected cell.

\* \* \*

Sec. 4. 8 V.S.A. § 6048k(d) is amended to read:

(d) 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 subsection outside this State, the special purpose financial insurance company shall maintain in this State a complete and true copy of each such ~~original item~~. Books, records, documents, accounts, vouchers, and agreements may be photographed, reproduced on film, or stored and reproduced electronically.

Sec. 5. 8 V.S.A. § 6049h(c) is amended to read:

(c) 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 outside this State of the items listed in this subsection, the affiliated reinsurance company shall maintain in this State a complete and true copy of each such ~~original item~~. Books, records, documents, accounts, vouchers, and agreements may be photographed, reproduced on film, or stored and reproduced electronically.

Sec. 6. 8 V.S.A. § 6002(c) is amended to read:

(c)(1) Before receiving a license, a captive insurance company shall:

(A) File with the Commissioner a copy of its organizational documents and any other statements or documents required by the Commissioner.

(B) Submit to the Commissioner for approval a description of the coverages, deductibles, coverage limits, and rates, together with such additional information as the Commissioner may reasonably require. In the event of any subsequent material change in any item in such description, the captive insurance company shall submit to the Commissioner for approval an appropriate revision and shall not offer any additional kinds of insurance until a revision of such description is approved by the Commissioner. The captive insurance company shall inform the Commissioner of any material change in rates within 30 days of following the adoption of such change.

(2) Each applicant captive insurance company shall also file with the Commissioner evidence of the following:

(A) the amount and liquidity of its assets relative to the risks to be assumed;

(B) the adequacy of the expertise, experience, and character of the person or persons who will manage it;

- (C) the overall soundness of its plan of operation;
- (D) the adequacy of the loss prevention programs of its insureds; ~~and~~
- (E) its beneficial ownership, sponsorship, or membership; and
- (F) such other factors deemed relevant by the Commissioner in ascertaining whether the proposed captive insurance company will be able to meet its policy obligations.

(3) Information submitted pursuant to this subsection, including any subsequent updates, amendments, or revisions of or to such information, shall be and remain confidential, and may not be made public by the Commissioner or an employee or agent of the Commissioner without the written consent of the company, except that:

\* \* \*

#### Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

**Rep. Anthony of Barre City**, for the Committee on Ways and Means, recommended that the report of the Committee on Commerce and Economic Development be amended as follows:

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 on passage, except that Sec. 2 (concerning the percentage of premium tax revenue transferred to the Department of Financial Regulation) shall take effect on July 1, 2023.

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 Ways and Means. Report of the Committee on Commerce and Economic Development, as amended, agreed to and third reading ordered.

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

#### **H. 176**

**Rep. Coffey of Guilford** moved that the Committee on Transportation be relieved of House bill, entitled

An act relating to secondary enforcement of certain motor vehicle violations

And that the bill be committed to the Committee on Judiciary, which was agreed to.

### **Adjournment**

At three o'clock and twenty-eight 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.

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### **Friday, February 24, 2023**

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. Mark Pitton, Sharon Congregational Church.

### **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. 362**

By Rep. Cordes of Lincoln,

House bill, entitled

An act relating to updating statute language to reflect provider diversity

To the Committee on Health Care.

#### **H. 363**

By Reps. Christie of Hartford, Mrowicki of Putney, Berbeco of Winooski, Burrows of West Windsor, Cina of Burlington, Cole of Hartford, Farlice-Rubio of Barnet, LaMont of Morristown, and Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to prohibiting discrimination based on certain hair types and styles

To the Committee on General and Housing.

**H. 364**

By Reps. Higley of Lowell, Oliver of Sheldon, Parsons of Newbury, Peterson of Clarendon, Williams of Granby, and Wilson of Lyndon,

House bill, entitled

An act relating to prohibiting discrimination based on immunization status

To the Committee on General and Housing.

**H. 365**

By Reps. Beck of St. Johnsbury, Andrews of Westford, Anthony of Barre City, Bartley of Fairfax, Bongartz of Manchester, Branagan of Georgia, Brumsted of Shelburne, Campbell of St. Johnsbury, Canfield of Fair Haven, Christie of Hartford, Cina of Burlington, Conlon of Cornwall, Demrow of Corinth, Elder of Starksboro, Gregoire of Fairfield, Hooper of Randolph, Hooper of Burlington, Howard of Rutland City, LaBounty of Lyndon, Lipsky of Stowe, Masland of Thetford, Mattos of Milton, McFaun of Barre Town, Pajala of Londonderry, Parsons of Newbury, Patt of Worcester, Pearl of Danville, Sammis of Castleton, Shaw of Pittsford, Sims of Craftsbury, Taylor of Colchester, Toof of St. Albans Town, Walker of Swanton, and Williams of Granby,

House bill, entitled

An act relating to expanding workers' compensation coverage for firefighters with cancer

To the Committee on Human Services.

**H. 366**

By Reps. Morrissey of Bennington, Austin of Colchester, Branagan of Georgia, Casey of Montpelier, Clifford of Rutland City, Cordes of Lincoln, Demar of Enosburgh, Emmons of Springfield, Galfetti of Barre Town, Headrick of Burlington, Higley of Lowell, Hooper of Burlington, Laroche of Franklin, Maguire of Rutland City, McFaun of Barre Town, Morgan of Milton, Peterson of Clarendon, Roberts of Halifax, Taylor of Milton, Troiano of Stannard, and Whitman of Bennington,

House bill, entitled

An act relating to eligibility for Medicare supplement plans for individuals who have end-stage renal disease

To the Committee on Health Care.

**H. 367**

By Reps. Sibia of Dover, Sims of Craftsbury, Hango of Berkshire, Priestley of Bradford, Andriano of Orwell, Anthony of Barre City, Austin of Colchester, Boyden of Cambridge, Burrows of West Windsor, Buss of Woodstock, Campbell of St. Johnsbury, Chapin of East Montpelier, Demrow of Corinth, Farlice-Rubio of Barnet, Gregoire of Fairfield, Harrison of Chittenden, LaBounty of Lyndon, Leavitt of Grand Isle, Lipsky of Stowe, McGill of Bridport, Morgan of Milton, Nicoll of Ludlow, Noyes of Wolcott, O'Brien of Tunbridge, Pajala of Londonderry, Roberts of Halifax, Surprenant of Barnard, Taylor of Milton, Templeman of Brownington, Torre of Moretown, White of Bethel, Williams of Barre City, and Williams of Granby,

House bill, entitled

An act relating to promoting economic development, administrative capacity, and vitality in rural communities

To the Committee on Commerce and Economic Development.

**H. 368**

By Reps. Surprenant of Barnard, Cole of Hartford, Leavitt of Grand Isle, Boyden of Cambridge, Cina of Burlington, Hooper of Randolph, Logan of Burlington, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Pajala of Londonderry, Rice of Dorset, Sims of Craftsbury, Small of Winooski, Templeman of Brownington, White of Bethel, and Whitman of Bennington,

House bill, entitled

An act relating to supporting new farmers, veteran farmers, and farmers who are disadvantaged

To the Committee on Agriculture, Food Resiliency, and Forestry.

**H. 369**

By Rep. Cordes of Lincoln,

House bill, entitled

An act relating to health insurance and Medicaid coverage for fertility-related services

To the Committee on Health Care.

**H. 370**

By Reps. O'Brien of Tunbridge, Demrow of Corinth, and Graham of Williamstown,

House bill, entitled

An act relating to maintenance and use of legal trails

To the Committee on Transportation.

**H. 371**

By Reps. Troiano of Stannard, Cina of Burlington, Anthony of Barre City, Branagan of Georgia, Burke of Brattleboro, Campbell of St. Johnsbury, Casey of Montpelier, Chesnut-Tangerman of Middletown Springs, Cordes of Lincoln, Farlice-Rubio of Barnet, Goldman of Rockingham, Headrick of Burlington, Hooper of Randolph, Hooper of Burlington, LaBounty of Lyndon, LaMont of Morristown, Logan of Burlington, McGill of Bridport, Minier of South Burlington, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, O'Brien of Tunbridge, Patt of Worcester, Rachelson of Burlington, Satcowitz of Randolph, Small of Winooski, Stebbins of Burlington, Surprenant of Barnard, Taylor of Colchester, Templeman of Brownington, and White of Bethel,

House bill, entitled

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

To the Committee on Judiciary.

**H. 372**

By Reps. Small of Winooski, Surprenant of Barnard, Black of Essex, Bluemle of Burlington, Casey of Montpelier, Cina of Burlington, Headrick of Burlington, Hyman of South Burlington, Kornheiser of Brattleboro, LaMont of Morristown, McGill of Bridport, Mulvaney-Stanak of Burlington, Pajala of Londonderry, and Rachelson of Burlington,

House bill, entitled

An act relating to voluntary engagement in sex work

To the Committee on Judiciary.

**H. 373**

By Rep. Sheldon of Middlebury,

House bill, entitled

An act relating to use of expanded polystyrene foam in waters of the State

To the Committee on Environment and Energy.

**H. 374**

By Rep. Sheldon of Middlebury,

House bill, entitled

An act relating to establishing the Resilient Rivers Commission

To the Committee on Environment and Energy.

**H. 375**

By Reps. Stebbins of Burlington, Berbeco of Winooski, Bluemle of Burlington, Burke of Brattleboro, Campbell of St. Johnsbury, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Elder of Starksboro, Farlice-Rubio of Barnet, Headrick of Burlington, Hooper of Burlington, Krasnow of South Burlington, Logan of Burlington, Ode of Burlington, Pearl of Danville, Pouech of Hinesburg, Rachelson of Burlington, Sims of Craftsbury, Small of Winooski, Stone of Burlington, and Torre of Moretown,

House bill, entitled

An act relating to State funding of remediation, mitigation, reconstruction, or new construction of a public school contaminated by polychlorinated biphenyls

To the Committee on Education.

**H. 376**

By Reps. Chesnut-Tangerman of Middletown Springs, Burrows of West Windsor, Cina of Burlington, Headrick of Burlington, Logan of Burlington, Mulvaney-Stanak of Burlington, and White of Bethel,

House bill, entitled

An act relating to review of orders placing the Vermont National Guard in federal active duty status

To the Committee on Government Operations and Military Affairs.

**H. 377**

By Reps. Small of Winooski, Cina of Burlington, Garofano of Essex, Headrick of Burlington, Hyman of South Burlington, Logan of Burlington, McGill of Bridport, Mulvaney-Stanak of Burlington, Priestley of Bradford, and Rachelson of Burlington,

House bill, entitled

An act relating to repealing disorderly conduct statutes

To the Committee on Judiciary.

**H. 378**

By Reps. Andriano of Orwell, Berbeco of Winooski, Cina of Burlington, Farlice-Rubio of Barnet, Headrick of Burlington, Priestley of Bradford, Sims of Craftsbury, Stone of Burlington, and White of Bethel,

House bill, entitled

An act relating to the creation of the Office of the Housing Advocate

To the Committee on General and Housing.

**Bill Referred to Committee on Ways and Means****H. 217**

House bill, entitled

An act relating to miscellaneous workers' compensation amendments

Appearing 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.

**Senate Proposal of Amendment Not Concurred in; Committee of  
Conference Requested and Appointed; Rules Suspended,  
House Actions Messaged to Senate Forthwith**

**H. 145**

An act relating to fiscal year 2023 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. 2022 Acts and Resolves No. 185, Sec. B.105 is amended to read:

Sec. B.105 Agency of digital services - communications and information technology



Personal services	99,364,395	82,655,019
Operating expenses	34,833,539	34,833,539
Total	134,197,934	117,488,558
Source of funds		
General fund	179,572	179,572
Special funds	17,159,341	449,965
Internal service funds	116,859,021	116,859,021
Total	134,197,934	117,488,558

Sec. 1a. 2022 Acts and Resolves No. 185, Sec. B.133 is amended to read:

Sec. B.133 Vermont state retirement system

Personal services		180,911
Operating expenses	1,399,555	2,276,023
Total	1,580,466	2,456,934
Source of funds		
Pension trust funds	1,580,466	2,456,934
Total	1,580,466	2,456,934

Sec. 1b. 2022 Acts and Resolves No. 185, Sec. B.134 is amended to read:

Sec. B.134 Municipal employees' retirement system

Personal services		198,399
Operating expenses	890,207	1,221,607
Total	1,088,606	1,420,006
Source of funds		
Pension trust funds	1,088,606	1,420,006
Total	1,088,606	1,420,006

Sec. 2. 2022 Acts and Resolves No. 185, Sec. B.145 is amended to read:

Sec. B.145 Total general government

Source of funds		
General fund	104,811,247	104,811,247
Transportation fund	4,059,343	4,059,343
Special funds	35,893,006	19,183,630
Federal funds	1,308,858	1,308,858
Internal service funds	178,033,418	178,033,418
Interdepartmental transfers	4,447,671	4,447,671
Enterprise funds	6,979	6,979
Pension trust funds	2,669,072	2,669,072
Private purpose trust funds	1,156,575	1,156,575
Total	332,386,169	315,676,793

Sec. 3. 2022 Acts and Resolves No. 185, Sec. B.209 is amended to read:

Sec. B.209 Public safety - state police

Personal services	62,598,426	62,396,849
Operating expenses	12,660,950	12,660,950
Grants	<u>1,467,153</u>	<u>1,467,153</u>
Total	76,726,529	76,524,952
Source of funds		
General fund	46,676,421	46,474,844
Transportation fund	20,250,000	20,250,000
Special funds	3,116,711	3,116,711
Federal funds	4,820,645	4,820,645
Interdepartmental transfers	<u>1,862,752</u>	<u>1,862,752</u>
Total	76,726,529	76,524,952

Sec. 4. 2022 Acts and Resolves No. 185, Sec. B.225 is amended to read:

Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship

Personal services	2,830,318	2,830,318
Operating expenses	950,906	950,906
Grants	<u>545,334</u>	<u>295,334</u>
Total	4,326,558	4,076,558
Source of funds		
General fund	1,191,645	941,645
Special funds	2,325,153	2,325,153
Federal funds	472,695	472,695
Interdepartmental transfers	<u>337,065</u>	<u>337,065</u>
Total	4,326,558	4,076,558

Sec. 5. 2022 Acts and Resolves No. 185, Sec. B.225.2 is amended to read:

Sec. B.225.2 Agriculture, Food and Markets - Clean Water

Personal services	3,351,394	3,351,394
Operating expenses	518,202	518,202
Grants	<u>5,253,111</u>	<u>5,503,111</u>
Total	9,122,707	9,372,707
Source of funds		
General fund	1,100,802	1,350,802
Special funds	7,266,122	7,266,122
Federal funds	441,907	441,907
Interdepartmental transfers	<u>313,876</u>	<u>313,876</u>
Total	9,122,707	9,372,707

Sec. 6. 2022 Acts and Resolves No. 185, Sec. B.240 is amended to read:

Sec. B.240 Cannabis Control Board

Personal services	3,211,914	3,497,225
Operating expenses	<u>278,608</u>	<u>1,383,608</u>
Total	3,490,522	4,880,833
Source of funds		
Special funds	<u>3,490,522</u>	<u>4,880,833</u>
Total	3,490,522	4,880,833

Sec. 7. 2022 Acts and Resolves No. 185, Sec. B.241 is amended to read:

Sec. B.241 Total protection to persons and property

Source of funds		
General fund	187,158,391	186,956,814
Transportation fund	20,250,000	20,250,000
Special funds	98,238,728	99,629,039
Tobacco fund	561,843	561,843
Federal funds	127,115,612	127,115,612
ARRA funds	510,535	510,535
Interdepartmental transfers	12,413,144	12,413,144
Enterprise funds	<u>13,619,207</u>	<u>13,619,207</u>
Total	459,867,460	461,056,194

Sec. 8. 2022 Acts and Resolves No. 185, Sec. B.300 is amended to read:

Sec. B.300 Human services - agency of human services - secretary's office

Personal services	12,307,314	14,990,385
Operating expenses	5,340,825	5,356,835
Grants	<u>2,895,202</u>	<u>3,160,202</u>
Total	20,543,341	23,507,422
Source of funds		
General fund	9,056,662	12,020,743
Special funds	135,517	135,517
Federal funds	10,569,851	10,569,851
Interdepartmental transfers	<u>781,311</u>	<u>781,311</u>
Total	20,543,341	23,507,422

Sec. 9. 2022 Acts and Resolves No. 185, Sec. B.301 is amended to read:

Sec. B.301 Secretary's office - global commitment

Grants	<u>1,835,603,282</u>	<u>1,934,679,638</u>
Total	1,835,603,282	1,934,679,638

Source of funds		
General fund	608,430,925	515,071,925
Special funds	33,384,536	29,121,769
Tobacco fund	21,049,373	21,049,373
State health care resources fund	17,078,501	25,102,272
Federal funds	1,151,625,777	1,340,818,340
Interdepartmental transfers	<u>4,034,170</u>	<u>3,515,959</u>
Total	1,835,603,282	1,934,679,638

Sec. 10. 2022 Acts and Resolves No. 185, Sec. B.304 is amended to read:

Sec. B.304 Human services board

Personal services	766,312	619,083
Operating expenses	<u>89,396</u>	<u>89,396</u>
Total	855,708	708,479
Source of funds		
General fund	490,779	343,550
Federal funds	<u>364,929</u>	<u>364,929</u>
Total	855,708	708,479

Sec. 11. 2022 Acts and Resolves No. 185, Sec. B.306 is amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	133,258,216	133,258,216
Operating expenses	27,050,784	27,115,536
Grants	<u>2,912,301</u>	<u>8,712,301</u>
Total	163,221,301	169,086,053
Source of funds		
General fund	34,666,169	38,830,921
Special funds	4,738,197	4,738,197
Federal funds	114,997,590	116,697,590
Global Commitment fund	3,986,316	3,986,316
Interdepartmental transfers	<u>4,833,029</u>	<u>4,833,029</u>
Total	163,221,301	169,086,053

Sec. 12. 2022 Acts and Resolves No. 185, 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>837,108,046</u>	<u>965,640,677</u>
Total	837,656,029	966,188,660

## Source of funds

Global Commitment fund	<u>837,656,029</u>	<u>966,188,660</u>
Total	<u>837,656,029</u>	<u>966,188,660</u>

Sec. 13. 2022 Acts and Resolves No. 185, Sec. B.309 is amended to read:

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>54,104,191</u>	<u>49,357,135</u>
Total	<u>54,104,191</u>	<u>49,357,135</u>

## Source of funds

General fund	44,533,864	49,352,443
Global Commitment fund	<u>9,570,327</u>	<u>4,692</u>
Total	<u>54,104,191</u>	<u>49,357,135</u>

Sec. 14. 2022 Acts and Resolves No. 185, Sec. B.310 is amended to read:

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>35,125,592</u>	<u>35,226,509</u>
Total	<u>35,125,592</u>	<u>35,226,509</u>

## Source of funds

General fund	12,736,699	12,342,078
Federal funds	<u>22,388,893</u>	<u>22,884,431</u>
Total	<u>35,125,592</u>	<u>35,226,509</u>

Sec. 15. 2022 Acts and Resolves No. 185, Sec. B.311 is amended to read:

Sec. B.311 Health - administration and support

Personal services	7,880,051	7,232,181
Operating expenses	7,161,896	8,283,741
Grants	<u>15,416,408</u>	<u>15,416,408</u>
Total	<u>30,458,355</u>	<u>30,932,330</u>

## Source of funds

General fund	3,120,538	3,594,513
Special funds	2,123,150	2,123,150
Federal funds	19,371,027	19,371,027
Global Commitment fund	5,779,334	5,779,334
Interdepartmental transfers	<u>64,306</u>	<u>64,306</u>
Total	<u>30,458,355</u>	<u>30,932,330</u>

Sec. 16. 2022 Acts and Resolves No. 185, Sec. B.312 is amended to read:

Sec. B.312 Health - public health

Personal services	<u>58,557,637</u>	<u>59,756,793</u>
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Operating expenses	10,504,324	10,504,324
Grants	<u>45,237,061</u>	<u>45,237,061</u>
Total	<u>114,299,022</u>	115,498,178
Source of funds		
General fund	12,217,471	13,416,627
Special funds	22,422,908	22,422,908
Tobacco fund	1,088,918	1,088,918
Federal funds	61,398,428	61,398,428
Global Commitment fund	16,159,672	16,159,672
Interdepartmental transfers	986,625	986,625
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	<u>114,299,022</u>	115,498,178

Sec. 17. 2022 Acts and Resolves No. 185, Sec. B.313 is amended to read:

Sec. B.313 Health - alcohol and drug abuse programs

Personal services	5,533,379	4,982,093
Operating expenses	511,500	511,500
Grants	<u>55,582,806</u>	<u>55,595,616</u>
Total	<u>61,627,685</u>	61,089,209
Source of funds		
General fund	4,706,142	4,167,666
Special funds	1,392,101	1,392,101
Tobacco fund	949,917	949,917
Federal funds	21,131,903	21,131,903
Global Commitment fund	<u>33,447,622</u>	<u>33,447,622</u>
Total	<u>61,627,685</u>	61,089,209

Sec. 18. 2022 Acts and Resolves No. 185, Sec. B.314 is amended to read:

Sec. B.314 Mental health - mental health

Personal services	37,550,464	45,679,048
Operating expenses	5,023,808	5,406,921
Grants	<u>251,958,650</u>	<u>252,383,242</u>
Total	<u>294,532,922</u>	303,469,211
Source of funds		
General fund	12,966,387	23,720,891
Special funds	1,690,187	1,690,187
Federal funds	10,279,911	10,279,911
Global Commitment fund	269,471,344	267,653,129
Interdepartmental transfers	<u>125,093</u>	<u>125,093</u>
Total	<u>294,532,922</u>	303,469,211

Sec. 19. 2022 Acts and Resolves No. 185, Sec. B.316 is amended to read:

Sec. B.316 Department for children and families - administration & support services

Personal services	41,932,610	41,930,824
Operating expenses	17,284,575	23,063,394
Grants	<u>3,819,106</u>	<u>3,415,106</u>
Total	63,036,291	68,409,324
Source of funds		
General fund	36,020,845	36,525,221
Special funds	<u>2,789,842</u>	2,788,056
Federal funds	22,463,191	27,083,191
Global Commitment fund	1,409,481	1,659,924
Interdepartmental transfers	<u>352,932</u>	<u>352,932</u>
Total	63,036,291	68,409,324

Sec. 20. 2022 Acts and Resolves No. 185, Sec. B.317 is amended to read:

Sec. B.317 Department for children and families - family services

Personal services	41,455,253	41,755,292
Operating expenses	5,392,584	5,392,584
Grants	<u>88,864,318</u>	<u>89,022,405</u>
Total	135,712,155	136,170,281
Source of funds		
General fund	56,028,109	66,085,811
Special funds	729,587	729,587
Federal funds	32,206,285	32,206,285
Global Commitment fund	46,710,437	37,110,861
Interdepartmental transfers	<u>37,737</u>	<u>37,737</u>
Total	135,712,155	136,170,281

Sec. 21. 2022 Acts and Resolves No. 185, Sec. B.318 is amended to read:

Sec. B.318 Department for children and families - child development

Personal services	5,486,947	5,487,235
Operating expenses	860,622	860,581
Grants	<u>106,205,300</u>	<u>100,677,216</u>
Total	112,552,869	107,025,032
Source of funds		
General fund	33,130,398	27,602,602
Special funds	16,820,011	16,820,011
Federal funds	50,457,478	50,457,478
Global Commitment fund	12,144,941	12,144,941
Interdepartmental transfers	<u>41</u>	<u>0</u>
Total	112,552,869	107,025,032

Sec. 22. 2022 Acts and Resolves No. 185, Sec. B.320 is amended to read:

Sec. B.320 Department for children and families - aid to aged, blind and disabled

Personal services	2,252,206	2,252,206
Grants	<u>10,431,118</u>	<u>9,624,177</u>
Total	12,683,324	11,876,383
Source of funds		
General fund	7,533,333	6,726,392
Global Commitment fund	<u>5,149,991</u>	<u>5,149,991</u>
Total	12,683,324	11,876,383

Sec. 23. 2022 Acts and Resolves No. 185, 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>2,147,995</u>
Total	2,838,574	2,162,995
Source of funds		
General fund	2,541,239	1,865,660
Federal funds	11,320	11,320
Global Commitment fund	<u>286,015</u>	<u>286,015</u>
Total	2,838,574	2,162,995

Sec. 24. 2022 Acts and Resolves No. 185, Sec. B.323 is amended to read:

Sec. B.323 Department for children and families - reach up

Operating expenses	30,633	30,633
Grants	<u>27,235,606</u>	<u>37,028,703</u>
Total	27,266,239	37,059,336
Source of funds		
General fund	15,097,457	24,581,158
Special funds	5,955,834	5,955,834
Federal funds	3,531,330	3,531,330
Global Commitment fund	<u>2,681,618</u>	<u>2,991,014</u>
Total	27,266,239	37,059,336

Sec. 25. 2022 Acts and Resolves No. 185, Sec. B.325 is amended to read:

Sec. B.325 Department for children and families - office of economic opportunity

Personal services	707,738	707,738
Operating expenses	80,979	80,979
Grants	<u>19,896,892</u>	<u>19,096,328</u>



Total	20,685,609	19,885,045
Source of funds		
General fund	14,328,930	13,528,366
Special funds	58,135	58,135
Federal funds	4,942,559	4,942,559
Global Commitment fund	<u>1,355,985</u>	<u>1,355,985</u>
Total	20,685,609	19,885,045

Sec. 26. 2022 Acts and Resolves No. 185, Sec. B.326 is amended to read:

Sec. B.326 Department for children and families - OEO - weatherization assistance

Personal services	376,286	376,286
Operating expenses	47,090	247,090
Grants	<u>12,038,018</u>	<u>11,838,018</u>
Total	12,461,394	12,461,394
Source of funds		
Special funds	7,643,920	7,643,920
Federal funds	<u>4,817,474</u>	<u>4,817,474</u>
Total	12,461,394	12,461,394

Sec. 27. [DELETED]

Sec. 28. 2022 Acts and Resolves No. 185, Sec. B.329 is amended to read:

Sec. B.329 Disabilities, aging, and independent living - administration & support

Personal services	37,398,355	38,484,107
Operating expenses	<u>6,178,888</u>	<u>6,214,683</u>
Total	43,577,243	44,698,790
Source of funds		
General fund	19,725,270	20,846,817
Special funds	1,390,457	1,390,457
Federal funds	21,360,232	21,360,232
Global Commitment fund	35,000	35,000
Interdepartmental transfers	<u>1,066,284</u>	<u>1,066,284</u>
Total	43,577,243	44,698,790

Sec. 29. 2022 Acts and Resolves No. 185, Sec. B.330 is amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>19,709,925</u>	<u>20,278,107</u>
Total	19,709,925	20,278,107

## Source of funds

General fund	7,754,865	7,754,865
Federal funds	7,148,466	7,148,466
Global Commitment fund	<u>4,806,594</u>	<u>5,374,776</u>
Total	19,709,925	20,278,107

Sec. 30. 2022 Acts and Resolves No. 185, Sec. B.333 is amended to read:

## Sec. B.333 Disabilities, aging, and independent living - developmental services

Grants	<u>282,169,830</u>	<u>284,711,348</u>
Total	282,169,830	284,711,348

## Source of funds

General fund	155,125	555,125
Special funds	15,463	15,463
Federal funds	359,857	359,857
Global Commitment fund	<del>281,589,385</del>	283,730,903
Interdepartmental transfers	<u>50,000</u>	<u>50,000</u>
Total	282,169,830	284,711,348

Sec. 31. 2022 Acts and Resolves No. 185, Sec. B.334 is amended to read:

## Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver

Grants	<u>6,163,669</u>	<u>6,620,179</u>
Total	6,163,669	6,620,179

## Source of funds

Global Commitment fund	<u>6,163,669</u>	<u>6,620,179</u>
Total	6,163,669	6,620,179

Sec. 32. 2022 Acts and Resolves No. 185, Sec. B.334.1 is amended to read:

## Sec. B.334.1 Disabilities, aging and independent living - Long Term Care

Grants	<u>247,242,665</u>	<u>269,943,753</u>
Total	247,242,665	269,943,753

## Source of funds

General fund	498,579	1,598,579
Federal funds	2,083,333	2,083,333
Global Commitment fund	<u>244,660,753</u>	<u>266,261,841</u>
Total	247,242,665	269,943,753

Sec. 33. 2022 Acts and Resolves No. 185, Sec. B.338 is amended to read:

## Sec. B.338 Corrections - correctional services

Personal services	124,883,844	129,447,504
Operating expenses	<u>24,337,405</u>	<u>24,571,221</u>

Total	149,221,249	154,018,725
Source of funds		
General fund	144,682,340	149,264,201
Special funds	935,963	935,963
Federal funds	460,376	675,991
Global Commitment fund	2,746,255	2,746,255
Interdepartmental transfers	<u>396,315</u>	<u>396,315</u>
Total	149,221,249	154,018,725

Sec. 34. 2022 Acts and Resolves No. 185, Sec. B.338.1 is amended to read:

Sec. B.338.1 Corrections - Justice Reinvestment II

<u>Personal services</u>	0	160,140
Grants	<u>9,868,567</u>	<u>12,467,844</u>
Total	9,868,567	12,627,984
Source of funds		
General fund	7,290,879	10,050,296
Federal funds	13,147	13,147
Global Commitment fund	<u>2,564,541</u>	<u>2,564,541</u>
Total	9,868,567	12,627,984

Sec. 35. [DELETED]

Sec. 36. 2022 Acts and Resolves No. 185, Sec. B.342 is amended to read:

Sec. B.342 Vermont veterans' home - care and support services

Personal services	18,693,897	23,557,937
Operating expenses	<u>4,698,211</u>	<u>5,719,013</u>
Total	23,392,108	29,276,950
Source of funds		
General fund	4,068,733	5,655,522
Special funds	11,892,624	16,190,677
Federal funds	<u>7,430,751</u>	<u>7,430,751</u>
Total	23,392,108	29,276,950

Sec. 37. 2022 Acts and Resolves No. 185, Sec. B.346 is amended to read:

Sec. B.346 Total human services

Source of funds		
General fund	1,118,252,689	1,071,972,923
Special funds	<u>122,249,086</u>	<u>122,282,586</u>
Tobacco fund	23,088,208	23,088,208
State health care resources fund	17,078,501	25,102,272
Federal funds	1,651,894,729	1,848,118,445
Global Commitment fund	<u>1,788,710,309</u>	<u>1,921,586,651</u>

Internal service funds	1,699,065	1,699,065
Interdepartmental transfers	28,014,227	27,495,975
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	4,751,011,814	5,041,371,125

Sec. 38. 2022 Acts and Resolves No. 185, Sec. B.505 is amended to read:

Sec. B.505 Education - adjusted education payment

Grants	<u>1,561,661,000</u>	<u>1,577,649,173</u>
Total	1,561,661,000	1,577,649,173
Source of funds		
Education fund	<u>1,561,661,000</u>	<u>1,577,649,173</u>
Total	1,561,661,000	1,577,649,173

Sec. 39. 2022 Acts and Resolves No. 185, Sec. B.514 is amended to read:

Sec. B.514 State teachers' retirement system

Grants	<u>187,273,782</u>	<u>188,073,782</u>
Total	187,273,782	188,073,782
Source of funds		
General fund	154,345,678	154,645,678
Education fund	<u>32,928,104</u>	<u>33,428,104</u>
Total	187,273,782	188,073,782

Sec. 39a. 2022 Acts and Resolves No. 185, Sec. B.514.1 is amended to read:

Sec. B.514.1 State teachers' retirement system administration

Personal services		236,503
Operating expenses	<u>1,609,560</u>	<u>2,538,377</u>
Total	1,846,063	<u>2,774,880</u>
Source of funds		
Pension trust funds	1,846,063	<u>2,774,880</u>
Total	1,846,063	<u>2,774,880</u>

Sec. 40. 2022 Acts and Resolves No. 185, Sec. B.516 is amended to read:

Sec. B.516 Total general education

Source of funds		
General fund	204,865,262	205,165,262
Special funds	19,450,491	19,450,491
Tobacco fund	750,388	750,388
Education fund	<u>1,900,680,013</u>	1,917,168,186
Federal funds	512,572,265	512,572,265
Global Commitment fund	260,000	260,000
Interdepartmental transfers	365,324	365,324

Pension trust funds	<u>1,846,063</u>	<u>1,846,063</u>
Total	2,640,789,806	2,657,577,979

Sec. 41. 2022 Acts and Resolves No. 185, Sec. B.802 is amended to read:

Sec. B.802 Housing and community development

Personal services	5,321,306	5,321,306
Operating expenses	673,807	673,807
Grants	<u>76,513,512</u>	<u>77,056,152</u>
Total	82,508,625	83,051,265
Source of funds		
General fund	4,065,708	4,065,708
Special funds	7,204,966	7,747,606
Federal funds	68,364,457	68,364,457
Interdepartmental transfers	<u>2,873,494</u>	<u>2,873,494</u>
Total	82,508,625	83,051,265

Sec. 42. 2022 Acts and Resolves No. 185, Sec. B.813 is amended to read:

Sec. B.813 Total commerce and community development

Source of funds		
General fund	18,279,159	18,279,159
Special funds	32,584,165	33,126,805
Federal funds	160,118,217	160,118,217
Interdepartmental transfers	<u>5,532,656</u>	<u>5,532,656</u>
Total	216,514,197	217,056,837

Sec. 43. 2022 Acts and Resolves No. 185, Sec. B.903 is amended to read:

Sec. B.903 Transportation - program development

Personal services	67,084,877	67,084,877
Operating expenses	317,718,748	317,718,748
Grants	<u>28,106,566</u>	<u>28,106,566</u>
Total	412,910,191	412,910,191
Source of funds		
Transportation fund	63,006,826	59,806,826
TIB fund	16,199,908	19,399,908
Federal funds	330,355,267	330,355,267
Interdepartmental transfers	75,000	75,000
Local match	<u>3,273,190</u>	<u>3,273,190</u>
Total	412,910,191	412,910,191

Sec. 44. 2022 Acts and Resolves No. 185, Sec. B.907 is amended to read:

Sec. B.907 Transportation - rail

Personal services	4,662,380	4,662,380
Operating expenses	30,650,803	30,650,803
Grants	<u>50,000</u>	<u>50,000</u>
Total	35,363,183	35,363,183
Source of funds		
Transportation fund	14,201,368	10,701,368
Federal funds	<del>18,015,401</del>	21,515,401
Interdepartmental transfers	2,985,206	2,985,206
Local match	<u>161,208</u>	<u>161,208</u>
Total	35,363,183	35,363,183

Sec. 44a. 2022 Acts and Resolves No. 185, Sec. B.922 is amended to read:

Sec. B.922 Total transportation

Source of funds		
Transportation fund	<del>298,509,742</del>	291,809,742
TIB fund	<del>19,802,363</del>	23,002,363
Special funds	4,367,498	4,367,498
Federal funds	<del>438,299,601</del>	441,799,601
Internal service funds	22,754,095	22,754,095
Interdepartmental transfers	3,597,177	3,597,177
Local match	<u>4,585,799</u>	<u>4,585,799</u>
Total	791,916,275	791,916,275

Sec. 45. 2022 Acts and Resolves No. 185, Sec. B.1100 is amended to read:

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:

\* \* \*

(18) ~~\$1,500,000~~ \$3,600,000 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~~ as specified in subdivisions (A) and (B) of this subdivision.

(A) ~~The funds~~ \$1,500,000 shall be allocated on a equitable basis per a methodolgy 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.

(B) \$2,100,000 shall be granted to existing adult day service providers to maintain the existing program infrastructure through fiscal year 2023. The Department shall request that the Vermont Association of Adult Day Services provide a spreadsheet to the Department detailing the amount of grants to be distributed to each adult day program for the remainder of fiscal year 2023.

\* \* \*

(24) \$3,000,000 to the Secretary of Administration to provide funding for municipal technical assistance and related services.

(25) \$3,345,000 to the Secretary of Administration to be used as the 10 percent State match required for FEMA COVID funds starting on July 1, 2022.

(26) \$1,734,000 to the Agency of Digital Services to be used as State match for a U.S. Geological Survey (USGS) Light Detection and Ranging (LIDAR) grant.

(27) \$1,115,000 to the Military Department to be used as State match for the federal Facilities Sustainment, Restoration and Modernization (SRM) funds eligible for receipt in federal fiscal year 2023.

(28) \$30,000,000 to the Public Service Department for the Vermont Community Broadband Board to be used to leverage federal dollars and programs, including the National Telecommunications and Information Administration (NTIA) broadband grant (Middle Mile), to reduce the overall cost of universal broadband access as described in 2021 Acts and Resolves No. 71.

(29) \$350,000 to the State Refugee Office, located within the Agency of Human Services Central Office, to implement Employment Assistance Grants for New Americans. Funds remaining at the end of fiscal year 2025 shall revert to the General Fund.

(30) \$3,000,000 to the Department for Children and Families Office of Economic Opportunity for the CARES Housing Voucher Program.

(31) \$5,000,000 to the Department of Housing and Community Development as additional support for the Vermont Housing Improvement Program (VHIP).

(32) \$350,000 is appropriated to the Agency of Commerce and Community Development in fiscal year 2023 to provide state match for the Northeast Kingdom Build to Scale proposal to be submitted to the U.S. Economic Development Administration for federal funding.

(33) \$18,778,775 to the Department for Children and Families to provide funding for the General Assistance Emergency Housing Program as specified in this subsection as follows:

(A) \$13,778,775 of these funds are for the purpose of providing temporary housing to vulnerable households as defined in this subdivision from April 1, 2023 through June 30, 2023. These funds are in addition to the amount of \$4,820,000 allocated within the appropriation listed in 2022 Acts and Resolves No. 185, § 53(b)(10). During this period, eligible households that seek temporary housing shall receive it, regardless of the number of nights previously received or adverse weather conditions. A household is eligible if it meets one or more of the following:

(i) a household that lost its housing due to a natural disaster, such as a flood, fire, or hurricane;

(ii)(I) a household that has a member who has experienced domestic violence, dating violence, sexual assault, stalking, or human trafficking; or

(II) a household that has a member who has experienced a dangerous or life-threatening incident related to violence against the member that either occurred within the member's home or caused the member to reasonably believe that the member was at risk of further harm if the member remained in the home;

(iii) a household with a child or children who are either under 18 years of age or who are 18 or 19 years of age and attending secondary school on full-time basis or an equivalent level of vocational or technical training;

(iv) a household that has a member who is 60 years of age or older;

(v) a household that has a member who receives SSI or SSDI;

(vi) a household that has a member who is pregnant;

(vii) a household that is pursuing legal resolution of violations of the Rental Housing Health Code through the Department of Health or appropriate local officials; or

(viii) a household that has been physically barred from entering their residence through an intentional act of the landlord.



(B) \$5,000,000 of these funds are for the purpose of providing temporary housing from April 1, 2023 through May 31, 2023 for other households that are not eligible pursuant the criteria in subdivision (A) of this subdivision, but would be eligible for General Assistance emergency housing under the Adverse Weather Conditions policy in effect on January 15, 2023.

(34) \$952,000 to the Department of Mental Health to be granted to the Howard Center to purchase properties located at 71, 73, and 77 Park Street in Rutland, Vermont.

(A) Prior to granting funds greater than an amount required for a refundable purchase deposit, the Commissioners of Mental Health and for Children and Families, with the assistance of the Secretary of Human Services and Commissioner of Buildings and General Services, shall review the accuracy and comprehensiveness of the financial analysis of the Howard Center proposal to purchase these properties for the continued use as a community-based residential and educational program for adolescent males with sexually harming behaviors. The review should include comparative ongoing operational and additional capital investment costs at this site with reasonable alternative relocation rental or purchase options. A status update on this review and appropriation shall be provided to the General Assembly by the Commissioners of Mental Health and for Children and Families on or before April 1, 2023.

(B) An accounting of the respective State and Howard Center shares of investment in this property shall be maintained in order to refund to the State an appropriate share of any net proceeds resulting from future divestiture of the property.

(35) \$1,550,000 to the Judiciary as follows:

(A) \$750,000 for internal network cabling upgrade.

(B) \$500,000 for courthouses sound system replacement.

(C) \$300,000 for correctional facilities remote hearings improvement.

(36) \$27,500,000 to the Vermont Housing Conservation Board (VHCB):

(A) \$2,500,000 of this funding shall be allocated to provide support and enhance capacity for emergency shelter for those experiencing homelessness. Allocations for emergency shelter for those experiencing homelessness shall be made in consultation with the Secretary of Human Services.

(B) \$25,000,000 is to provide support and enhance capacity for the production and preservation of affordable mixed-income rental housing and homeownership units; including but not limited to improvements to manufactured homes and communities, shelter, and permanent homes for those experiencing homelessness, recovery residences, and housing available to farm workers and refugees.

(37) \$1,200,000 to the Department for Children and Families for a grant to the Lund Center for its Residential Treatment program.

(38) \$30,000 to the Department of Health for a grant to the American Heart Association for CPR and First Aid Training kits to facilitate training in schools.

(39) \$100,000 to the Office of the State Treasurer for a study and report on Other Postemployment Benefits; Governance Structure.

(40) \$4,626,506 to the Department for Children and Families for a temporary secure youth residential facility. The Department shall provide an update to the House Committees on Appropriations, on Corrections and Institutions, and on Human Services and to the Senate Committees on Appropriations, on Judiciary, and on Health and Welfare on the status of the facility, including site location, time frame, design, and budget on or before April 15, 2023.

Sec. 46. 2022 Acts and Resolves No. 185, Sec. B.1101 is added to read:

Sec. B.1101 FISCAL YEAR 2023 ONE-TIME ENVIRONMENTAL  
CONTINGENCY FUND APPROPRIATIONS

(a) In fiscal year 2023, funds are appropriated from the Environmental Contingency Fund (21275) for new and ongoing initiatives as follows:

(1) \$3,000,000 to the Department of Environmental Conservation for PFAS remediation.

Sec. 47. 2022 Acts and Resolves No. 185, Sec. B.1102 is added to read:

Sec. B.1102 FISCAL YEAR 2023 ONE-TIME TECHNOLOGY  
MODERNIZATION SPECIAL FUND APPROPRIATIONS

(a) In fiscal year 2023, funds are appropriated from the Technology Modernization Special Fund (21951) for new and ongoing initiatives as follows:

(1) \$40,010,000 to the Agency of Digital Services to be used as follows:

(A) \$11,800,000 for Enterprise Resource Planning (ERP) system upgrade of core statewide financial accounting system and integration with the Department of Labor and Agency of Transportation financial systems;

(B) \$1,800,000 for continued implementation of the Workplace Information Management System for property management at the Department of Buildings and General Services;

(C) \$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;

(D) \$2,200,000 for a case management system at the Office of the Attorney General;

(E) \$20,250,000 for the Department of Motor Vehicles (DMV) Core System Modernization Phase II; and

(F) \$3,000,000 for the Department of Labor Unemployment Insurance Modernization project.

Sec. 48. 2022 Acts and Resolves No. 185, 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:

\* \* \*

(8) From the General Fund to the Emergency Relief and Assistance Fund (21555): \$2,100,000.

(9) From the General Fund to the Environmental Contingency Fund (21275): \$3,000,000.

(10) From the General Fund to the Cannabis Regulation Fund (21998): \$1,390,311.

(11) From the Transportation Infrastructure Bond Debt Service Fund to the Transportation Infrastructure Bond Fund (20191): \$721,240.62.

(b) Notwithstanding any provision 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>21220</u> <u>Mental Health Risk Pool</u>	<u>\$449.17</u>
<u>21910</u> <u>Counselor Regulatory Fee Fund</u>	<u>\$2,125.00</u>

21945	<u>DOC - Corrections Donations</u>	<u>\$4.52</u>
22005	AHS Central Office earned federal receipts	\$4,641,960
50300	Liquor Control Fund	\$20,400,000
	Caledonia Fair	\$5,000
	North Country Hospital Loan	\$24,047
	Springfield Hospital promissory note repayment	\$121,416
50400	<u>Vermont Life Magazine Fund</u>	<u>\$374,000.26</u>

(2) ~~The Notwithstanding any other laws related to these special fund balances, the following estimated amounts, which may be all or a portion of unencumbered fund balances, shall may be transferred from the following funds to the General Fund. The upon determination of the Commissioner of Finance and Management that such transfers are integral for the financial closure of the fiscal year. The Commissioner 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.~~

21638	AG-Fees & reimbursement – Court order	\$2,000,000
21928	Secretary of State Services Funds	\$1,200,000
62100	Unclaimed Property Fund	<u>\$1,773,425</u> <u>\$4,442,485</u>
	<u>Combined estimate for 21075 Insurance Regulatory and Supervision Fund, 21805 Captive Insurance Regulatory and Supervision Fund, 21080 Regulatory and Supervision Fund</u>	<u>\$58,564,476</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)(3) 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:

1210002000	Legislature	\$205,000
1100030000	Executive Branch Pay Act	<del>\$4,405,000</del> <u>\$4,559,966.09</u>
1100010000	<u>Secretary of Administration</u>	<u>\$261,019.35</u>
1110003000	<u>Budget &amp; Management</u>	<u>\$46,983.65</u>
1140040000	<u>Homeowner Rebates</u>	<u>\$2,593,580.53</u>

<u>1140070000</u>	<u>Use Tax Reimbursement Program</u>	<u>\$103,001.75</u>
<u>1140330000</u>	<u>Renter Rebates</u>	<u>\$4,374,661.25</u>
<u>1260010000</u>	<u>Office of the Treasurer</u>	<u>\$206,201.60</u>
<u>2100001000</u>	<u>Attorney General</u>	<u>\$1,181.15</u>
<u>2140010000</u>	<u>Department of Public Safety - State Police</u>	<u>\$329,311.26</u>
<u>2140090000</u>	<u>Forensic Laboratory</u>	<u>\$60,701.18</u>
<u>2150010000</u>	<u>Military Administration/TAGO</u>	<u>\$347,364.99</u>
<u>3330892202</u>	<u>GMCB - Benchmarking Analyses</u>	<u>\$80,443.00</u>
<u>3400891804</u>	<u>Medicaid Financial Requirements</u>	<u>\$40,341.34</u>
<u>3400892109</u>	<u>St Match - Act 155 4(a),5(a)</u>	<u>\$277,500.00</u>
<u>3400892112</u>	<u>AHS - VT Food Bank-Food Box</u>	<u>\$1,376,000.00</u>
<u>3420892203</u>	<u>VDH - Recovery Centers</u>	<u>\$1.09</u>
<u>3440892203</u>	<u>DCF - Parent Child Ctrs Cap Imp</u>	<u>\$10.00</u>
<u>5100010000</u>	<u>Administration</u>	<u>\$282.00</u>
<u>5100060000</u>	<u>Adult Basic Education</u>	<u>\$7,192.22</u>
<u>5100070000</u>	<u>Education Services</u>	<u>\$3,870.00</u>
<u>5100210000</u>	<u>Education - Flexible Pathways</u>	<u>\$182,072.00</u>
<u>5100400000</u>	<u>State Board of Education</u>	<u>\$54,755.46</u>
<u>5100892214</u>	<u>AOA School Food Program Administration</u>	<u>\$50,670.70</u>
<u>5100892216</u>	<u>AOE Vaccine Incentive Program</u>	<u>\$50,000.00</u>
<u>6100040000</u>	<u>Property Tax Assessment Appropriation</u>	<u>\$4,263.13</u>
<u>6130030000</u>	<u>Parks</u>	<u>\$504.96</u>

\* \* \*

(d) Notwithstanding any provision of law to the contrary, in fiscal year 2023, the following amounts shall revert to the Education Fund from the accounts indicated:

<u>5100010000</u>	<u>Administration</u>	<u>\$1,607,144.76</u>
<u>5100040000</u>	<u>Special Education Formula</u>	<u>\$27,333,400.07</u>
<u>5100050000</u>	<u>State - Placed Students</u>	<u>\$1,443,542.45</u>
<u>5100090000</u>	<u>Education Grant</u>	<u>\$11,754,133.93</u>

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<u>5100110000</u>	<u>Small School Grant</u>	<u>\$34,348.00</u>
<u>5100200000</u>	<u>Education - Technical Education</u>	<u>\$1,497,300.35</u>
<u>5100210000</u>	<u>Education - Flexible Pathways</u>	<u>\$1,843,900.61</u>

(e) Notwithstanding any provision of law to the contrary, in fiscal year 2023, the following amounts shall revert to the Transportation Fund from the accounts indicated:

<u>8100000100</u>	<u>Finance and Administration</u>	<u>\$100,000</u>
<u>8100000300</u>	<u>Town Highway Structures</u>	<u>\$8,734,480</u>
<u>8100000800</u>	<u>Transportation Board</u>	<u>\$25,398</u>
<u>8100001000</u>	<u>Town Highway State Aid Federal Disasters</u>	<u>\$18,247</u>
<u>8100001100</u>	<u>Program Development</u>	<u>\$3,288,991</u>
<u>8100001400</u>	<u>Town Highway State Aid Non-Federal Disasters</u>	<u>\$533,098</u>
<u>8100001700</u>	<u>Rest Areas</u>	<u>\$135,990</u>
<u>8100001900</u>	<u>Town Highway VT Local Roads</u>	<u>\$101,089</u>
<u>8100002000</u>	<u>Maintenance &amp; Operations Bureau</u>	<u>\$1,817,000</u>
<u>8100002100</u>	<u>Department of Motor Vehicles</u>	<u>\$261,000</u>
<u>8100002200</u>	<u>Policy and Planning</u>	<u>\$893,611</u>
<u>8100002600</u>	<u>Town Highway Class 2 Roadway</u>	<u>\$4,818,108</u>

Sec. 49. 2022 Acts and Resolves No. 185, Sec. D.102(a) is amended to read:

(a) \$3,020,000 from the General Fund shall be reserved in the 27/53 reserve in fiscal year 2022 ~~2023~~. 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. 50. 2022 Acts and Resolves No. 185, Sec. E.100 is amended to read:

Sec. E.100 EXECUTIVE BRANCH POSITIONS

(a) The establishment of the following new positions is authorized in fiscal year 2023:

(1) Permanent classified positions:

\* \* \*

(F) Cannabis Control Board:

(i) two enforcement officers; ~~and~~

- (ii) one data analyst;
- (iii) two chemists; and
- (iv) one Cannabis Quality Assurance Program and Laboratory Director.

\* \* \*

(2) Permanent Exempt Positions:

(A) Vermont Pension Investment Commission: one Principal Assistant.

(B) Office of Child, Youth and Family Advocate:

- (i) One Child, Youth and Family Advocate; and
- (ii) One Deputy Child, Youth and Family Advocate.

\* \* \*

(g) The establishment of the following exempt limited-service positions is authorized in the fiscal year beginning on July 1, 2022 through June 30, 2026.

(1) Truth and Reconciliation Commission

(A) Three Commissioners.

Sec. 51. 2022 Acts and Resolves No. 185, Sec. E.105.2 is amended to read:

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~~ Sec. B.1102 of this act 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.

~~(e)(b)~~ In fiscal year ~~2023~~ 2024, if funds are available per section C.102(b) of this act, the following expenditures are authorized from the Technology Modernization Special Fund to the projects described in this section:

~~(1) The sum of \$20,250,000 for the Department of Motor Vehicles (DMV) Core System Modernization Phase II.~~

~~(2)~~ The sum of up to ~~\$30,000,000~~ \$27,000,000 for the Department of Labor Unemployment Insurance Modernization project. These funds shall be released as follows:

~~(A) the sum of \$3,000,000 on July 1, 2022;~~

~~(B)~~ the sum of \$10,000,000 on July 1, 2023 upon approval by the Joint Information Technology Oversight Committee of the actions outlined in a Project Schedule; and

~~(C)~~ (B) remaining funds shall be released upon request as needed by the Agency of Digital Services and approval of the Joint Information Technology Oversight Committee in accordance with actions outlined in a Project Schedule.

\* \* \*

(3) For the amounts released in subdivisions ~~(2)(B)-(C)~~ (1)(A)-(B) of this subsection, the Joint Information Technology Oversight Committee shall consider the Project Schedule developed between the Department of Labor and the Agency of Digital Services, as approved by the Agency of Administration. The Joint Information Technology Oversight Committee shall also consider any actions proposed by the U.S. Department of Labor that may impact current or future plans developed by the State's Department of Labor.



Sec. 52. 2022 Acts and Resolves No. 185, Sec. E.233.2(a) is amended to read:

(a) In fiscal year 2023 there is appropriated to the Vermont Community Broadband Board a total of ~~\$1,500,000~~ \$1,435,531 from special funds and \$684,127 from federal 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. 53. EMPLOYMENT SUPPORTS FOR NEW AMERICANS

(a) Employment Assistance Grants. The State Refugee Office, in consultation with the Vermont Department of Labor, shall administer a grant program to support the development of coordinated community-based systems, with consideration of regional networks and resources, to assist in achieving economic self-sufficiency for New Americans, including refugees, humanitarian parolees, special immigrant visa holders, asylees, asylum-seekers and other immigrants with low income who are or intend to become residents of Vermont.

(b) Grant funds may be allocated to:

(1) assess the current ability of a municipality or region supporting the resettlement of New Americans, including the availability of English language learning services, transportation, housing, employment supports and economic and health services;

(2) provide employment and related support services for refugees, asylum seekers and other New Americans including technical support, employment training before or during employment, English language learning, employment-related case management, job placement, transportation or other related services; and

(3) provide staff support for the coordination of local and State resources to secure partnerships with organizations employing refugees, development of sustainable New American support systems for regions where New Americans are being settled, creation of employer partnerships to serve multiple refugees, identification of cultural barriers for individual or groups of refugees, and facilitation with necessary stakeholders to remove barriers and prepare for successful employment.

(c) The funding for this grant program is provided in 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by Sec. 45 of this act.

Sec. 54. 2022 Acts and Resolves No. 185, 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 ~~\$25,231,144~~ \$22,682,952 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) ~~\$22,230,100~~ \$19,881,850 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~~ \$30,618,150 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~~ \$2,801,102 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~~ \$3,515,959 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. 55. DEPARTMENT OF MENTAL HEALTH: REIMBURSEMENT RATES FOR PRIVATE NONMEDICAL INSTITUTIONS

(a) Of the amounts appropriated to the Department of Mental Health in fiscal year 2023, \$420,000 is for the purposes of increasing reimbursement rates for Private Nonmedical Institutions that have rates set according to the Department of Vermont Health Access, Division of Rate Setting's Methods, Standards and Principles for Establishing Payment Rates for Private Nonmedical Institutions Providing Residential Child Care Services. This amount shall be distributed by increasing the per diem rates set by the Department of Vermont Health Access, Division of Rate Setting for each Private Nonmedical Institution. The Division of Rate Setting shall increase the treatment and room and board portions of the final per diem rate for each Private Nonmedical Institution whose rate is set by the Division of Rate Setting by an amount sufficient to ensure the appropriation in this section is fully utilized from January 1, 2023 through June 30, 2023.

Sec. 56. DEPARTMENT FOR CHILDREN AND FAMILIES:  
REIMBURSEMENT RATES FOR PRIVATE NONMEDICAL  
INSTITUTIONS

(a) Of the amounts appropriated to the Department for Children and Families in fiscal year 2023, \$1,900,000 is for the purposes of increasing reimbursement rates for Private Nonmedical Institutions that have rates set according to the Department of Vermont Health Access, Division of Rate Setting's Methods, Standards and Principles for Establishing Payment Rates for Private Nonmedical Institutions Providing Residential Child Care Services. This amount shall be distributed by increasing the per diem rates set by the Department of Vermont Health Access, Division of Rate Setting for each Private Nonmedical Institution. The Division of Rate Setting shall increase the treatment and room and board portions of the final per diem rate for each Private Nonmedical Institution whose rate is set by the Division of Rate Setting by an amount sufficient to ensure the appropriation in this section is fully utilized from January 1, 2023 through June 30, 2023.

Sec. 57. ESSER: EDUCATION RECOVERY AND REVITALIZATION

(a) The Agency of Education may adjust any of the allocations concerning ESSER II and ARP ESSER state set aside funds made in 2021 Acts and Resolves Nos. 9, 67, 72, and 74 and 2022 Acts and Resolves Nos. 28, 83, 112, 166, and this act during the final reconciliation process to ensure the entirety of the federal awards are expended. The Agency of Education shall provide a final reconciliation report to the Joint Fiscal Committee on the reallocation of these funds in October 2023 and October 2024.

Sec. 58. 2022 Acts and Resolves No. 185, Sec. E.514 is amended to read:

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~~ \$194,961,651 of which ~~\$187,273,782~~ \$188,073,782 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~~ \$34,842,965 is the "normal contribution," and ~~\$159,818,686~~ \$160,118,686 is the "accrued liability contribution."

Sec. 59. 1 V.S.A. § 317(c) is amended to read:

(c) The following public records are exempt from public inspection and copying:

\* \* \*

(21) ~~Lists of names compiled or obtained by Vermont Life magazine for the purpose of developing and maintaining a subscription list, which list may be sold or rented in the sole discretion of Vermont Life magazine, provided that such discretion is exercised in furtherance of that magazine's continued financial viability and is exercised pursuant to specific guidelines adopted by the editor of the magazine [Repealed].~~

\* \* \*

Sec. 60. 3 V.S.A. § 2042 is amended to read:

§ 2402. COMMERCE AND COMMUNITY DEVELOPMENT

(a) An Agency of Commerce and Community Development is created consisting of the following:

\* \* \*

(4) ~~Vermont Life magazine. [Repealed.]~~

\* \* \*

Sec. 61. REPEAL OF VERMONT LIFE MAGAZINE

3 V.S.A. § 2473a (Vermont Life magazine) is repealed.

Sec. 62. CLOSURE OF VERMONT LIFE MAGAZINE FUND

The Vermont Life Magazine Fund (50400) is closed. Any residual balance remaining at or after the close of fiscal year 2023 shall also be transferred to the General Fund to bring the Vermont Life Magazine Fund to a \$0.00 balance for closure.

Sec. 63. FISCAL YEAR 2022 TRANSPORTATION FUND BUDGET  
STABILIZATION RESERVE

For the purpose of calculating the fiscal year 2022 Transportation Fund stabilization requirement of five percent of prior year appropriations, reversions of \$1,360,563 are excluded from the fiscal year 2021 total appropriations amount.

Sec. 64. FISCAL YEAR 2023 TRANSPORTATION FUND  
BUDGET STABILIZATION RESERVE:

For the purpose of calculating the fiscal year 2023 Transportation Fund stabilization requirement of five percent of prior year appropriations, reversions of \$3,933,027 are excluded from fiscal year 2022 total appropriations.

Sec. 65. 2022 Acts and Resolves No. 185, Sec. G.300(c)(2) is amended to read:

(2) \$6,000,000 to the Department of Economic Development for the remediation and redevelopment of brownfield sites to be used in the same manner as the Brownfields Revitalization Fund established by 10 V.S.A. § 6654, except notwithstanding the grant limitations in 10 V.S.A. § 6654, projects supported by this appropriation shall not be limited to \$200,000 grants per parcel. The Agency of Commerce and Community Development shall award the amount of \$1,000,000.00 in fiscal year 2023 to regional planning commissions for the purposes of brownfields assessment. In awarding funds under this section, the Secretary, in consultation with Vermont Association of Planning and Development Agencies, shall select one regional planning commission to administer these funds. To ensure statewide availability, the selected regional planning commission shall subgrant to regional planning commissions with brownfield programs, with not more than 10 percent of the funds being used for administrative purposes.

Sec. 66. 2022 Acts and Resolves No. 185, Sec. G. 500(a) is amended to read:

(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~~ used to make grants through the Broadband Construction Grant Program. The Board may use monies appropriated in this subsection to fund any match requirements applicable to broadband grants funded by the federal ~~Infrastructure~~ Infrastructure Investment and Jobs Act.

Sec. 67. 2022 Acts and Resolves No. 185, Sec. G. 600(a)(2) is amended to read:

(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~~2026. Households approved for assistance in this section will also be offered services outlined in subdivision (4) of this subsection.

Sec. 68. 2022 Acts and Resolves No. 185, Sec. G. 800(a) is amended to read:

(a) The establishment of the following ~~23~~ 32 new classified limited-service positions is authorized in fiscal year 2023.

Sec. 69. 2021 Acts and Resolves No. 74, Sec. E.127.1(d) is amended to read:

(d) ~~To fund this work for fiscal year 2022 and fiscal year 2023, notwithstanding 32 V.S.A. § 706, at the close of fiscal year 2021, \$250,000.00 in carryforward from the legislative budget shall be transferred to the JFO. [Repealed.]~~

Sec. 70. 2021 Acts and Resolves No. 74, Sec. D.101, as amended by 2022 Acts and Resolves No. 83, Sec. 48 is further amended to read:

Sec. D.101 FUND TRANSFERS, REVERSIONS AND RESERVES

\* \* \*

(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:

\* \* \*

1225001000	Legislative IT	<del>\$60,000.00</del>	<u>\$120,000.00</u>
<u>1230001000</u>	<u>Sergeant-at-Arms</u>		<u>\$60,000.00</u>

\* \* \*

Sec. 71. 2021 Acts and Resolves No. 74, Sec. G.300, as amended by 2022 Acts and Resolves No. 83, Sec. 68 is further amended to read:

Sec. G.300 INVESTMENTS IN VERMONT'S ECONOMY,  
WORKFORCE, AND COMMUNITIES

\* \* \*

(28) ~~\$12,803,996~~ \$12,803,993 to the Department of Labor to cover pandemic related operating costs in the Unemployment system and other programs.

\* \* \*

Sec. 72. 2021 Acts and Resolves No. 74, Sec. G.600(a)(4) is amended to read:

(4) \$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~~ 2024.

Sec. 73. 2022 Acts and Resolves No. 83, Sec. 72 is amended to read:

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 For all eligible employers except for home health agencies, 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. For home health agencies, the total grant award amount for each eligible employer shall be calculated at a rate of \$3,000 per full-time equivalent employee (FTE) based on the number of FTEs identified by the eligible employer in its grant application.

\* \* \*

~~(4) Eligible employers shall distribute the full amount of their awards within 12 months following receipt of the grant funds.~~

\* \* \*

(f) Allocations.

(1) 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.

(2) Any remaining funds following a second round of funding may be used for one or more of the following workforce recruitment and retention purposes:

(A)(i) Incentive grants to nurses employed by health care employers in Vermont for serving as preceptors for nursing students enrolled in Vermont nursing schools. The Agency shall distribute all or a portion of the remaining funds to health care employers 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. The Agency shall prioritize funding for health care employers that provide matching funds for additional preceptor compensation or that commit to providing future compensation and support to expanding the number of preceptors.

(ii) If nurse preceptors receiving compensation pursuant to a grant awarded to a health care employer under this section are subject to a collective bargaining agreement, the use of the grant funds provided to the health care employer for the nurse preceptors shall be subject to bargaining between the health care employer and the collective bargaining representative of the nurses to the extent required by the collective bargaining agreement.

(B) 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; grants awarded to health care employers pursuant to 2022 Acts and Resolves No. 183, Sec. 22; and the health care employer's contributions, there will be no out-of-pocket costs toward tuition and fees incurred by the trainees. Trainees may also receive assistance in meeting their living costs, such as housing and child care, while attending the program as allocated funding allows.

Sec. 74. 2022 Acts and Resolves No. 183, Sec. 21 is amended to read:

Sec. 21. NURSE PRECEPTOR INCENTIVE GRANTS; HOSPITALS;  
WORKING GROUP; REPORT

(a)(1) In fiscal year 2023, the amount of \$400,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Agency of Human Services to provide incentive grants to nurses employed by critical access hospitals in Vermont for serving as preceptors for nursing students enrolled in Vermont nursing school programs. The Agency shall distribute the funds to critical access 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. The Agency shall prioritize funding for hospitals that provide matching funds for additional preceptor compensation or that commit to providing future compensation and support to expanding the number of preceptors. If funding is not fully obligated after offering an initial grant opportunity to critical access hospitals, the Agency may open the grant opportunity to other health care employers, including non-critical access hospitals, long-term care facilities, designated and specialized service agencies, federally qualified health centers, and other health care providers.

(2) If nurse preceptors receiving compensation pursuant to a grant awarded to a hospital or other health care employer under this section are subject to a collective bargaining agreement, the use of the grant funds provided to the hospital or other health care employer for the nurse preceptors shall be subject to impact bargaining between the hospital or other health care employer and the collective bargaining representative of the nurses to the extent required by the collective bargaining agreement.

Sec. 75. 2022 Acts and Resolves No. 182, Sec. 3 is amended to read:

Sec. 3. MANUFACTURED HOME IMPROVEMENT AND  
REPLACEMENT PROGRAM

Of the amounts available from ~~federal COVID-19 relief~~ the American Rescue Plan Act (ARPA) recovery funds, the following amounts are appropriated to the Department of Housing and Community Development for the purposes specified:

\* \* \*

Sec. 76. 2022 Acts and Resolves No. 182, Sec. 28 is amended to read:

Sec. 28. APPROPRIATION ALLOCATION

~~To the extent that increased funding is provided in fiscal year 2023 to the Municipal and Regional Planning Fund, \$650,000.00 shall be used for Municipal Bylaw Modernization Grants established in 24 V.S.A. § 4307. An amount not to exceed \$650,000 of Municipal and Regional Planning Funds, as appropriated to the Department of Housing and Community Development per 2022 Acts and Resolves No. 185, Sec. B.802, may be used to provide Municipal Bylaw Modernization Grants in accordance with 24 V.S.A § 4307.~~

Sec. 77. 2022 Acts and Resolves No. 178, Sec. 3 is amended to read:

Sec. 3. DISBURSEMENT PLAN; POLYCHLORINATED  
BIPHENYLS (PCBs); REMEDIATION; SIGNIFICANT  
HEALTH THREAT

\* \* \*

(c) Expenditures made pursuant to this section shall be authorized notwithstanding 16 V.S.A. § 4025(d).

Sec. 78. 2022 Acts and Resolves No. 183, Sec. 16(b)(1) is amended to read:

(1) ~~In Notwithstanding 16 V.S.A. § 4025(d);~~ 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

Sec. 79. 2022 Acts and Resolves No. 183, Sec. 25 is amended to read:

Sec. 25. VERMONT NURSING FORGIVABLE LOAN INCENTIVE PROGRAM; APPROPRIATION

(a) In fiscal year 2023, the amount of \$227,169.00 in Global Commitment funds is appropriated to the Department of Health for forgivable loans for nursing students under the Vermont Nursing Forgivable Loan Incentive Program established in 18 V.S.A. § 34 by Sec. 23 of this act.

(b) In fiscal year 2023, the amount of \$100,000.00 is appropriated from the General Fund to the Agency of Human Services, Global Commitment ~~appropriation~~ Program for the State match for the Vermont Nursing Forgivable Loan Incentive Program established in 18 V.S.A. § 34 by Sec. 23 of this act.

(c) In fiscal year 2023, \$127,169.00 in federal funds is appropriated to the Agency of Human Services, Global Commitment ~~appropriation~~ Program for the Vermont Nursing Forgivable Loan Incentive Program established in 18 V.S.A. § 34 by Sec. 23 of this act.

Sec. 80. 2022 Acts and Resolves No. 183, Sec. 47(d)(3) is amended to read:

(3) the amount of the cumulative decline in adjusted net operating income during the COVID-19 public health emergency in 2020 and 2021, or other appropriate basis of comparison used to determine eligibility under subdivision (c)(4) of this section.

Sec. 81. 2022 Acts and Resolves No. 183, Sec. 53(a) is amended to read:

(a) Reversion. In fiscal year ~~2022~~ 2023, 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, ~~\$25,500,000.00~~ \$25,042,000.00 shall revert to the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds.

Sec. 82. 2022 Acts and Resolves No. 183, Sec. 54 is amended to read:

Sec. 54. APPROPRIATION; DOWNTOWN AND VILLAGE CENTER TAX CREDIT PROGRAM: ONE-TIME SUPPLEMENTAL CAPACITY

~~There is appropriated the sum of \$2,450,000.00 from the General Fund to the Vermont Downtown and Village Center Tax Credit Program to be used in fiscal years 2023 and 2024. Notwithstanding 32 V.S.A. § 5930ee, the funds shall be used in the period from July 1, 2022 through June 30, 2024, the tax credit capacity for the Downtown and Village Center Tax Credit program shall be increased by a cumulative total of \$2,450,000 to increase the amount of tax credits that may be awarded to qualified projects. Of these the supplemental tax credits awarded in fiscal years 2023 and 2024, up to \$2,000,000.00 may be awarded to qualified projects located in designated neighborhood development areas.~~

Sec. 83. 2022 Acts and Resolves No. 184, Sec. 2(8)(C) and (D) are amended to read:

(C) Replace Your Ride Program. Sec. 5(c) of this act authorizes ~~\$3,000,000.00~~ \$2,900,000.00 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) eBike Incentives. Sec. 5(d) of this act authorizes ~~\$50,000.00~~ \$150,000.00 for eBike incentives and capped administrative costs.

Sec. 84. 2022 Acts and Resolves No. 184, Sec. 5(c) and (d) are amended to read:

(c) Replace Your Ride Program. The Agency is authorized to spend up to ~~\$3,000,000.00~~ \$2,900,000.00 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) eBike Incentives. The Agency is authorized to spend up to ~~\$50,000.00~~ \$150,000.00 as appropriated in the fiscal year 2023 budget on an eBike incentive program.

Sec. 85. 2022 Acts and Resolves No. 185, Sec. G.600(b) is amended to read:

(b) In fiscal year 2023, \$32,200,000 is appropriated from the General Fund and \$550,000 is appropriated from the Transportation Fund for electric vehicle charging infrastructure, electrification incentives and public transportation investments as follows:

\* \* \*

(5) ~~\$3,000,000.00~~ \$2,900,000.00 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 \$550,000 Transportation funds to the Agency of Transportation for the following:

\* \* \*

(C) \$50,000 Transportation funds and \$100,000 general funds to the Agency of Transportation for electric bicycle incentives.

Sec. 86. 2022 Acts and Resolves No. 186, Sec. 4(b) is amended to read:

(b) In fiscal year 2023, \$102,000.00 is ~~appropriated~~ allocated to the Department of Disabilities, Aging, and Independent Living from the Global Commitment Federal Medical Assistance Percentage (FMAP) home- and community-based services monies appropriated in 2022 Acts and Resolves No. 83, Sec. 72a, as amended by 2022 Acts and Resolves No. 185, Sec. 105, to fund the Residential Program Developer position established in subsection (a) of this section.

Sec. 87. 2022 Acts and Resolves No. 186, Sec. 5(b)(1) is amended to read:

(b)(1) In fiscal year 2023, \$500,000.00 is ~~appropriated~~ allocated to the Department of Disabilities, Aging, and Independent Living from the Global Commitment Federal Medical Assistance Percentage (FMAP) home- and community-based services monies appropriated in 2022 Acts and Resolves No. 83, Sec. 72a, as amended by 2022 Acts and Resolves No. 185, Sec. 105, to develop housing and residential service pilot planning grants in at least three regions of the State, in partnership with designated and specialized service agencies, for individuals with developmental disabilities and their families. The Department shall issue a request for proposals seeking entities to develop regional pilot planning grants with not more than one grant per designated agency catchment area.

Sec. 88. 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)(i) 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; or

(ii) if the individual is an employee of a Vermont Head Start program that operates fewer than 48 weeks per year, work a minimum of nine months of the year, inclusive of any employer-approved time off; or

(B) receive an annual salary of not more than \$50,000.00 \$60,000.00 through the individual's work in regulated childcare; and

(C)(i) have earned an associate's, or bachelor's, or master's degree with a major or 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; or

(ii) have earned an associate's, bachelor's, or master's degree that contributes to an Early Childhood Career Ladder Certificate Level IIIB or higher through Northern Lights at the Community College of Vermont.

(3) To participate in the program set forth in this section, an eligible individual shall submit to the Department for Children and Families documentation expressing the individual's intent to work in a regulated, privately operated center-based child care program or family child care home for at least the 12 months following the annual loan repayment award notification. A participant may receive up to \$4,000.00 annually in student loan repayment assistance, which shall be distributed by the Department in four allotments. The Department shall distribute at least one-quarter of the individual's total annual benefit after the individual has completed three months of employment in accordance with the program. The remainder of an individual's total annual benefit shall be distributed by the Department every three months after the initial payment.

#### Sec. 88a. RETROACTIVE STUDENT LOAN REPAYMENT ASSISTANCE

(a) In recognition that many long-serving child care providers had student loan debt that is now retired, the Department for Children and Families shall provide to an eligible applicant a one-time retroactive payment of up to \$4,000.00. An eligible applicant shall:

(1) have not previously received student loan repayment assistance pursuant to 33 V.S.A. section 3543;

(2) have met all eligibility requirements listed in 33 V.S.A. section 3543 within the 12 months preceding the date of application; and

(3) not currently have any student loan debt.

Sec. 89. TRANSITION OF SCHOLARSHIPS FOR PROSPECTIVE EARLY CHILDHOOD PROVIDERS PROGRAM

(a) As a result of timing constraints on the American Rescue Plan Act–Child Care Development Block Grant funds (ARPA–CCDBG), utilization of the Scholarships for Prospective Early Childhood Providers program established in 33 V.S.A. § 3542 has been limited requiring funding and program transition.

(1) Notwithstanding subdivisions E.318.3(a)(1) and (2) of 2021 Acts and Resolves No. 74 or other ARPA–CCDBG funding allocations to the Prospective Early Childhood Providers established in 33 V.S.A. § 3542, the Department for Children and Families may allocate any unexpended and unobligated ARPA–CCDBG funding to any of the initiatives listed in 2021 Acts and Resolves No. 45 to the extent allowed by ARPA–CCDBG.

(2) Notwithstanding Sec. E.318.3(a)(1) and (2) of 2021 Acts and Resolves No. 74, the Department for Children and Families shall transition the program in coordination with the Vermont Student Assistance Corporation for the existing participants including the release of participants from work requirements. The Department for Children and Families shall fund any transition costs associated with the current participants enrolled in the Scholarships for Prospective Early Childhood Providers established in 33 V.S.A. § 3542 from the existing allocation of ARPA–CCDBG monies.

Sec. 90. 2020 Acts and Resolves No. 164, Sec. 6d. is amended to read:

Sec. 6d. AUDITOR OF ACCOUNTS REPORT

On or before November 15, ~~2023~~ 2025, the Auditor of Accounts shall report to the General Assembly regarding the organizational structure and membership of the Cannabis Control Board and whether the structure continues to be the most efficient for carrying out the statutory duties of the Board.

Sec. 91. 32 V.S.A. § 7811 is amended to read:

§ 7811. IMPOSITION OF TOBACCO PRODUCTS TAX

\* \* \*

(b) The tax established in this section shall not be imposed on:

(1) cannabis-related supplies sold by a dispensary registered under ~~18 V.S.A. chapter 86~~ 7 V.S.A. chapter 37 to registered patients and registered caregivers, as those terms are defined in ~~18 V.S.A. § 4472~~ 7 V.S.A. § 972;

(2) cannabis products, as defined in 7 V.S.A. § 831, that do not contain tobacco; or

(3) hemp or hemp products, as defined in 6 V.S.A. § 562, that do not contain tobacco.

\* \* \*

Sec. 92. REPEALS; MENTAL HEALTH RISK POOL

1998 Acts and Resolves No. 147, Sec. 138a is repealed.

Sec. 93. JUDICIARY NETWORK REPLACEMENT REVIEW

(a) On or before April 15, 2023, the Judiciary shall obtain an independent expert review for their proposed Network Replacement project. The review shall include:

(1) an acquisition cost assessment;

(2) a technology architecture and standards review;

(3) an implementation plan assessment, including a review of the staffing plan for the ongoing operation of the network;

(4) a cost analysis and a model for benefit analysis;

(5) an analysis of alternatives;

(6) an impact analysis on the Judiciary's net operating costs; and

(7) a security assessment.

(b) The Judiciary shall submit a copy of the review described in subsection (a) of this section to the House Committees on Appropriations and on Government Operations and Military Affairs and the Senate Committees on Appropriations and on Government Operations. No funds shall be appropriated for the Judiciary's Network Replacement project until the results of the review are assessed by the General Assembly.

(c) Any costs associated with the review described in subsection (a) of this section shall be paid for from the Judiciary's fiscal year 2023 operating budget.

Sec. 94. LEGISLATIVE INTENT FOR ADDRESSING THE HOUSING SHORTAGE AND ENDING HOMELESSNESS

(a) It is the intent of the General Assembly that all future funding and policy development for addressing the housing shortage and ending homelessness be aligned with the strategies presented in the 2016 Agency of Human Services Roadmap to End Homelessness report to reduce both homelessness and reliance on the temporary housing program.

Sec. 95. MUNICIPAL TECHNICAL ASSISTANCE TO ACCESS STATE  
AND FEDERAL FUNDING

(a) Expanding municipal access to State and federal funding. The Agency of Administration, consistent with the provisions of this section, shall design and implement a process to provide expanded technical and administrative assistance to municipalities with high need that may be eligible for State or federal funding for the following activities:

(1) Community needs assessment. Conducting a review of community assets and needs, strategic planning, and identifying potential eligible projects, including in the following categories:

(A) water supply and wastewater infrastructure;

(B) housing;

(C) community recovery, workforce development, and business support;

(D) climate change mitigation and resilience; and

(E) other community economic development projects identified by a municipality and approved by the Agency of Administration.

(2) Opportunity assessment. Assessing the technical assistance and funding available from State, federal, and private sources; evaluating eligibility and compliance requirements; and conducting a feasibility analysis of whether the municipality has, or can develop, the capacity to complete a project and meet applicable requirements.

(3) Application and permit assistance. Providing technical and administrative assistance with completing funding applications, permit applications, and satisfying initial regulatory requirements.

(4) Project management and implementation. Providing ongoing support to successful grant recipients with project management, funding program implementation, funding program compliance, and administrative and regulatory compliance through project completion.

(5) Other capacity-building activities. Providing additional assistance, subject to approval by the Agency, to advance priority projects identified by municipalities.

(b) Eligible service providers; service delivery.

(1) Eligibility.

(A) The Agency shall develop eligibility criteria, issue a request for proposals, and implement an approval process for service providers within



each region to provide the technical assistance and services specified in subsection (a) of this section.

(B) The Agency may exercise its discretion in structuring the terms of service and payments, provided that the Agency shall adopt a set of minimum standards, duties, and performance requirements applicable to all service providers.

(2) Providers; mode of delivery. The Agency may:

(A) award a grant or contract for services to a regional planning commission, regional development corporation, or other similar instrumentality; to a private for-profit or nonprofit contractor; or to a combination of these;

(B) award funding to two or more municipalities to create a shared full-time, part-time, or limited-service position; or

(C) authorize an eligible municipality to directly contract for services from one or more providers approved by the Agency, subject to terms approved by the Agency.

(3) Regional collaboration. In approving service providers, the Agency shall give priority to applicants that demonstrate a commitment and ability to promote regional collaboration and maximize the efficient use of resources.

(c) Eligible municipalities; communities index.

(1) The Agency shall develop an index that ranks Vermont municipalities based on their relative administrative capacity to access and maximize the benefits of technical assistance and funding that is available from State, federal, and other sources.

(2) In developing the index, for each municipality in this State, the Agency shall consider its demographic profile, geographic location, and economic resources; the current size and administrative capacity of the municipal government; the availability of regional partners and supports; and other factors the Agency determines to be relevant in assessing the municipality's capacity to fully access available funding and related assistance.

(d) Eligible municipalities; priority.

(1) The Agency shall approve funding on a first-come, first-served basis to municipalities that rank in the top 25th percentile on the index developed pursuant to subsection (c) of this section.

(2) Notwithstanding subdivision (1) of this subsection, the Agency may adopt a process to consider and approve funding for a municipality that ranks below the top 25th percentile but demonstrates exceptional circumstances.

(3) If funds remain available after meeting the funding requirements of municipalities that qualify under subdivisions (1)–(2) of this subsection, the Agency may award funding to other municipalities according to index ranking.

(e) Outreach; implementation.

(1) The Agency, in coordination with the Vermont League of Cities and Towns, shall conduct a general public engagement campaign to make municipalities aware of the potential opportunity for services and funding pursuant to this section.

(2) The Agency, the Vermont League of Cities and Towns, and each regional planning commission and regional development corporation that serves a municipality that is eligible for funding priority under subdivision (d)(1) of this section shall work collaboratively to ensure that individual outreach to each eligible municipality occurs:

(A) to inform the municipality that it is eligible for funding for technical assistance and related services based on its index ranking;

(B) to educate the municipality on the process for identifying the types of services and assistance available, identifying eligible service providers, and accessing funding pursuant to this section; and

(C) to determine whether the municipality intends to further pursue funding for technical assistance and related services or waives its priority for funding.

(f) Reporting.

(1) The Agency shall report to the House and Senate Committees on Appropriations, the Senate Committee on Government Operations, the House Committee on Government Operations and Military Affairs, the House Committee on Commerce and Economic Development, and the Senate Committee on Economic Development, Housing and General Affairs on or before the following dates:

(A) April 1, 2023;

(B) July 1, 2023; and

(C) January 15, 2024.

(2) The Agency shall address in its reports the design and implementation of the process for providing municipal technical assistance pursuant to this section, including information addressing:

(A) the activities specified in subsection (a) of this section for which the Agency provided funding and the type and amount of State, federal, or other funds that were leveraged for each activity;

(B) the eligibility criteria, request for proposals, and approval process for service providers; the standards, duties, and performance requirements applicable to service providers; and the identity and scope of services performed by approved service providers;

(C) the mode of delivery, amount, and purpose of funding awarded to municipalities;

(D) the design, methodology, and efficacy of the index; the effectiveness of the index in identifying relative priority and capacity of municipalities; and, if applicable, the basis of any funding awards made due to exceptional circumstances pursuant to subdivision (d)(3) of this section; and

(E) the design, implementation, and effectiveness of outreach efforts undertaken pursuant to subsection (e) of this section.

(g) Funding. The funding is provided in 2022 Acts and Resolves No. 185, Sec. B.1100 as amended by Sec. 45 of this act.

Sec. 96. 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) As used in this subchapter:

\* \* \*

(11) “Member” means any employee included in the membership of the Retirement System under section 457 of this title.

\* \* \*

(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~~ July 1, 2023, 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.

(12) “Membership service” shall ~~mean~~ means service rendered while a member of the Retirement System.

(13) “Normal retirement date” means:

\* \* \*

(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 the earlier of:

(I) attainment of 55 years of age and following completion of 20 years of creditable service; or

(II) 65 years of age and following completion of five years of creditable service.

\* \* \*

Sec. 97. 3 V.S.A. § 470 is amended to read:

§ 470. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT ALLOWANCES

\* \* \*

(b) 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:

\* \* \*

(E) For Group F and Group G 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.

\* \* \*

(c) 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:

\* \* \*

(2) In service on or before June 30, 2022. For all Group A, C, ~~and F,~~ and G 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.

\* \* \*

Sec. 98. 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.

\* \* \*

(2)(A) Group A members. Commencing on July 1, 2016, contributions shall be 6.55 percent of compensation for Group A members.

\* \* \*

(C) Group D members. Commencing on July 1, 2022, the contribution rate for Group D members shall be based on the highest 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:

\* \* \*

(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 combined hourly rate of pay of all Group F and 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 F and Group G member hourly rates of pay, the contribution rate shall be 6.55 percent of compensation.

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(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 and Group G 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 and Group G 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 and Group G 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 combined hourly rate of pay of all Group F and 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 F and 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 F and 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 F and 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 F and 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.

Sec. 99. 3 V.S.A. § 500 is amended to read:

§ 500. DEFINED CONTRIBUTION RETIREMENT PLAN

\* \* \*

(b) Employees who are not members of the classified system who are first employed by the State on and after January 1, 1999, and would otherwise be members of Group A, B, C, D, ~~or F~~, or G of the Vermont State Retirement System shall be eligible to participate in the Defined Contribution Retirement Plan.

\* \* \*

Sec. 100. 2022 Acts and Resolves No. 114, Sec. 14 is amended to read:

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.

\* \* \*

(c) In establishing any new ~~corrections~~ classified Department of Corrections or Department of Mental Health 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) of this section, or Group F.

\* \* \*

Sec. 101. OTHER POSTEMPLOYMENT BENEFITS; GOVERNANCE  
STRUCTURE; REPORT

(a) The Office of the State Treasurer, in consultation with the Vermont Pension Investment Commission and the Agency of Administration, shall produce a report that examines and makes recommendations on the governance structure of the two OPEB funds, other possible governance structures, and whether changes should be made to better align the governance structure with nature of the OPEB funds. In reviewing the governance structure, the report shall evaluate both the manner in which the funds are overseen as well as the underlying section 115 trusts in which they are held. Specifically, the report shall address the following:

(1) the advantages and disadvantages of retaining the existing governance structure of the OPEB funds with the State Treasurer as sole trustee;

(2) alternative governance structures for the OPEB funds, the advantages and disadvantages of each alternative examined, and the steps and timeline required to implement each alternative; and

(3) to the extent possible, other issues relating to the OPEB funds identified as warranting study.

(b) Assistance. The Office of the State Treasurer shall have the administrative support of the Vermont Pension Investment Commission as well as the Agency of Administration in producing the report.

(c) Funding. \$100,000 is provided in 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by Sec. 45 of this act for the purpose of subsection (a) of this section.

(d) Report. On or before January 15, 2024, the Treasurer shall submit a written report to the General Assembly with findings and recommendations.

Sec. 102. 32 V.S.A. § 3102 is amended to read:

§ 3102. CONFIDENTIALITY OF TAX RECORDS

\* \* \*

(e) The Commissioner may, in the Commissioner's discretion and subject to such conditions and requirements as the Commissioner may provide, including any confidentiality requirements of the Internal Revenue Service, disclose a return or return information:

\* \* \*

(22) to the Agency of Natural Resources and the Department of Public Service, provided that the disclosure relates to the sales and use tax for aviation jet fuel and natural gas under chapter 233 of this title or to the fuel tax under 33 V.S.A. chapter 25 and is subject to any confidentiality requirements of the Internal Revenue Service and the disclosure exemption provisions of 1 V.S.A. § 317.

Sec. 103. DEPARTMENT OF TAXES; FORM OF RETURNS

(a) On or before July 1, 2023, the Commissioner of Taxes shall update the form of returns required by 32 V.S.A. § 9775, including the Sales and Use Tax Return for Aviation Jet Fuel and Natural Gas, known as Form SUT-458, and the Fuel Tax and Petroleum Distributor Licensing Fee Return, known as Form FGR-615, in consultation with the Secretary of Natural Resources to provide further information necessary to understand the volume of each fuel product type sold or consumed.

Sec. 104. 2022 Acts and Resolves No. 182, Sec. 11 is amended to read:

Sec. 11. MISSING MIDDLE-INCOME HOMEOWNERSHIP  
DEVELOPMENT PILOT PROGRAM

(a) The following amounts are appropriated ~~from the America Rescue Plan Act (ARPA) Coronavirus State Fiscal Recovery Funds~~ to the Department of Housing and Community Development to grant to the Vermont Housing Finance Agency to establish the Missing Middle-Income Homeownership Development Pilot Program:

(1) from the America Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds: \$5,000,000.00 in fiscal year 2022; and

(2) from the America Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds: \$10,000,000.00 in fiscal year 2023; and

(3) from the General Fund \$9,000,000 in fiscal year 2023.

\* \* \*

Sec. 105. SUPPLEMENTAL NON-EMERGENCY MEDICAID  
TRANSPORTATION FUNDING

It is the intent of the General Assembly that supplemental fiscal year 2023 Global Commitment funding of \$1,700,000 provided to DVHA for the Non-Emergency Medicaid Transportation program in this act be applied only prospectively as soon as reasonably possible to provide services to Vermont Medicaid members through the existing contract #41132 with the Vermont Public Transportation Association. The Association shall allocate the funds to address financial deficits incurred by its members in providing NEMT services.

Sec. 106. DEPARTMENT OF CORRECTIONS FISCAL YEAR 2022 OUT  
OF STATE BEDS CARRYFORWARD FUNDS AND JUSTICE  
REINVESTMENT II FUNDING

(a) Notwithstanding 2021 Acts and Resolves No. 74, Sec. E.335, as amended by 2022 Acts and Resolves No. 83, Sec. 62, and by 2022 Acts and Resolves No. 185, Sec. C.111, \$1,982,247 of Department of Corrections Out of State Bed General Fund appropriation carried forward from fiscal year 2022 shall revert to the General Fund in fiscal year 2023 for appropriation to Justice Reinvestment II in fiscal year 2023.

(b) \$290,000 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 are for the Department's Offender Management System (OMS) intelligence layer consistent with the actions of the Joint Legislative Justice Oversight Committee.

(c) \$350,000 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 shall be granted by the Department to VT Network Against Sexual Violence consistent with the actions of the Joint Legislative Justice Oversight Committee.

(d) \$1,000,000 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 for procurement of a case management and continuity of care management tool with data and disparity analytics capabilities to be used in conjunction with the Department's Offender Management System (OMS).

(e) \$342,247 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 for Community Justice Centers (CJCs) whose work is focused on services and programs that enhance community safety and include best-practice and cost-effective approaches to reducing recidivism.

Sec. 106a. 2022 Acts and Resolves No. 185, Sec. E.134.2 is amended to read:

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~~ 522(i) of this title. Monies in the Fund shall be used to pay expenses associated with carrying out the Commission's duties.

\* \* \*

Sec. 106b. 2022 Acts and Resolves No. 185, Sec. E.134.2 is amended to read:

Sec. E.134.3 VERMONT RETIREMENT SYSTEMS AND 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)(a) 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 cover the operating costs of the State's pensions systems, including transferring funds from the State's pension systems to the Treasurers Retirement Admin Costs fund (21520) and to the Vermont Pension Investment Commission Special Fund (21521) to cover the portion of the Treasurer's budget attributable to the State's pension systems and the Vermont Pension Investment Commission's budget.~~

~~(1) Of the \$2,456,934 appropriated in Section B.133 of this act, \$1,580,466 constitutes the Vermont State Employees' Retirement System operating budget, and \$876,468 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to Vermont State Employees' Retirement System.~~

~~(2) Of the 1,420,006 appropriated in Section B.134 of this act, \$1,088,606 constitutes the Vermont Municipal Employees' Retirement System operating budget, and \$331,400 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to Vermont Municipal Employees' Retirement System.~~

(3) Of the 2,774,880 appropriated in Section B.514.1 of this act, \$1,846,063 constitutes the Vermont State Teachers' Retirement System operating budget, and \$928,817 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to Vermont State Teachers' Retirement System.

Sec. 107. 2021 Acts and Resolves No. 74, Sec. E.335, as amended by 2022 Acts and Resolves No. 83, Sec. 62, and by 2022 Acts and Resolves No. 185, Sec. C.111 is further amended to read:

Sec. E.335 CORRECTIONS APPROPRIATIONS; UNEXPENDED FUNDS TRANSFER; JUSTICE REINVESTMENT; REPORT

\* \* \*

~~(c) Any funds expended authorized to be used on community-based service programs justice reinvestment 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 may be spent over multiple fiscal years until fully expended.~~

Sec. 108. 2022 Acts and Resolves No. 185, Sec. E.335 is amended to read:

Sec. E.335 CORRECTIONS APPROPRIATIONS; UNEXPENDED FUNDS TRANSFER; JUSTICE REINVESTMENT; REPORT

\* \* \*

~~(e) 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. 109. 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, 2023 in the Executive Branch 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, 2023 in the Legislative and Judicial Branches shall be carried forward and shall be designated for expenditure.

## Sec. 110. EFFECTIVE DATES

This act shall take effect upon passage except that, notwithstanding 1 V.S.A. § 214:

(1) Sec. 63 of this act (regarding the calculation of the fiscal year 2022 transportation fund stabilization reserve requirement) shall take effect retroactively on June 30, 2022;

(2) Sec. 70 of this act (amending 2021 Acts and Resolves No. 74, Sec. D.101(d)) shall take effect retroactively on June 30, 2022;

(3) Sec. 80 (amending 2022 Acts and Resolves No. 183, Sec. 47(d)(3)) shall take effect retroactively on July 1, 2022 and shall apply to applications received on or after that date; and

(4) Sec. 91 (amending 32 V.S.A. § 7811; imposition of tobacco products tax) shall take effect on July 1, 2023, except that 32 V.S.A. § 7811(b)(1) (exemption for cannabis sold by dispensaries) shall take effect retroactively on March 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. Lanpher of Vergennes** 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. Lanpher of Vergennes**

**Rep. Scheu of Middlebury**

**Rep. Squirrell of Underhill**

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.

**Third Reading; Bill Passed****H. 76**

House bill, entitled

An act relating to captive insurance

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

**Committee Bill; Second Reading; Third Reading Ordered****H. 305**

**Rep. Nugent of South Burlington** spoke for the Committee on Government Operations and Military Affairs.

House bill, entitled

An act relating to professions and occupations regulated by the Office of Professional Regulation

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. 41**

**Rep. Dolan of Essex Junction**, for the Committee on Judiciary, to which had been referred House bill, entitled

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

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

\* \* \* Authority to Refer Domestic and Sexual Violence Cases to Community Justice Centers in Accordance with Attorney General Protocols \* \* \*

Sec. 1. 24 V.S.A. § 1966 is amended to read:

§ 1966. COMMUNITY JUSTICE CENTERS' RELATIONSHIP WITH  
STATE GOVERNMENT ENTITIES

(a) Support from the Agency of Human Services. The Agency of Human Services shall provide to the community justice centers the information, analysis, and technical support that the community justice centers, in collaboration with the Agency of Human Services, determine are necessary to further their policy of restorative justice.

(b) Support from the Office of the Attorney General. The Community Justice Unit of the Office of the Attorney General shall provide to the community justice centers support for domestic violence and sexual violence case referrals in accordance with section 1968 of this title.

(c) Funding from the Agency of Human Services. The Agency of Human Services may provide funding and authorize community justice centers to participate in the implementation of State programs related to juvenile and criminal offenses.



~~(e)~~(d) Access to information. Community justice center employees and volunteers participating in State-funded programs shall have access to information, analysis, and technical support as necessary to carry out their duties within the program in accordance with State and federal confidentiality statutes and policies. Victim information that is not part of the public record shall not be released without the victim's consent.

~~(d)~~(e) Liability.

(1) For the purposes of defining liability, community justice center volunteers participating in programs funded by the Agency of Human Services pursuant to subsection ~~(b)~~(c) of this section shall be considered volunteers of that agency.

(2) In all other cases, the State and the municipality shall each be liable for the acts and omissions of employees operating within the scope of their employment.

Sec. 2. 24 V.S.A. § 1967 is amended to read:

§ 1967. CASES PROHIBITED

No case involving domestic violence, sexual violence, sexual assault, or stalking shall be referred to a community justice center except ~~in~~ through Department of Corrections offender reentry programs pursuant to protocols protecting victims, or as provided in section 1968 of this title. The community justice centers shall work with the Department of Corrections and the Center for Crime Victim Services or its designee to develop victim safety protocols for community justice centers that take into consideration victim needs such as safety, confidentiality, and privacy.

Sec. 3. 24 V.S.A. §§ 1968 and 1969 are added to read:

§ 1968. REFERRALS FOR DOMESTIC VIOLENCE AND SEXUAL  
VIOLENCE CASES; ATTORNEY GENERAL PROTOCOLS

(a) Notwithstanding section 1967 of this title, community justice centers may accept referrals for domestic violence and sexual violence cases, provided the community justice center has a current and executed memorandum of understanding with a local member organization of the Vermont Network Against Domestic and Sexual Violence (Vermont Network). Such memorandums of understanding shall include protocols set forth in subsection (c) of this section.

(b) If the restorative justice approach set forth in the memorandum of understanding includes law enforcement or prosecutor referrals, a prosecutor and law enforcement agency with jurisdiction shall be party to the memorandum of understanding.

(c) On or before July 1, 2024, the Community Justice Unit of the Office of the Attorney General (Community Justice Unit), in consultation with the Vermont Network and the Center for Crime Victim Services, shall create guidance for memorandums of understanding. Memorandums of understanding shall include protocols that:

(1) establish a defined approach based on evidence or an established, promising program;

(2) prioritize victim safety;

(3) include voluntary referral and participation by parties;

(4) require initial and annual training for relevant community justice center staff, facilitators, and volunteers on the dynamics involving domestic violence and sexual violence, trauma-informed approaches, and restorative justice principles;

(5) establish roles and participation of the community justice center, the local domestic and sexual violence organization, and other community partners as needed;

(6) establish written confidentiality standards that ensure constitutional protections and the privacy of participants;

(7) establish universal data collection standards developed by the Community Justice Unit; and

(8) establish written annual evaluation and quality improvement plans and processes that engage community and system stakeholders.

(d) The Community Justice Unit shall review each memorandum of understanding to ensure compliance with the protocols set forth in subsection (c) of this section and guidance created by the Community Justice Unit. The Community Justice Unit may engage other stakeholders who are relevant to the defined approach under consideration in the review process.

(e) Once a memorandum of understanding has been verified for compliance by the Community Justice Unit and has been executed by the parties, community justice centers may accept referrals involving domestic violence or sexual violence.

(f) Information related to any offense that a person divulges in preparation for, during, or as a follow-up to the provision of programming pursuant to this section shall not be used against the person in any criminal, civil, family, or juvenile investigation, prosecution, or case for any purpose, including impeachment or cross-examination. This subsection shall not be construed to prohibit the limited disclosure or use of information to specific persons in the following circumstances:

(1) Where there is a threat or statement of a plan that a person may reasonably believe is likely to result in death or bodily injury to themselves or others or damage to the property of another person.

(2) When disclosure is necessary to report bodily harm any party causes another during the restorative justice programming.

(3) Where there is a reasonable suspicion of abuse or neglect of a child or vulnerable adult and a report is made in accordance with the provisions of 33 V.S.A. § 4914 or 33 V.S.A. § 6903 or to comply with another law.

(4) Where a court or administrative tribunal determines that the materials were submitted by a participant to the program for the purpose of avoiding discovery of the material in a court or administrative proceeding. If a participant wishes to avail themselves of this provision, the participant may disclose this information in camera to a judicial officer for the purposes of seeking such a ruling.

#### § 1969. PUBLIC RECORDS ACT EXEMPTION

(a) Any records or information produced or acquired pursuant to this chapter shall be kept confidential and shall be exempt from public inspection or copying under Vermont's Public Records Act.

(b) Notwithstanding subsection (a) of this section, a community justice center may disclose information to colleges, universities, public agencies of the State, and nonprofit research organizations that a community justice center has agreements with for use in connection with research projects of a public service nature, but no person associated with those institutions or agencies may disclose that information in any manner that would reveal the identity of an individual who provided the information to the community justice center.

#### Sec. 4. REPORT; COMMUNITY JUSTICE UNIT OF THE OFFICE OF THE ATTORNEY GENERAL

(a) On or before December 1, 2025, the Community Justice Unit, in collaboration with the Vermont Network, and the participating community justice centers shall submit an interim report to the House and Senate Committees on Judiciary regarding the establishment of memorandums of

understanding pursuant to 24 V.S.A. § 1968, the status of implementation of programming, and the available resources and capacity for such programming.

(b) On or before July 1, 2028, the Community Justice Unit, in collaboration with the Vermont Network, and the participating community justice centers shall submit a final report to the House and Senate Committees on Judiciary regarding the establishment of memorandums of understanding pursuant to 24 V.S.A. § 1968, the status of implementation of programming, available data on effectiveness of programming, and the available resources and capacity for such programming.

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

#### 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 Judiciary agreed to, and third reading ordered.

#### **Message from the Senate No. 21**

A message was received from the Senate by Ms. Kucserik, 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. 46.** An act relating to approval of the dissolution of Colchester Fire District No. 3.

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. 145.** An act relating to fiscal year 2023 budget adjustments.

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Kitchel  
Senator Perchlik  
Senator Westman

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

**H.C.R. 37.** House concurrent resolution honoring former Halifax Fire Chief Wayne Courser for his exemplary volunteer leadership and community service.

**H.C.R. 38.** House concurrent resolution congratulating the 2023 Hartford High School Hurricanes Division II championship boys' indoor track team.

**H.C.R. 39.** House concurrent resolution honoring former Waterbury Municipal Manager William Shepeluk in recognition of his extraordinary public service career.

**H.C.R. 40.** House concurrent resolution congratulating the Essex High School girls' volleyball team on winning a second consecutive State championship.

**H.C.R. 41.** House concurrent resolution honoring South Burlington City Clerk Donna Kinville for her dedicated municipal public service.

### **Adjournment**

At ten o'clock and eleven minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, February 28, 2023, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 15.

### **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. 37**

House concurrent resolution honoring former Halifax Fire Chief Wayne Courser for his exemplary volunteer leadership and community service

#### **H.C.R. 38**

House concurrent resolution congratulating the 2023 Hartford High School Hurricanes Division II championship boys' indoor track team

#### **H.C.R. 39**

House concurrent resolution honoring former Waterbury Municipal Manager William Shepeluk in recognition of his extraordinary public service career

**H.C.R. 40**

House concurrent resolution congratulating the Essex High School girls' volleyball team on winning a second consecutive State championship

**H.C.R. 41**

House concurrent resolution honoring South Burlington City Clerk Donna Kinville for her dedicated municipal public service

[The full text of the concurrent resolutions appeared in the House Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2023 Biennial Session.]

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**Tuesday, February 28, 2023**

At ten o'clock in the forenoon, **Rep. Long of Newfane** called the House to order.

**Devotional Exercises**

Devotional exercises were conducted by Kathy and Steve Light, Musicians, Marshfield.

**Pledge of Allegiance**

Page Asa Lloyd of Montpelier 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 or placed on the Notice Calendar follows:

**H. 379**

By Rep. Cordes of Lincoln,

House bill, entitled

An act relating to criminal immunity for good faith provision of health care

To the Committee on Judiciary.

**H. 380**

By Reps. Brennan of Colchester and Noyes of Wolcott,

House bill, entitled

An act relating to automatic opening knives

To the Committee on Judiciary.

**H. 381**

By Rep. LaLonde of South Burlington,

House bill, entitled

An act relating to the aggregate value of stolen property in certain crimes

To the Committee on Judiciary.

**H. 382**

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 and Military Affairs.

**H. 383**

By Reps. Buss of Woodstock, Priestley of Bradford, Andriano of Orwell, Farlice-Rubio of Barnet, Galfetti of Barre Town, Garofano of Essex, Graning of Jericho, Minier of South Burlington, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Stebbins of Burlington, and Williams of Barre City,

House bill, entitled

An act relating to completing the one-stop portal for businesses

To the Committee on Commerce and Economic Development.

**H. 384**

By Rep. Sibilias of Dover,

House bill, entitled

An act relating to requiring approved independent schools to accept designation

To the Committee on Education.

**H. 385**

By Reps. Rachelson of Burlington, Burditt of West Rutland, Logan of Burlington, Stebbins of Burlington, and Toof of St. Albans Town,

House bill, entitled

An act relating to creating a statewide school district

To the Committee on Education.

**H. 386**

By Reps. Kornheiser of Brattleboro, Burke of Brattleboro, and Toleno of Brattleboro,

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Brattleboro

To the Committee on Government Operations and Military Affairs.

**H. 387**

By Rep. Sheldon of Middlebury,

House bill, entitled

An act relating to administration and enforcement of agricultural water quality requirements

To the Committee on Environment and Energy.

**H. 388**

By Rep. Brennan of Colchester,

House bill, entitled

An act relating to authorizing municipal districts to mail annual meeting ballots

To the Committee on Government Operations and Military Affairs.

**H. 389**

By Reps. Masland of Thetford, Anthony of Barre City, Bongartz of Manchester, Campbell of St. Johnsbury, Goldman of Rockingham, McCann of Montpelier, Patt of Worcester, and Priestley of Bradford,

House bill, entitled

An act relating to the siting of an expanded polystyrene foam densifier in the State



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To the Committee on Environment and Energy.

**H. 390**

By Reps. Williams of Granby, Austin of Colchester, Beck of St. Johnsbury, Brennan of Colchester, Buss of Woodstock, Harrison of Chittenden, Oliver of Sheldon, Page of Newport City, Peterson of Clarendon, Smith of Derby, Taylor of Colchester, and Toof of St. Albans Town,

House bill, entitled

An act relating to limiting the transport of catalytic converters

To the Committee on Commerce and Economic Development.

**H. 391**

By Reps. Burrows of West Windsor, Leavitt of Grand Isle, Buss of Woodstock, Cole of Hartford, Cordes of Lincoln, Goldman of Rockingham, Krasnow of South Burlington, Minier of South Burlington, Nugent of South Burlington, Ode of Burlington, Pouech of Hinesburg, Priestley of Bradford, Rachelson of Burlington, Stone of Burlington, Surprenant of Barnard, Templeman of Brownington, and Williams of Barre City,

House bill, entitled

An act relating to creating an eviction diversion program

To the Committee on General and Housing.

**H. 392**

By Reps. Surprenant of Barnard, Cole of Hartford, Cordes of Lincoln, Graham of Williamstown, Leavitt of Grand Isle, Lipsky of Stowe, O'Brien of Tunbridge, Pearl of Danville, Rice of Dorset, and Templeman of Brownington,

House bill, entitled

An act relating to the use of Special Supplemental Nutrition for Women, Infants, and Children benefits at farmers' markets

To the Committee on Human Services.

**H. 393**

By Reps. Krasnow of South Burlington, Austin of Colchester, Berbeco of Winooski, Birong of Vergennes, Burrows of West Windsor, Chapin of East Montpelier, Cole of Hartford, Cordes of Lincoln, Howard of Rutland City, Hyman of South Burlington, LaBounty of Lyndon, Leavitt of Grand Isle, McGill of Bridport, Noyes of Wolcott, Nugent of South Burlington, Ode of Burlington, Priestley of Bradford, and Whitman of Bennington,

House bill, entitled

An act relating to public health campaigns on dementia and brain health

To the Committee on Human Services.

**H. 394**

By Reps. Parsons of Newbury, Bartley of Fairfax, Beck of St. Johnsbury, Demar of Enosburgh, Graham of Williamstown, Higley of Lowell, Labor of Morgan, Page of Newport City, Peterson of Clarendon, and Williams of Granby,

House bill, entitled

An act relating to clarifying the municipal zoning authority over group homes

To the Committee on Government Operations and Military Affairs.

**H. 395**

By Reps. Masland of Thetford, Anthony of Barre City, and Campbell of St. Johnsbury,

House bill, entitled

An act relating to energy generated by large hydroelectric plants

To the Committee on Environment and Energy.

**H. 396**

By Reps. Masland of Thetford, Anthony of Barre City, Campbell of St. Johnsbury, Holcombe of Norwich, and Sims of Craftsbury,

House bill, entitled

An act relating to the Public Utility Commission and the cost of grid upgrades

To the Committee on Environment and Energy.

**H. 397**

By Reps. Berbeco of Winooski, Black of Essex, Boyden of Cambridge, Burrows of West Windsor, Christie of Hartford, Cina of Burlington, Cole of Hartford, Dodge of Essex, Donahue of Northfield, Farlice-Rubio of Barnet, Goldman of Rockingham, Holcombe of Norwich, Krasnow of South Burlington, McFaun of Barre Town, McGill of Bridport, Mrowicki of Putney, Noyes of Wolcott, Roberts of Halifax, Templeman of Brownington, and Waters Evans of Charlotte,

House bill, entitled

An act relating to Medicaid estate recovery

To the Committee on Health Care.

**H. 398**

By Reps. Berbeco of Winooski, Andrews of Westford, Black of Essex, Cordes of Lincoln, Farlice-Rubio of Barnet, Garofano of Essex, Krasnow of South Burlington, McGill of Bridport, Small of Winooski, and Whitman of Bennington,

House bill, entitled

An act relating to insurance and confidentiality for adult dependents

To the Committee on Health Care.

**H. 399**

By Reps. Peterson of Clarendon and Branagan of Georgia,

House bill, entitled

An act relating to increasing the penalties for sales of illegal drugs and sales of cannabis to persons under 21 years of age

To the Committee on Judiciary.

**H. 400**

By Reps. Masland of Thetford, Campbell of St. Johnsbury, Priestley of Bradford, Stebbins of Burlington, and Troiano of Stannard,

House bill, entitled

An act relating to parental rights and responsibilities

To the Committee on Judiciary.

**H. 401**

By Rep. Carroll of Bennington,

House bill, entitled

An act relating to abusive litigation

To the Committee on Judiciary.

**H. 402**

By Rep. Noyes of Wolcott,

House bill, entitled

An act relating to the Office of the Child, Youth, and Family Advocate

To the Committee on Human Services.

**H. 403**

By Reps. Taylor of Milton, Morgan of Milton, and Mattos of Milton,

House bill, entitled

An act relating to inequities in child care grants

To the Committee on Human Services.

**H. 404**

By Reps. Masland of Thetford, Campbell of St. Johnsbury, and Chesnut-Tangerman of Middletown Springs,

House bill, entitled

An act relating to requiring community service as a high school graduation requirement

To the Committee on Education.

**H. 405**

By Reps. Peterson of Clarendon, Branagan of Georgia, Demar of Enosburgh, Higley of Lowell, Williams of Granby, and Wilson of Lyndon,

House bill, entitled

An act relating to school choice for all Vermont students

To the Committee on Education.

**H. 406**

By Rep. McFaun of Barre Town,

House bill, entitled

An act relating to telemedicine

To the Committee on Health Care.

**H. 407**

By Reps. Rachelson of Burlington and Goslant of Northfield,  
House bill, entitled  
An act relating to penalties for animal cruelty offenses  
To the Committee on Judiciary.

**H. 408**

By Reps. Burke of Brattleboro and Dodge of Essex,  
House bill, entitled  
An act relating to compassionate release and parole eligibility  
To the Committee on Corrections and Institutions.

**H. 409**

By Reps. Wood of Waterbury, Bluemle of Burlington, Anthony of Barre City, Berbeco of Winooski, Black of Essex, Brumsted of Shelburne, Buss of Woodstock, Campbell of St. Johnsbury, Cina of Burlington, Cordes of Lincoln, Dodge of Essex, Donahue of Northfield, Elder of Starksboro, Garofano of Essex, Graning of Jericho, Headrick of Burlington, Hyman of South Burlington, Logan of Burlington, Masland of Thetford, McCann of Montpelier, McFaun of Barre Town, McGill of Bridport, Mulvaney-Stanak of Burlington, Noyes of Wolcott, Priestley of Bradford, Sheldon of Middlebury, Sims of Craftsbury, Small of Winooski, Stone of Burlington, Surprenant of Barnard, Toleno of Brattleboro, Troiano of Stannard, and Whitman of Bennington,

House bill, entitled

An act relating to keeping Vermont students safe by restricting the use of restraints and seclusion in schools

To the Committee on Education.

**H. 410**

By Rep. Durfee of Shaftsbury,

House bill, entitled

An act relating to rabies vaccination certificate requirements for domestic pet or wolf-hybrid licensure

To the Committee on Agriculture, Food Resiliency, and Forestry.

**H. 411**

By the Committee on Health Care,

House bill, entitled

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

Pursuant to House Rule 48, placed on the Notice Calendar.

**H. 412**

By Reps. Surprenant of Barnard and Noyes of Wolcott,

House bill, entitled

An act relating to motor vehicle inspections

To the Committee on Transportation.

**H. 413**

By Rep. Toof of St. Albans Town,

House bill, entitled

An act relating to computer science education in public schools

To the Committee on Education.

**H. 414**

By Reps. Whitman of Bennington, Brumsted of Shelburne, and Goldman of Rockingham,

House bill, entitled

An act relating to establishing an unused drug repository for Vermont

To the Committee on Health Care.

**H. 415**

By Reps. Logan of Burlington, McGill of Bridport, Anthony of Barre City, Burke of Brattleboro, Casey of Montpelier, Cina of Burlington, Cole of Hartford, Cordes of Lincoln, Garofano of Essex, Headrick of Burlington, Hooper of Burlington, Howard of Rutland City, Hyman of South Burlington, LaBounty of Lyndon, Leavitt of Grand Isle, Mulvaney-Stanak of Burlington, Patt of Worcester, Small of Winooski, Troiano of Stannard, and Williams of Barre City,

House bill, entitled

An act relating to increasing the minimum wage, eliminating exemptions from the minimum wage, and creating a grant program for certain employers

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To the Committee on General and Housing.

**H. 416**

By Reps. Brady of Williston, Graning of Jericho, McCann of Montpelier, Mulvaney-Stanak of Burlington, Taylor of Milton, and Williams of Barre City,

House bill, entitled

An act relating to teacher workforce development

To the Committee on Education.

**H. 417**

By Reps. Nicoll of Ludlow and Pajala of Londonderry,

House bill, entitled

An act relating to drink specials

To the Committee on Government Operations and Military Affairs.

**H. 418**

By Reps. McFaun of Barre Town and Galfetti of Barre Town,

House bill, entitled

An act relating to approval of an amendment to the charter of the Town of Barre

To the Committee on Government Operations and Military Affairs.

**H. 419**

By Rep. Sibilica of Dover,

House bill, entitled

An act relating to broadband consumer protection and competition

To the Committee on Environment and Energy.

**H. 420**

By Reps. Cina of Burlington, Beck of St. Johnsbury, Berbeco of Winooski, Boyden of Cambridge, Buss of Woodstock, Chesnut-Tangerman of Middletown Springs, Cordes of Lincoln, Elder of Starksboro, Farlice-Rubio of Barnet, Goldman of Rockingham, Headrick of Burlington, Hooper of Randolph, Logan of Burlington, Masland of Thetford, McCann of Montpelier, McGill of Bridport, Morris of Springfield, Mulvaney-Stanak of Burlington, Patt of Worcester, Priestley of Bradford, Sammis of Castleton, Satcowitz of Randolph, Sheldon of Middlebury, Small of Winooski, Stebbins of Burlington, Surprenant of Barnard, Templeman of Brownington, and Troiano of Stannard,

House bill, entitled

An act relating to establishing a program to encourage the implementation of year-round agricultural practices

To the Committee on Agriculture, Food Resiliency, and Forestry.

**H. 421**

By Reps. Cina of Burlington, Headrick of Burlington, Logan of Burlington, and Small of Winooski,

House bill, entitled

An act relating to drinking water standards for perfluoroalkyl and polyfluoroalkyl substances

To the Committee on Environment and Energy.

**H. 422**

By Reps. Cina of Burlington, Headrick of Burlington, Logan of Burlington, O'Brien of Tunbridge, and Small of Winooski,

House bill, entitled

An act relating to the development of a committee to study the impacts of perfluoroalkyl and polyfluoroalkyl substances in leachate from landfills in the State

To the Committee on Environment and Energy.

**H. 423**

By Reps. Nicoll of Ludlow, Small of Winooski, Anthony of Barre City, Bartholomew of Hartland, Black of Essex, Bluemle of Burlington, Burke of Brattleboro, Buss of Woodstock, Campbell of St. Johnsbury, Casey of Montpelier, Chase of Colchester, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Conlon of Cornwall, Cordes of Lincoln, Dodge of Essex, Dolan of Essex Junction, Elder of Starksboro, Garofano of Essex, Goldman of Rockingham, Headrick of Burlington, Hooper of Randolph, Hooper of Burlington, Houghton of Essex Junction, Kornheiser of Brattleboro, Krasnow of South Burlington, LaMont of Morristown, Logan of Burlington, McGill of Bridport, Morris of Springfield, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Pajala of Londonderry, Patt of Worcester, Priestley of Bradford, Rachelson of Burlington, Roberts of Halifax, Satcowitz of Randolph, Sims of Craftsbury, Stebbins of Burlington, Surprenant of Barnard, Toleno of Brattleboro, Troiano of Stannard, Waters Evans of Charlotte, White of Bethel, and Williams of Barre City,



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House bill, entitled

An act relating to a public health response to drug use

To the Committee on Judiciary.

**H. 424**

By Reps. Hooper of Burlington and Ode of Burlington,

House bill, entitled

An act relating to town, city, and village elections for single-seat offices using ranked-choice voting

To the Committee on Government Operations and Military Affairs.

**H. 425**

By Reps. Gregoire of Fairfield, Nicoll of Ludlow, and Small of Winooski,

House bill, entitled

An act relating to the regulation of kratom products

To the Committee on Human Services.

**H. 426**

By Reps. Surprenant of Barnard and Templeman of Brownington,

House bill, entitled

An act relating to the creation of new types of cannabis establishment licenses and the provision of cannabis excise tax revenue to the Cannabis Business Development Fund, communities that have been disproportionately impacted by cannabis prohibition, and substance misuse treatment

To the Committee on Government Operations and Military Affairs.

**H. 427**

By Reps. Noyes of Wolcott and McGill of Bridport,

House bill, entitled

An act relating to a pilot program to provide direct cash transfers to youth exiting foster care

To the Committee on Human Services.

**H. 428**

By Rep. Noyes of Wolcott,

House bill, entitled

An act relating to prescribing by doctoral-level psychologists

To the Committee on Health Care.

**H. 429**

By the Committee on Government Operations and Military Affairs,

House bill, entitled

An act relating to miscellaneous changes to election laws

Pursuant to House Rule 48, placed on the Notice Calendar.

**Bill Referred to Committee on Ways and Means****H. 165**

House bill, entitled

An act relating to school food programs and universal school meals

Appearing 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.

**Ceremonial Reading****H.C.R. 39**

House concurrent resolution honoring former Waterbury Municipal Manager William Shepeluk in recognition of his extraordinary public service career

Offered by: Representatives Stevens of Waterbury and Wood of Waterbury

Whereas, Bill Shepeluk graduated as a political science major from the University of Massachusetts and earned a master's degree in public administration from Syracuse University, and

Whereas, as Brighton Town Manager from 1982 to 1988, Bill Shepeluk polished his already outstanding municipal administrative skills, and

Whereas, in 1988, the Town of Waterbury hired Bill Shepeluk to serve as its municipal manager, a role he retained for a remarkable 34 years and nine months, and

Whereas, although always shunning the limelight, his many supervisory accomplishments included improving the town's financial structure, major water-associated infrastructure improvements, and the complex merger of the town and village, and

Whereas, twice, the Waterbury Selectboard and Village Trustees presented Bill Shepeluk with the Keith A. Wallace Memorial Community Service Award, and he was the town's first honorary firefighter, and

Whereas, Bill Shepeluk served on the Board of the Vermont League of Cities and Towns (the League), as the organization's president, and repeatedly as immediate past president, and he also sat on the Board of the League's Health Trust (now known as VERB), and, for approximately three decades, was its president, and

Whereas, the League honored him as Municipal Person of the Year, and the Vermont Town and City Manager's Association named him Municipal Manager of the Year, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors former Waterbury Municipal Manager William Shepeluk in recognition of his extraordinary public service career, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Bill Shepeluk and to the Waterbury Town Clerk.

Having been adopted in concurrence on Friday, February 24, 2023 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. 41**

House bill, entitled

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

**H. 305**

House bill, entitled

An act relating to professions and occupations regulated by the Office of Professional Regulation

**Bill Committed****H. 230**

House bill, entitled

An act relating to implementing mechanisms to reduce suicide

Having appeared on the Calendar two days for Notice pursuant to Rule 44(c) and appearing on the Calendar for Action, was taken up and pending the reading of the report of the Committee on Health Care, on motion of **Rep. Houghton of Essex Junction**, the bill was committed to the Committee on Judiciary.

**Message from the Senate No. 22**

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 adopted joint resolution of the following title:

**J.R.S. 16.** Joint resolution providing for a Joint Assembly to vote on the retention of a Chief Justice and four Associate Justices of the Supreme Court and eight Superior Court Judges.

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

**Adjournment**

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

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**Wednesday, March 1, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rep. Phil Pouech of Hinesburg.

**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. 430**

By Reps. Cina of Burlington, Burrows of West Windsor, Headrick of Burlington, Logan of Burlington, and Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to creating a tenant right of first refusal to purchase a residential rental building

To the Committee on General and Housing.

**H. 431**

By Reps. Cina of Burlington, Headrick of Burlington, Logan of Burlington, and Small of Winooski,

House bill, entitled

An act relating to the use of pesticide chlorpyrifos and the herbicides glyphosate and atrazine

To the Committee on Environment and Energy.

**H. 432**

By Rep. Cina of Burlington,

House bill, entitled

An act relating to establishing the Task Force to Study and Develop Reparation Proposals for the Institution of Chattel Slavery

To the Committee on General and Housing.

**H. 433**

By Reps. Priestley of Bradford, Boyden of Cambridge, Anthony of Barre City, Buss of Woodstock, Casey of Montpelier, Cina of Burlington, Cordes of Lincoln, Headrick of Burlington, Logan of Burlington, McGill of Bridport, Rachelson of Burlington, Stone of Burlington, and Williams of Barre City,

House bill, entitled

An act relating to the use of electronic signatures for local ballot petitions

To the Committee on Government Operations and Military Affairs.

**H. 434**

By Reps. Jerome of Brandon, Austin of Colchester, Demrow of Corinth, Graning of Jericho, Nicoll of Ludlow, Ode of Burlington, Priestley of Bradford, Sammis of Castleton, and Williams of Barre City,

House bill, entitled

An act relating to creating the Vermont Office of Film and Creative Media

To the Committee on Commerce and Economic Development.

**H. 435**

By Reps. Cina of Burlington, Sheldon of Middlebury, Buss of Woodstock, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cole of Hartford, Cordes of Lincoln, Farlice-Rubio of Barnet, Headrick of Burlington, Hooper of Randolph, LaMont of Morristown, Logan of Burlington, McCann of Montpelier, McGill of Bridport, Mulvaney-Stanak of Burlington, Patt of Worcester, Priestley of Bradford, Satcowitz of Randolph, Small of Winooski, Surprenant of Barnard, and Toleno of Brattleboro,

House bill, entitled

An act relating to a regenerative economy

To the Committee on Environment and Energy.

**H. 436**

By Reps. Holcombe of Norwich, Buss of Woodstock, and Masland of Thetford,

House bill, entitled

An act relating to municipal flexibility to meet energy goals

To the Committee on Environment and Energy.

**H. 437**

By Reps. Stebbins of Burlington, Cina of Burlington, Harrison of Chittenden, and Pajala of Londonderry,

House bill, entitled

An act relating to a plan on energy storage development

To the Committee on Environment and Energy.

**H. 438**

By Reps. Cina of Burlington, Cole of Hartford, Elder of Starksboro, Headrick of Burlington, LaMont of Morristown, Logan of Burlington, McCann of Montpelier, McGill of Bridport, Mulvaney-Stanak of Burlington, Priestley of Bradford, Sims of Craftsbury, Small of Winooski, Stebbins of Burlington, and Surprenant of Barnard,

House bill, entitled

An act relating to a working group to develop a plan to eliminate incarceration

To the Committee on Corrections and Institutions.

**H. 439**

By Reps. Cina of Burlington, Troiano of Stannard, Buss of Woodstock, Farlice-Rubio of Barnet, Headrick of Burlington, Hooper of Randolph, LaMont of Morristown, McCann of Montpelier, Priestley of Bradford, Sammis of Castleton, Small of Winooski, and Templeman of Brownington,

House bill, entitled

An act relating to decriminalizing certain chemical compounds found in plants and fungi that are commonly used for medicinal, spiritual, religious, or entheogenic purposes

To the Committee on Judiciary.

**H. 440**

By Rep. Burditt of West Rutland,

House bill, entitled

An act relating to requiring safety belts on certain school buses

To the Committee on Transportation.

**H. 441**

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 Government Operations and Military Affairs.

**H. 442**

By Reps. Beck of St. Johnsbury, Andrews of Westford, Anthony of Barre City, Bartley of Fairfax, Birong of Vergennes, Branagan of Georgia, Canfield of Fair Haven, Demar of Enosburgh, Donahue of Northfield, Galfetti of Barre Town, Hango of Berkshire, Harrison of Chittenden, Headrick of Burlington, Higley of Lowell, Labor of Morgan, Laroche of Franklin, Mattos of Milton, McFaun of Barre Town, Morgan of Milton, Oliver of Sheldon, Pajala of Londonderry, Parsons of Newbury, Pearl of Danville, Peterson of Clarendon, Taylor of Milton, Taylor of Colchester, Toof of St. Albans Town, Troiano of Stannard, and Williams of Granby,

House bill, entitled

An act relating to payments to the teachers' retirement system

To the Committee on Government Operations and Military Affairs.

**H. 443**

By Reps. Morris of Springfield, Cordes of Lincoln, and Page of Newport City,

House bill, entitled

An act relating to miscellaneous amendments to the Vermont State Employees Retirement System

To the Committee on Government Operations and Military Affairs.

**H. 444**

By Rep. Noyes of Wolcott,

House bill, entitled

An act relating to the study and design of a long-term care trust fund

To the Committee on Human Services.



**H. 445**

By Reps. Cina of Burlington, Christie of Hartford, Elder of Starksboro, Headrick of Burlington, Hooper of Randolph, Logan of Burlington, McCann of Montpelier, McGill of Bridport, Mulvaney-Stanak of Burlington, Priestley of Bradford, Sims of Craftsbury, Small of Winooski, and Stebbins of Burlington,

House bill, entitled

An act relating to education and corrections infrastructure in the State

To the Committee on Corrections and Institutions.

**H. 446**

By Reps. Cina of Burlington, Anthony of Barre City, Bluemle of Burlington, Cordes of Lincoln, Headrick of Burlington, Howard of Rutland City, Logan of Burlington, McCann of Montpelier, McGill of Bridport, Mulvaney-Stanak of Burlington, Small of Winooski, Stebbins of Burlington, Surprenant of Barnard, Templeman of Brownington, and Troiano of Stannard,

House bill, entitled

An act relating to the reconstitution of the University of Vermont Board of Trustees

To the Committee on Education.

**H. 447**

By Reps. Mrowicki of Putney and Hooper of Burlington,

House bill, entitled

An act relating to prohibiting unauthorized military units, unauthorized military training, and open carry of semiautomatic assault weapons

To the Committee on Judiciary.

**H. 448**

By Rep. Cina of Burlington,

House bill, entitled

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

To the Committee on General and Housing.

**H. 449**

By Reps. Buss of Woodstock, Pajala of Londonderry, Austin of Colchester, Bongartz of Manchester, Cina of Burlington, Farlice-Rubio of Barnet, Goldman of Rockingham, Graning of Jericho, Hooper of Burlington, Lalley of Shelburne, LaMont of Morristown, Minier of South Burlington, Stone of Burlington, and White of Bethel,

House bill, entitled

An act relating to creating a short-term rental housing registry

To the Committee on General and Housing.

**H. 450**

By Rep. Howard of Rutland City,

House bill, entitled

An act relating to supplemental income, health insurance, and retirement benefits for members of the General Assembly

To the Committee on Government Operations and Military Affairs.

**H. 451**

By Reps. Howard of Rutland City, Cina of Burlington, Krasnow of South Burlington, and LaBounty of Lyndon,

House bill, entitled

An act relating to the cancellation of a life or long-term care insurance policy for nonpayment of premium

To the Committee on Commerce and Economic Development.

**H. 452**

By Reps. Marcotte of Coventry, Carroll of Bennington, Chase of Chester, Graning of Jericho, Jerome of Brandon, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Priestley of Bradford, Sammis of Castleton, White of Bethel, and Williams of Barre City,

House bill, entitled

An act relating to expanding apprenticeship and other workforce opportunities

To the Committee on Commerce and Economic Development.

**H. 453**

By Rep. Mrowicki of Putney,

House bill, entitled

An act relating to preventing yo-yo motor vehicle sales

To the Committee on Commerce and Economic Development.

**H. 454**

By Reps. Anthony of Barre City and Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to establishing a statewide bargaining unit for Vermont State Colleges adjunct faculty

To the Committee on General and Housing.

**H. 455**

By Reps. Brumsted of Shelburne, Andriano of Orwell, Anthony of Barre City, Arrison of Weathersfield, Berbeco of Winooski, Black of Essex, Bluemle of Burlington, Bos-Lun of Westminster, Brennan of Colchester, Burke of Brattleboro, Carroll of Bennington, Chase of Colchester, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Demrow of Corinth, Dodge of Essex, Dolan of Essex Junction, Farlice-Rubio of Barnet, Galfetti of Barre Town, Garofano of Essex, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Headrick of Burlington, Hooper of Burlington, Houghton of Essex Junction, Howard of Rutland City, Hyman of South Burlington, Jerome of Brandon, Leavitt of Grand Isle, McCann of Montpelier, McGill of Bridport, Mihaly of Calais, Minier of South Burlington, Morrissey of Bennington, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Noyes of Wolcott, Nugent of South Burlington, O'Brien of Tunbridge, Page of Newport City, Pajala of Londonderry, Pearl of Danville, Rice of Dorset, Satcowitz of Randolph, Scheu of Middlebury, Sibia of Dover, Sims of Craftsbury, Small of Winooski, Squirrel of Underhill, Stebbins of Burlington, Stone of Burlington, Taylor of Colchester, Templeman of Brownington, Toof of St. Albans Town, Torre of Moretown, Walker of Swanton, White of Bethel, and Whitman of Bennington,

House bill, entitled

An act relating to the requirement to pass a civics test for high school graduation

To the Committee on Education.

**H. 456**

By Rep. Sammis of Castleton,

House bill, entitled

An act relating to the Periodic Inspection Manual

To the Committee on Transportation.

**H. 457**

By Rep. O'Brien of Tunbridge,

House bill, entitled

An act relating to establishing a tax on the transit of agricultural commodities

To the Committee on Agriculture, Food Resiliency, and Forestry.

**H. 458**

By Rep. Patt of Worcester,

House bill, entitled

An act relating to the Community Media Public Benefit Fund

To the Committee on Environment and Energy.

**H. 459**

By Rep. Casey of Montpelier,

House bill, entitled

An act relating to prohibiting the trade of kangaroo parts

To the Committee on Environment and Energy.

**H. 460**

By Reps. Anthony of Barre City and Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to clarifying the right of adjunct faculty to unemployment insurance benefits

To the Committee on Commerce and Economic Development.

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**Bill Referred to Committee on Appropriations****H. 126**

House bill, entitled

An act relating to community resilience and biodiversity protection

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. 7**

House resolution, entitled

House resolution authorizing limited remote committee voting through the first Friday of the 2024 Adjourned Session

Offered by: Committee on Rules

Resolved by the House of Representatives:

That through Friday, January 5, 2024, each member of a House committee is authorized to vote remotely in that committee:

(1) if the member has tested positive for COVID-19 and is within a required period of isolation as provided by Vermont Department of Health guidelines; and

(2) for not more than three days, for any other reason, *and be it further*

Resolved: Such a member shall notify the committee chair and clerk that the member is exercising this remote voting authority, and shall count toward a committee quorum, *and be it further*

Resolved: The committee clerk shall record any vote cast by the member as a remote vote, and shall track the number of days the member exercises the member's non-COVID-19 remote voting authority.

Was read by title and placed on the Action Calendar on the next legislative day pursuant to House Rule 52.

**Joint Resolution Placed on Calendar****J.R.S. 16**

By Senator McCormack,

**J.R.S. 16.** Joint resolution providing for a Joint Assembly to vote on the retention of a Chief Justice and four Associate Justices of the Supreme Court and eight Superior Court Judges.

*Whereas*, declarations have been submitted by the following Justices and Judges that they be retained for another six-year term: the Honorable Chief Justice Paul Reiber, Justice Harold Eaton, Jr., Justice Karen Carroll, Justice William Cohen, Justice Nancy Waples, Judge Alison Arms, Judge Thomas Carlson, Judge Cortland Corsones, Judge Justin Jiron, Judge Michael Kainen, Judge Mary Morrissey, Judge A. Gregory Rainville and Judge Kirstin Schoonover, and

*Whereas*, the procedures of the Joint Committee on Judicial Retention require numerous public hearings and the review of information provided by each Justice and Judge and the comments of members of the Vermont bar and the public, and

*Whereas*, the Committee anticipates that it will be unable to fulfill its responsibilities under 4 V.S.A. § 608(b) to evaluate the judicial performance of the Justices and Judges seeking to be retained in office by March 9, 2023, the date specified in 4 V.S.A. § 608(e), and for a vote in Joint Assembly to be held on March 16, 2023, the date specified in 2 V.S.A § 10(b), and

*Whereas*, 4 V.S.A. § 608(g) permits the General Assembly to defer action on the retention of Justices and 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 Tuesday, March 28, 2023, at one o'clock in the afternoon to vote on the retention of a Chief Justice and four Associate Justices of the Supreme Court and eight Superior Court Judges. In case the vote to retain said Justices and 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 by title and placed on the Action Calendar on the next legislative day pursuant to House Rule 52.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 67**

**Rep. Stebbins of Burlington**, for the Committee on Environment and Energy, 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 out 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 and permanent facilities are expensive to operate, and SWMEs spend approximately \$2.2 million a year to manage HHW, costs that are subsequently passed on to the residents of Vermont through taxes, fees, or disposal charges.

(6) As a result of the failure to divert HHW, it is estimated that 855 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 or event that is included in an approved collection plan any number of covered household hazardous products, with the exception of large quantity generators or small quantity generators as those terms are defined in the Agency of Natural Resources’ Vermont Hazardous Waste Regulations.

(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 subchapter 2 of the Vermont Hazardous Waste Management Regulations, regardless of the status of the generator of the hazardous waste; or

(ii) the product is a gas cylinder.

(B) “Covered household hazardous product” does not mean any of the following:

(i) a primary 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 title;

(v) a covered electronic device as that term is defined in section 7551 of this title;

(vi) a pharmaceutical drug;



(vii) citronella candles;

(viii) flea and tick collars;

(ix) pesticides required to be registered with the Agency of Agriculture, Food and Markets; or

(x) products that are intended to be rubbed, poured, sprinkled on, sprayed on, introduced into, or otherwise applied to the human body or any part of a human for cleansing, moisturizing, sun protection, beautifying part of a human for cleansing, moisturizing, sun protection, beautifying, promoting attractiveness, or altering appearance, unless designated as a hazardous material or a hazardous waste by the Secretary of Natural Resources.

(5)(A) “Gas cylinder” means:

(i) any nonrefillable cylinder and its contents supplied to a consumer for personal, family, or household use and shall include those containing flammable pressurized gas, spray foam insulating products, single-use and rechargeable handheld fire extinguishers, helium, or carbon dioxide, of any size not exceeding any cylinder with a water capacity of 50 pounds, including seamless cylinders and tubes, welded cylinders, and insulated cylinders intended to contain helium, carbon dioxide, or flammable materials such as propane, butane, or other flammable compressed gasses; or

(ii) refillable cylinders containing propane for personal, family, or household use not exceeding a water capacity of one pound.

(B) “Gas cylinder” does not include any medical or industrial-grade cylinder.

(6)(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 (6)(A), provided that the Secretary may enforce the requirements of this chapter against a manufacturer defined under subdivisions (i) through (v) of this subdivision (6)(A) if a person who assumes the manufacturer's responsibilities fails to comply with the requirements of this chapter.

(B) "Manufacturer" does not mean a person set forth under subdivisions (A)(i)-(vi) of this subdivision (6) if the person manufactures, sells, licenses, or imports less than \$5,000.00 of covered household hazardous products in the United States in a program year and is registered with the Secretary.

(7) "Orphan covered product" means a covered household hazardous product for which no manufacturer is participating in a stewardship organization pursuant to section 7182 of this title.

(8) "Program year" means the period from January 1 through December 31.

(9) "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.

(10) "Secretary" means the Secretary of Natural Resources.

(11) "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.

(12) "Stewardship organization" means a legal entity such as 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 PRODUCTS;

##### STEWARDSHIP ORGANIZATION REGISTRATION

(a) Sale prohibited. Beginning on July 1, 2025, 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 July 1, 2024 and annually thereafter, a stewardship organization shall file a registration form with the Secretary. The Secretary shall provide the registration form to the 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 January 1, 2025, any stewardship organization registered with the Secretary as representing manufacturers of covered household hazardous products shall coordinate and submit to the Secretary for review one collection plan for all manufacturers.

(b) Collection plan; minimum requirements. Each collection plan shall include, at a minimum, all of the following requirements:

(1) List of participants. 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 statewide collection of covered household hazardous products. The collection program shall provide for free, convenient, and accessible statewide opportunities for the collection from covered entities of covered household hazardous products, including orphan covered products. 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, including orphan covered household products, based on the brand or manufacturer of the covered household hazardous product unless specifically exempt from this requirement. The collection program shall also provide for the payment of collection, processing, and end-of-life management of the covered household hazardous products. Collection costs include facility costs, equipment costs, labor, supplies, maintenance, events costs, and event contractor costs, including collection event set-up fees, environmental service fees, insurance fees, and shipping containers and materials.

(3) Convenient collection location. The stewardship organization shall develop a collection program that allows all municipal household hazardous waste collection programs to opt to be a part of the collection plan, including collection events and facilities offered by solid waste planning entities.

(4) Public education and outreach. The collection plan shall include an education and outreach program that shall include a website and may include media advertising, retail displays, articles and publications, and other public educational efforts. Outreach and education shall be suitable for the State's diverse ethnic populations, through translated and culturally appropriate materials, including in-language and targeted outreach. During the first year of program implementation and every two years thereafter, each stewardship organization shall carry out a survey of public awareness regarding the requirements of the program established under this chapter that can identify communities that have disparities in awareness and need more outreach. Each

stewardship organization shall share the results of the public awareness surveys with the Secretary. If multiple stewardship organizations are implementing plans approved by the Secretary, the stewardship organizations shall coordinate in carrying out their education and outreach responsibilities under this subdivision and shall include in their annual reports to the Secretary a summary of their coordinated education and outreach 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) Performance goals. A collection plan shall include:

(A) A performance goal for covered household hazardous products determined by the number of total participants at collection events and facilities listed in the collection plan during a program year divided by the total number of households. The number of households shall include seasonal households. The calculation methodology for the number of households shall be included in the plan.

(B) At a minimum, the collection performance goal for the first year of a plan shall be a participation rate of five percent of the households for every collection program based on the number of households the collection program serves, provided that the required participation rate shall increase by one percent for every year of the initial plan. After the initial approved program plan, the stewardship organization shall propose performance goals for subsequent program plans. The Secretary shall approve the performance goals for the plan at least every five years. The Secretary shall use the results of the most recent waste composition study required under 6604 of this title and other relevant factors to establish the performance goals of the collection plan. If a stewardship organization does not meet its performance goals, 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. A stewardship organization is not authorized to reduce or cease collection, education and outreach, or other activities implemented under an approved plan on the basis of achievement of program performance goals.

(C) Proposed goals for increasing public awareness of the program, including meaningful participation for environmental justice focus populations as required by 3 V.S.A. chapter 72.

(8) 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 costs, equipment costs, labor, supplies, maintenance, events costs, and event contractor costs, including collection event set-up fees, environmental service fees, insurance fees, and shipping containers and materials. The collection plan shall 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. Stewardship organizations shall implement the collection plan on or before July 1, 2025.

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§ 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 September 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, as defined by the Secretary, 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) The name and address of all the recycling and disposal facilities where the covered household hazardous products are collected and delivered and deposited.

(4) The weight or volume by hazard category of covered household hazardous products sold in the State in the previous calendar year by a manufacturer participating in a stewardship organization's collection plan. Sales data 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.

(5) A comparison of the collection plan's participation rate and public awareness goals compared to the actual participation rate and public awareness and how the program will be improved if the participation rate and public awareness goals are not met.

(6) A description of the methods used to reduce, reuse, collect, transport, recycle, and process the covered household hazardous products.

(7) The cost of implementing the collection plan, including the costs of administration, collection, transportation, recycling, disposal, and education and outreach.

(8) A description and evaluation of the success of the education and outreach materials. If multiple stewardship organizations are implementing the collection plan approved by the Secretary, the stewardship organizations shall include a summary of their coordinated education and outreach efforts.

(9) Recommendations for any changes to the program.

(b) Collection plan audit. On or before September 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 according to the public notice and comment requirements of section 7714 of this title.

(b) Criteria for plan approval.

(1) The Secretary shall approve a collection plan if the Secretary finds that the collection plan:

(A) complies with the requirements of subsection 7183(b) of this title;

(B) provides adequate notice to the public of the collection opportunities available for covered household hazardous products;

(C) 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;

(D) promotes the collection and disposal of covered household hazardous products; and

(E) is reasonably expected to meet performance goals and convenience standards.

(2) If a manufacturer or a stewardship organization fails to submit a plan that is acceptable to the Secretary because it does not meet the requirements of this chapter, the Secretary shall modify the submitted plan to make it conform to the requirements of this chapter and place the modified draft plan on notice pursuant to section 7714 of this title.

(c) Collection plan amendment. The Secretary, in the Secretary's discretion or at the request of a manufacturer or a stewardship organization, may require a stewardship organization to amend an approved collection plan. The Secretary shall amend the performance goals in the collection plan at least every five years. Collection plan amendments shall be subject to the public input provisions of section 7717 of this title.

(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 when the actions of the stewardship organization 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. 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.

#### § 7189. 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, 2024, the Secretary of Natural Resources shall submit to the House Committees on Ways and Means and on Environment and

Energy 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 July 1, 2025.

Sec. 5. 10 V.S.A. § 7714 is amended to read:

§ 7714. TYPE 3 PROCEDURES

(a) Purpose; scope.

(1) The purpose of this section is to establish the public notice and comment requirements that the Department must follow when adopting general permits, except for general permits governed by section 7712 of this chapter, and when considering other permits listed in this section.

(2) The procedures under this section shall be known as Type 3 Procedures. This section governs each of the following:

(A) Each general permit issued pursuant to the Secretary's authority under this title other than a general permit subject to section 7712 of this chapter. However, this section does not apply to a notice of intent under a general permit.

(B) Issuance of a dam safety order under chapter 43 of this title, except for an unsafe dam order under section 1095 of this title.

(C) An application or request for approval of:

(i) an aquatic nuisance control permit under chapter 50 of this title;

(ii) a change in treatment for a public water supply under chapter 56 of this title;

(iii) a collection plan for mercury-containing lamps under section 7156 of this title;

(iv) an individual plan for the collection and recycling of electronic waste under section 7554 of this title; and

(v) a primary battery stewardship plan under section 7586 of this title; and

(vi) a covered household hazardous waste collection plan under section 7183 of this title.

\* \* \*

Sec. 6. 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. 7. 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); and

(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).

\* \* \*

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**Sec. 8. EFFECTIVE DATE**

This act shall take effect on passage.

**Rep. Ode of Burlington**, for the Committee on Ways and Means, recommended that the report of the Committee on Environment and Energy be amended as follows:

First: In Sec. 2, 10 V.S.A. chapter 164B, in section 7183, in subdivision (b)(3), by adding a new sentence after “solid waste planning entities.” to read as follows:

The plan shall make efforts to site points of collection equitably across all regions of the State to allow for convenient and reasonable access of all Vermonters to collection facilities or collection events.

Second: In Sec. 2, 10 V.S.A. chapter 164B, in section 7185, in subdivision (a)(2), after “of covered household hazardous products collected,” and before “the disposition of the collected covered household hazardous products” by inserting “the volume or weight of covered household hazardous products collected at each collection facility or collection event,”

Third: In Sec. 2, 10 V.S.A. chapter 164B, in section 7185, in subdivision (b), by inserting a new sentence between the third and fourth sentences to read as follows:

The auditor shall examine the effectiveness of the plan in satisfying the requirement of this chapter that all Vermonters have convenient and reasonable access to collection facilities or collection events.

Fourth: In Sec. 2, 10 V.S.A. chapter 164B, in section 7187, by striking out subsection (g) in its entirety

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Environment and Energy was amended as recommended by the Committee on Ways and Means. Report of the Committee on Environment and Energy, as amended, agreed to and third reading ordered.

**Bill Recommended****H. 97**

House bill, entitled

An act relating to the number of votes required for a write-in candidate to win a primary election

Appearing on the Calendar for Action, was taken up, and **Rep. McCarthy of St. Albans City** moved to recommit the bill to the Committee on Government Operations and Military Affairs, which was agreed to.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 148**

**Rep. Chapin of East Montpelier**, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to raising the age of eligibility to marry

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

Sec. 1. SHORT TITLE

This act may be cited as the “Act to Ban Child Marriage.”

Sec. 2. 12 V.S.A. § 7151 is amended to read:

§ 7151. EMANCIPATED MINOR; DEFINITION; CRITERIA

(a) As used in this chapter:

(1) “Emancipated minor” means a minor who:

(A) has entered into a valid civil marriage prior to July 1, 2023, whether or not such civil marriage was terminated by dissolution;

(B) is on active duty with any of the U.S. Armed Forces of the United States of America; or

(C) has been ordered emancipated pursuant to section 7155 of this title.

(2) “Risk of harm” means a significant danger that a child will suffer serious harm other than by accidental means, which would be likely to cause physical injury, neglect, emotional maltreatment, or sexual abuse.

(b) In order to become an emancipated minor by court order under this chapter, a minor at the time of the order must be a person who:

(1) Is 16 years of age or older but under the age of majority.

(2) Has lived separate and apart from ~~his or her~~ the minor’s parents, custodian, or legal guardian for three months or longer.

(3) Is managing ~~his or her~~ the minor’s own financial affairs.

(4) Has demonstrated the ability to be self-sufficient in ~~his or her~~ the minor's financial and personal affairs, including proof of employment or ~~his or her~~ the minor's other means of support. "Other means of support" does not include general assistance, Reach Up financial assistance, or relying on the financial resources of another person who is receiving such assistance or aid.

(5) Holds a high school diploma or its equivalent or is earning passing grades in an educational program approved by the court and directed toward the earning of a high school diploma or its equivalent.

(6) Is not under a legal guardianship or in the custody of the Commissioner for Children and Families.

(7) Is not under the supervision or in the custody of the Commissioner of Corrections.

Sec. 3. 18 V.S.A. § 5142 is amended to read:

§ 5142. PERSONS NOT AUTHORIZED TO MARRY

The following persons are not authorized to marry, and a town clerk shall not knowingly issue a civil marriage license, when:

(1) ~~either party is a person who has not attained majority, unless the town clerk has received in writing the consent of one of the parents of the minor, if there is a parent competent to act, or of the guardian of the minor under 18 years of age;~~

(2) ~~either party is under 16 years of age;~~

(3) ~~either of the parties is mentally incapable of entering into marriage as defined in 15 V.S.A. § 514 party lacks capacity to understand the nature of the conduct at issue;~~

~~(4)~~(3) ~~either of the parties~~ party is 18 years of age or older and under guardianship, without the written consent of the party's guardian;

~~(5) [Repealed.]~~

~~(6)~~(4) the parties are prohibited from marrying under 15 V.S.A. § 1a on account of consanguinity or affinity; or

~~(7)~~(5) ~~either of the parties~~ party has a wife or husband living spouse, as prohibited under 13 V.S.A. § 206 (~~bigamy~~).

Sec. 4. 33 V.S.A. § 5102(16)(A) is amended to read:

(16)(A) "Custody" means the legal status created by order of the court under the authority of the juvenile judicial proceedings chapters for children under 18 years of age that invests in a party to a juvenile proceeding or another person the following rights and responsibilities:

\* \* \*

(iv) the authority to make decisions that concern the child and are of substantial legal significance, including the authority to consent to ~~civil marriage~~ and enlistment in the U.S. Armed Forces, and the authority to represent the child in legal actions.

\* \* \*

#### Sec. 5. REPEAL

18 V.S.A. § 5143 is repealed.

#### Sec. 6. 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. 227**

**Rep. Andriano of Orwell**, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to the Vermont Uniform Power of Attorney Act

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

Sec. 1. 14 V.S.A. chapter 127 is added to read:

#### CHAPTER 127. VERMONT UNIFORM POWER OF ATTORNEY ACT

##### Subchapter 1. General Provisions

#### § 4001. SHORT TITLE

This chapter may be cited as the Vermont Uniform Power of Attorney Act.

#### § 4002. DEFINITIONS

As used in this chapter:

(1) “Agent” means a person granted authority to act for a principal under a power of attorney, whether denominated an agent, attorney-in-fact, or otherwise. The term includes an original agent, coagent, successor agent, and a person to which an agent’s authority is delegated.

(2) “Durable,” with respect to a power of attorney, means not terminated by the principal’s incapacity.



(3) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(4) “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(5) “General power of attorney” means a power of attorney that is not limited by its terms to a specified transaction or series of transactions, to a specific purpose, or to a specific asset or set of assets, or a power of attorney that grants an agent the authority to do any one or more of the acts described in subsection 4031(e) of this title.

(6) “Good faith” means honesty in fact.

(7) “Incapacity” means the inability of an individual to manage property or business affairs because the individual:

(A) has an impairment in the ability to receive and evaluate information or make or communicate decisions even with the use of technological assistance;

(B) is missing;

(C) is detained, including incarcerated in a penal system; or

(D) is outside the United States and unable to return.

(8) “Person” means an individual; corporation; business trust; estate; trust; partnership; limited liability company; association; joint venture; public corporation; government or governmental subdivision, agency, or instrumentality; or any other legal or commercial entity.

(9) “Power of attorney” means a writing or other record that grants authority to an agent to act in the place of the principal, whether or not the term power of attorney is used.

(10) “Presently exercisable general power of appointment,” with respect to property or a property interest subject to a power of appointment, means power exercisable at the time in question to vest absolute ownership in the principal individually, the principal’s estate, the principal’s creditors, or the creditors of the principal’s estate. The term includes a power of appointment not exercisable until the occurrence of a specified event, the satisfaction of an ascertainable standard, or the passage of a specified period only after the occurrence of the specified event, the satisfaction of the ascertainable standard, or the passage of the specified period. The term does not include a power exercisable in a fiduciary capacity or only by will.

(11) “Principal” means an individual who grants authority to an agent in a power of attorney.

(12) “Property” means anything that may be the subject of ownership, whether real or personal, or legal or equitable, or any interest or right therein.

(13) “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.

(14) “Sign” means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic sound, symbol, or process.

(15) “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.

(16) “Stocks and bonds” means stocks, bonds, mutual funds, and all other types of securities and financial instruments, whether held directly, indirectly, or in any other manner. The term does not include commodity futures contracts and call or put options on stocks or stock indexes.

#### § 4003. APPLICABILITY

This chapter applies to all powers of attorney except:

(1) a power to the extent it is coupled with an interest in the subject of the power, including a power given to or for the benefit of a creditor in connection with a credit transaction;

(2) a power to make health-care decisions;

(3) a proxy or other delegation to exercise voting rights or management rights with respect to an entity;

(4) a power created on a form prescribed by a government or governmental subdivision, agency, or instrumentality for a governmental purpose; and

(5) a power of reciprocal insurers under 8 V.S.A. § 4838.

#### § 4004. POWER OF ATTORNEY IS DURABLE

A power of attorney created under this chapter is durable unless it expressly provides that it is terminated by the incapacity of the principal.

§ 4005. EXECUTION OF POWER OF ATTORNEY

A power of attorney shall be signed by the principal or in the principal's conscious presence by another individual directed by the principal to sign the principal's name on the power of attorney. A signature on a power of attorney is presumed to be genuine if the principal acknowledges the signature before a notary public or other individual authorized by law to take acknowledgments.

§ 4006. VALIDITY OF POWER OF ATTORNEY

(a) A power of attorney executed in this State on or after July 1, 2023 is valid if its execution complies with section 4005 of this title.

(b) A power of attorney executed in this State before July 1, 2023 is valid if its execution complied with the law of this State as it existed at the time of execution.

(c) A power of attorney executed other than in this State is valid in this State if, when the power of attorney was executed, the execution complied with:

(1) the law of the jurisdiction that determines the meaning and effect of the power of attorney pursuant to section 4007 of this title; or

(2) the requirements for a military power of attorney pursuant to 10 U.S.C. § 1044b, as amended.

(d) Except as otherwise provided by statute other than this chapter, a photocopy or electronically transmitted copy of an original power of attorney has the same effect as the original.

(e) Except as otherwise provided by statute other than this chapter, a power of attorney that complies with this chapter is valid.

§ 4007. MEANING AND EFFECT OF POWER OF ATTORNEY

The meaning and effect of a power of attorney is determined by the law of the jurisdiction indicated in the power of attorney and, in the absence of an indication of jurisdiction, by the law of the jurisdiction in which the power of attorney was executed.

§ 4008. NOMINATION OF GUARDIAN; RELATION OF AGENT TOCOURT-APPOINTED FIDUCIARY

(a) In a power of attorney, a principal may nominate a guardian of the principal's estate or a guardian of the principal's person for consideration by the court if protective proceedings for the principal's estate or person are begun after the principal executes the power of attorney. Except for good

cause shown or disqualification, the court shall make its appointment in accordance with the principal's most recent nomination.

(b) If, after a principal executes a power of attorney, a court appoints a guardian of the principal's estate or other fiduciary charged with the management of some or all of the principal's property, the agent is accountable to the fiduciary as well as to the principal. The power of attorney is not terminated, and the agent's authority continues unless limited, suspended, or terminated by the court.

#### § 4009. WHEN POWER OF ATTORNEY EFFECTIVE

(a) A power of attorney is effective when executed unless the principal provides in the power of attorney that it becomes effective at a future date or upon the occurrence of a future event or contingency.

(b) If a power of attorney becomes effective upon the occurrence of a future event or contingency, the principal, in the power of attorney, may authorize one or more persons to determine in a writing or other record that the event or contingency has occurred.

(c) If a power of attorney becomes effective upon the principal's incapacity and the principal has not authorized a person to determine whether the principal is incapacitated, or the person authorized is unable or unwilling to make the determination, the power of attorney becomes effective upon a determination in a writing or other record by:

(1) a licensed health care professional working within the professional's scope of practice, including a physician licensed pursuant to 26 V.S.A. chapter 23 or 33 and a psychologist licensed pursuant to 26 V.S.A. chapter 55, that the principal is incapacitated within the meaning of subdivision 4002(7)(A) of this chapter; or

(2) an attorney at law, a judge, or an appropriate governmental official that the principal is incapacitated within the meaning of subdivision 4002(7)(B) of this chapter.

(d) A person authorized by the principal in the power of attorney to determine that the principal is incapacitated may act as the principal's personal representative pursuant to the Health Insurance Portability and Accountability Act; Sections 1171 through 1179 of the Social Security Act; 42 U.S.C. § 1320d, as amended; and applicable regulations to obtain access to the principal's health-care information and communicate with the principal's health-care provider.

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§ 4010. TERMINATION OF POWER OF ATTORNEY OR AGENT'SAUTHORITY

(a) A power of attorney terminates when:

- (1) the principal dies;
- (2) the principal becomes incapacitated, if the power of attorney is not durable;
- (3) the principal revokes the power of attorney;
- (4) the power of attorney provides that it terminates;
- (5) the purpose of the power of attorney is accomplished; or
- (6) the principal revokes the agent's authority or the agent dies, becomes incapacitated, or resigns, and the power of attorney does not provide for another agent to act under the power of attorney.

(b) An agent's authority terminates when:

- (1) the principal revokes the authority;
- (2) the agent dies, becomes incapacitated, or resigns;
- (3) a petition for divorce, annulment, separation, or a decree of nullity is filed with respect to the agent's marriage to the principal, unless the power of attorney otherwise provides; or
- (4) the power of attorney terminates.

(c) Unless the power of attorney otherwise provides, an agent's authority is exercisable until the authority terminates under subsection (b) of this section, notwithstanding a lapse of time since the execution of the power of attorney.

(d) Termination of an agent's authority or of a power of attorney is not effective as to the agent or another person that, without actual knowledge of the termination, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

(e) Incapacity of the principal of a power of attorney that is not durable does not revoke or terminate the power of attorney as to an agent or other person that, without actual knowledge of the incapacity, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

(f) The execution of a power of attorney does not revoke a power of attorney previously executed by the principal unless the subsequent power of attorney provides that the previous power of attorney is revoked or that all other powers of attorney are revoked.

#### § 4011. CO-AGENTS AND SUCCESSOR AGENTS

(a) A principal may designate two or more persons to act as co-agents. Unless the power of attorney otherwise provides, each co-agent may exercise its authority independently.

(b) A principal may designate one or more successor agents to act if an agent resigns, dies, becomes incapacitated, is not qualified to serve, or declines to serve. A principal may grant authority to designate one or more successor agents to an agent or other person designated by name, office, or function. Unless the power of attorney otherwise provides, a successor agent:

(1) has the same authority as that granted to the original agent; and

(2) may not act until all predecessor agents have resigned, died, become incapacitated, are no longer qualified to serve, or have declined to serve.

(c) Except as otherwise provided in the power of attorney and subsection (d) of this section, an agent who does not participate in or conceal a breach of fiduciary duty committed by another agent, including a predecessor agent, is not liable for the actions of the other agent.

(d) An agent who has actual knowledge of a breach or imminent breach of fiduciary duty by another agent shall notify the principal and, if the principal is incapacitated, take any action reasonably appropriate in the circumstances to safeguard the principal's best interests. An agent who fails to notify the principal or take action as required by this subsection is liable for the reasonably foreseeable damages that could have been avoided if the agent had notified the principal or taken such action.

#### § 4012. REIMBURSEMENT AND COMPENSATION OF AGENT

Unless the power of attorney otherwise provides, an agent is entitled to reimbursement of expenses reasonably incurred on behalf of the principal and to compensation that is reasonable under the circumstances.

#### § 4013. AGENT'S ACCEPTANCE

Except as otherwise provided in the power of attorney, a person accepts appointment as an agent under a power of attorney by exercising authority or performing duties as an agent or by any other assertion or conduct indicating acceptance.

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§ 4014. AGENT'S DUTIES

(a) Notwithstanding provisions in the power of attorney, an agent who has accepted appointment shall:

(1) act in accordance with the principal's reasonable expectations to the extent actually known by the agent and otherwise in the principal's best interests;

(2) act in good faith; and

(3) act only within the scope of authority granted in the power of attorney.

(b) Except as otherwise provided in the power of attorney or other provision of this chapter, an agent that has accepted appointment shall have no further obligation to act under the power of attorney. However, with respect to any action taken by the agent under the power of attorney, the agent shall:

(1) act loyally for the principal's benefit;

(2) act so as not to create a conflict of interest that impairs the agent's ability to act impartially in the principal's best interests;

(3) act with the care, competence, and diligence ordinarily exercised by agents in similar circumstances;

(4) keep a record of all receipts, disbursements, and transactions made on behalf of the principal;

(5) cooperate with a person who has authority to make health-care decisions for the principal to carry out the principal's reasonable expectations to the extent actually known by the agent and otherwise act in the principal's best interests; and

(6) attempt to preserve the principal's estate plan, to the extent actually known by the agent, if preserving the plan is consistent with the principal's best interests based on all relevant factors, including:

(A) the value and nature of the principal's property;

(B) the principal's foreseeable obligations and need for maintenance;

(C) minimization of taxes, including income, estate, inheritance, generation-skipping transfer, and gift taxes; and

(D) eligibility for a benefit, a program, or assistance under a statute or regulation.

(c) An agent who acts in good faith is not liable to any beneficiary of the principal's estate plan for failure to preserve the plan.

(d) An agent who acts with care, competence, and diligence for the best interests of the principal is not liable solely because the agent also benefits from the act or has an individual or conflicting interest in relation to the property or affairs of the principal.

(e) If an agent is selected by the principal because of special skills or expertise possessed by the agent or in reliance on the agent's representation that the agent has special skills or expertise, the special skills or expertise must be considered in determining whether the agent has acted with care, competence, and diligence under the circumstances.

(f) Absent a breach of duty to the principal, an agent is not liable if the value of the principal's property declines.

(g) An agent who exercises authority to delegate to another person the authority granted by the principal or who engages another person on behalf of the principal is not liable for an act, error of judgment, or default of that person if the agent exercises care, competence, and diligence in selecting and monitoring the person.

(h) Except as otherwise provided in the power of attorney, an agent is not required to disclose receipts, disbursements, or transactions conducted on behalf of the principal unless ordered by a court or requested by the principal, a guardian, a conservator, another fiduciary acting for the principal, a governmental agency having authority to protect the welfare of the principal, or, upon the death of the principal, by the personal representative or successor in interest of the principal's estate. If so requested, within 30 days the agent shall comply with the request or provide a writing or other record substantiating why additional time is needed and shall comply with the request within an additional 30 days.

#### § 4015. EXONERATION OF AGENT

A provision in a power of attorney relieving an agent of liability for breach of duty is binding on the principal and the principal's successors in interest except to the extent the provision:

(1) relieves the agent of liability for breach of duty committed:

(A) dishonestly;

(B) in bad faith;

(C) with reckless indifference to the purposes of the power of attorney;

(D) through willful misconduct;

(E) through gross negligence; or



(F) with actual fraud; or

(2) was inserted as a result of an abuse of a confidential or fiduciary relationship with the principal.

#### § 4016. JUDICIAL RELIEF

(a) The following persons may petition a court to construe a power of attorney or review the agent's conduct and grant appropriate relief:

(1) the principal or the agent;

(2) a guardian or other fiduciary acting for the principal, including an executor or administrator of the estate of a deceased principal;

(3) a person authorized to make health-care decisions for the principal;

(4) the principal's spouse, parent, or descendant;

(5) an individual who would qualify as an heir of the principal under the laws of intestacy;

(6) a person named as a beneficiary to receive any property, benefit, or contractual right on the principal's death or as a beneficiary of a trust created by or for the principal who has a financial interest in the principal's estate;

(7) a governmental agency having regulatory authority to protect the welfare of the principal;

(8) the principal's caregiver or another person who demonstrates sufficient interest in the principal's welfare; and

(9) a person asked to accept the power of attorney.

(b) Upon motion by the principal, the court shall dismiss a petition filed under this section, unless the court finds that the principal lacks capacity to revoke the agent's authority or the power of attorney.

#### § 4017. AGENT'S LIABILITY

An agent who violates this chapter is liable to the principal or the principal's successors in interest for the amount required to:

(1) restore the value of the principal's property to what it would have been had the violation not occurred;

(2) reimburse the principal or the principal's successors in interest for the attorney's fees and costs paid on the agent's behalf;

(3) reimburse the reasonable attorney's fees and costs incurred by the principal or the principal's successor in interest in pursuing rectification of the violation by the agent; and

(4) pay such other amounts, damages, costs, or expenses that the court may award.

§ 4018. AGENT'S RESIGNATION; NOTICE

Unless the power of attorney provides a different method for an agent's resignation, an agent may resign by giving written notice to the principal and, if the principal is incapacitated:

(1) to the guardian, if one has been appointed for the principal, and a coagent or successor agent; or

(2) if there is no person described in subdivision (1) of this section, to:

(A) the principal's caregiver;

(B) another person reasonably believed by the agent to have sufficient interest in the principal's welfare; or

(C) a governmental agency having authority to protect the welfare of the principal.

§ 4019. ACCEPTANCE OF AND RELIANCE UPON ACKNOWLEDGED  
POWER OF ATTORNEY

(a) As used in this section and section 4020 of this title, "acknowledged" means purportedly verified before a notary public or other individual authorized to take acknowledgements.

(b) A person who in good faith accepts an acknowledged power of attorney without actual knowledge that the signature is not genuine may rely upon the presumption under section 4005 of this title that the signature is genuine.

(c) A person who effects a transaction in reliance upon an acknowledged power of attorney without actual knowledge that the power of attorney is void, invalid, or terminated; that the purported agent's authority is void, invalid, or terminated; or that the agent is exceeding or improperly exercising the agent's authority may rely upon the power of attorney as if the power of attorney were genuine, valid, and still in effect; the agent's authority were genuine, valid, and still in effect; and the agent had not exceeded and has properly exercised the authority.

(d) A person who is asked to accept an acknowledged power of attorney may request and rely upon, without further investigation:

(1) an agent's certification under penalty of perjury of any factual matter concerning the principal, agent, or power of attorney; or

(2) an English translation of the power of attorney if the power of attorney contains, in whole or in part, language other than English; and

(3) an opinion of counsel as to any matter of law concerning the power of attorney if the person making the request provides in a writing or other record the reason for the request.

(e) A certification presented pursuant to subsection (d) of this section shall state that:

(1) the person presenting themselves as the agent and signing the affidavit or declaration is the person so named in the power of attorney;

(2) if the agent is named in the power of attorney as a successor agent, the circumstances or conditions stated in the power of attorney that would cause that person to become the acting agent have occurred;

(3) to the best of the agent's knowledge, the principal is still alive;

(4) to the best of the agent's knowledge, at the time the power of attorney was signed, the principal was competent to execute the document and was not under undue influence to sign the document;

(5) all events necessary to making the power of attorney effective have occurred;

(6) the agent does not have actual knowledge of the revocation, termination, limitation, or modification of the power of attorney or of the agent's authority;

(7) if the agent was married to or in a state-registered domestic partnership with the principal at the time of execution of the power of attorney, then at the time of signing the affidavit or declaration, the marriage or state-registered domestic partnership of the principal and the agent has not been dissolved or declared invalid, and no action is pending for the dissolution of the marriage or domestic partnership for legal separation; and

(8) the agent is acting in good faith pursuant to the authority given under the power of attorney.

(f) An English translation or an opinion of counsel requested under this section must be provided at the principal's expense unless the request is made more than seven business days after the power of attorney is presented for acceptance.

(g) For purposes of this section and section 4020 of this title, a person who conducts activities through employees is without actual knowledge of a fact relating to a power of attorney, a principal, or an agent if the employee conducting the transaction involving the power of attorney is without actual knowledge of the fact.

§ 4020. LIABILITY FOR REFUSAL TO ACCEPT ACKNOWLEDGEDSTATUTORY FORM POWER OF ATTORNEY

(a) As used in this section, “statutory form power of attorney” means a power of attorney substantially in the form provided in section 4051 of this title or that meets the requirements for a military power of attorney pursuant to 10 U.S.C. § 1044b, as amended.

(b) Except as otherwise provided in subsection (c) of this section:

(1) a person shall either accept an acknowledged statutory form power of attorney or request a certification, a translation, or an opinion of counsel under subsection 4019(d) of this title not later than seven business days after presentation of the power of attorney for acceptance;

(2) if a person requests a certification, a translation, or an opinion of counsel under subsection 4019(d) of this title, the person shall accept the statutory form power of attorney not later than five business days after receipt of the certification, translation, or opinion of counsel; and

(3) a person may not require an additional or different form of power of attorney for authority granted in the statutory form power of attorney presented.

(c) A person is not required to accept an acknowledged statutory form power of attorney if:

(1) the person is not otherwise required to engage in a transaction with the principal in the same circumstances;

(2) engaging in a transaction with the agent or the principal in the same circumstances would be inconsistent with federal or state law;

(3) the person has actual knowledge of the termination of the agent’s authority or of the power of attorney before exercise of the power;

(4) a request for a certification, a translation, or an opinion of counsel under subsection 4019(d) of this title is refused;

(5) the person in good faith believes that the power is not valid or that the agent does not have the authority to perform the act requested, whether or not a certification, a translation, or an opinion of counsel under subsection 4019(d) of this title has been requested or provided; or

(6) the person makes, or has actual knowledge that another person has made, a report to the Adult Protective Services program or other appropriate entity within the Department of Disabilities, Aging, and Independent Living or to a law enforcement agency stating a good faith belief that the principal may

be subject to physical or financial abuse, neglect, exploitation, or abandonment by the agent or a person acting for or with the agent.

(d) A person who refuses in violation of this section to accept an acknowledged statutory form power of attorney is subject to:

(1) a court order mandating acceptance of the power of attorney; and

(2) liability for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney.

#### § 4021. PRINCIPLES OF LAW AND EQUITY

Unless displaced by a provision of this chapter, the principles of law and equity supplement this chapter.

#### § 4022. LAWS APPLICABLE TO FINANCIAL INSTITUTIONS AND ENTITIES

This chapter does not supersede any other law applicable to financial institutions or other entities, and the other law controls if inconsistent with this chapter.

#### § 4023. REMEDIES UNDER OTHER LAW

The remedies under this chapter are not exclusive and do not abrogate any right or remedy under the law of this State other than this chapter.

#### Subchapter 2. Authority

#### § 4031. AUTHORITY THAT REQUIRES SPECIFIC GRANT; GRANT OF GENERAL AUTHORITY

(a) An agent under a power of attorney may do the following on behalf of the principal or with the principal's property only if the power of attorney expressly grants the agent the authority and exercise of the authority is not otherwise prohibited by another agreement or instrument to which the authority or property is subject:

(1) create, amend, revoke, or terminate an inter vivos trust;

(2) make a gift;

(3) create or change rights of survivorship;

(4) create or change a beneficiary designation;

(5) delegate authority granted under the power of attorney;

(6) waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan;

(7) authorize another person to exercise the authority granted under the power of attorney;

(8) exercise authority over the content of an electronic communication of the principal in accordance with chapter 125 of this title (Vermont Revised Uniform Fiduciary Access to Digital Assets Act);

(9) disclaim property, including a power of appointment;

(10) exercise a written waiver of spousal rights under section 323 of this title; or

(11) exercise authority with respect to intellectual property, including copyrights, contracts for payment of royalties, and trademarks.

(b) Notwithstanding a grant of authority to do an act described in subsection (a) of this section, unless the power of attorney otherwise provides, an agent that is not an ancestor, spouse, or descendant of the principal may not exercise authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal's property, whether by gift, right of survivorship, beneficiary designation, disclaimer, or otherwise.

(c) Subject to subsections (a), (b), (d), and (e) of this section, if a power of attorney grants to an agent authority to do all acts that a principal could do, the agent has the general authority described in sections 4034–4046 of this title.

(d) Unless the power of attorney otherwise provides, a grant of authority to make a gift is subject to section 4047 of this title.

(e) Subject to subsections (a), (b), and (d) of this section, if the subjects over which authority is granted in a power of attorney are similar or overlap, the broadest authority controls.

(f) Authority granted in a power of attorney is exercisable with respect to property that the principal has when the power of attorney is executed or acquires later, whether or not the property is located in this State and whether or not the authority is exercised or the power of attorney is executed in this State.

(g) An act performed by an agent pursuant to a power of attorney has the same effect and inures to the benefit of and binds the principal and the principal's successors in interest as if the principal had performed the act.

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§ 4032. INCORPORATION OF AUTHORITY

(a) An agent has authority described in this chapter if the power of attorney refers to general authority with respect to the descriptive term for the subjects stated in sections 4034–4047 of this title or cites the section in which the authority is described.

(b) A reference in a power of attorney to general authority with respect to the descriptive term for a subject in sections 4034–4047 of this title or a citation to a section of sections 4034–4047 of this title incorporates the entire section as if it were set out in full in the power of attorney.

(c) A principal may modify authority or a writing or other record incorporated by reference.

§ 4033. CONSTRUCTION OF AUTHORITY GENERALLY

Except as otherwise provided in the power of attorney, by executing a power of attorney that incorporates by reference a subject described in sections 4034–4047 of this title or that grants to an agent authority to do all acts that a principal could do pursuant to subsection 4031(c) of this title, a principal authorizes the agent, with respect to that subject, to:

(1) demand, receive, and obtain by litigation or otherwise, money or another thing of value to which the principal is, may become, or claims to be entitled, and conserve, invest, disburse, or use anything so received or obtained for the purposes intended;

(2) contract in any manner with any person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate, reform, restate, release, or modify the contract or another contract made by or on behalf of the principal;

(3) execute, acknowledge, seal, deliver, file, or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction, including creating at any time a schedule listing some or all of the principal's property and attaching it to the power of attorney;

(4) initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to a claim existing in favor of or against the principal or intervene in litigation relating to the claim;

(5) seek on the principal's behalf the assistance of a court or other governmental agency to carry out an act authorized in the power of attorney;

(6) engage, compensate, and discharge an attorney, accountant, discretionary investment manager, expert witness, or other advisor;

(7) prepare, execute, and file a record, report, or other document to safeguard or promote the principal's interest under a statute or regulation;

(8) communicate with any representative or employee of a government or governmental subdivision, agency, or instrumentality on behalf of the principal;

(9) access communications intended for and communicate on behalf of the principal, whether by mail, electronic transmission, telephone, or other means; and

(10) do any lawful act with respect to the subject and all property related to the subject.

#### § 4034. REAL PROPERTY

Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to real property authorizes the agent to:

(1) demand, buy, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to real property;

(2) sell; exchange; convey, with or without covenants, representations, or warranties; quitclaim; release; surrender; retain title for security; encumber; partition; consent to partitioning; subject to an easement or covenant; subdivide; apply for zoning or other governmental permits; plat or consent to platting; develop; grant an option concerning; lease; sublease; contribute to an entity in exchange for an interest in that entity; or otherwise grant or dispose of an interest in real property or a right incident to real property;

(3) pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;

(4) release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property that exists or is asserted;

(5) manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including:

(A) insuring against liability or casualty or other loss;

(B) obtaining or regaining possession of or protecting the interest or right by litigation or otherwise;



(C) paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and

(D) purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property;

(6) use, develop, alter, replace, remove, erect, or install structures or other improvements upon real property in or incident to which the principal has, or claims to have, an interest or right;

(7) participate in a reorganization with respect to real property or an entity that owns an interest in or right incident to real property and receive, and hold, and act with respect to stocks and bonds or other property received in a plan of reorganization, including:

(A) selling or otherwise disposing of them;

(B) exercising or selling an option, right of conversion, or similar right with respect to them; and

(C) exercising any voting rights in person or by proxy;

(8) change the form of title of an interest in or right incident to real property;

(9) dedicate to public use, with or without consideration, easements or other real property in which the principal has, or claims to have, an interest; and

(10) relinquish any and all of the principal's rights of homestead under 27 V.S.A. § 105 and elective share under section 323 of this title.

#### § 4035. TANGIBLE PERSONAL PROPERTY

Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to tangible personal property authorizes the agent to:

(1) demand, buy, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject ownership or possession of tangible personal property or an interest in tangible personal property;

(2) sell, exchange, or convey, with or without covenants, representations, or warranties; quitclaim; release; surrender; create a security interest in; grant options concerning; lease; sublease; or otherwise dispose of tangible personal property or an interest in tangible personal property;

(3) grant a security interest in tangible personal property or an interest in tangible personal property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;

(4) release, assign, satisfy, or enforce by litigation or otherwise a security interest, lien, or other claim on behalf of the principal with respect to tangible personal property or an interest in tangible personal property;

(5) manage or conserve tangible personal property or an interest in tangible personal property on behalf of the principal, including:

(A) insuring against liability or casualty or other loss;

(B) obtaining or regaining possession of or protecting the property or interest, by litigation or otherwise;

(C) paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with taxes or assessments;

(D) moving the property from place to place;

(E) storing the property for hire or on a gratuitous bailment; and

(F) using and making repairs, alterations, or improvements to the property; and

(6) change the form of title of an interest in tangible personal property.

#### § 4036. STOCKS AND BONDS

Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to stocks and bonds authorizes the agent to:

(1) buy, sell, and exchange stocks and bonds;

(2) establish, continue, modify, or terminate an account with respect to stocks and bonds;

(3) pledge stocks and bonds as security to borrow, pay, renew, or extend the time of payment of a debt of the principal;

(4) receive certificates and other evidences of ownership with respect to stocks and bonds; and

(5) exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote.

§ 4037. COMMODITIES AND OPTIONS

Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to commodities and options authorizes the agent to:

(1) buy, sell, exchange, assign, settle, and exercise commodity futures contracts and call or put options on stocks or stock indexes traded on a regulated option exchange; and

(2) establish, continue, modify, and terminate option accounts.

§ 4038. BANKS AND OTHER FINANCIAL INSTITUTIONS

Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to banks and other financial institutions authorizes the agent to:

(1) continue, modify, and terminate an account or other banking arrangement made by or on behalf of the principal;

(2) establish, modify, and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent;

(3) contract for services available from a financial institution, including renting a safe deposit box or space in a vault;

(4) withdraw, by check, order, electronic funds transfer, or otherwise, money or property of the principal deposited with or left in the custody of a financial institution;

(5) receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them;

(6) enter a safe deposit box or vault and withdraw or add to the contents;

(7) borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;

(8) make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts, and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order; transfer money; receive the cash or other proceeds of those transactions; and accept a draft drawn by a person upon the principal and pay it when due;

(9) receive for the principal and act upon a sight draft, warehouse receipt, or other document of title whether tangible or electronic, or other negotiable or nonnegotiable instrument;

(10) apply for, receive, and use letters of credit, credit and debit cards, electronic transaction authorizations, and traveler's checks from a financial institution and give an indemnity or other agreement in connection with letters of credit; and

(11) consent to an extension of the time of payment with respect to commercial paper or a financial transaction with a financial institution.

#### § 4039. OPERATION OF ENTITY OR BUSINESS

Subject to the terms of a document or an agreement governing an entity or an entity ownership interest, and unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to operation of an entity or business authorizes the agent to:

(1) operate, buy, sell, enlarge, reduce, or terminate an ownership interest;

(2) perform a duty or discharge a liability and exercise in person or by proxy a right, power, privilege, or option that the principal has, may have, or claims to have;

(3) enforce the terms of an ownership agreement;

(4) initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party because of an ownership interest;

(5) exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or option the principal has or claims to have as the holder of stocks and bonds;

(6) initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party concerning stocks and bonds;

(7) with respect to an entity or business owned solely by the principal:

(A) continue, modify, renegotiate, extend, and terminate a contract made by or on behalf of the principal with respect to the entity or business before execution of the power of attorney;

(B) determine:

(i) the location of its operation;

(ii) the nature and extent of its business;

(iii) the methods of manufacturing, selling, merchandising, financing, accounting, and advertising employed in its operation;

(iv) the amount and types of insurance carried; and

(v) the mode of engaging, compensating, and dealing with its employees and accountants, attorneys, or other advisors;

(C) change the name or form of organization under which the entity or business is operated and enter into an ownership agreement with other persons to take over all or part of the operation of the entity or business; and

(D) demand and receive money due or claimed by the principal or on the principal's behalf in the operation of the entity or business and control and disburse the money in the operation of the entity or business;

(8) put additional capital into an entity or business in which the principal has an interest;

(9) join in a plan of reorganization, consolidation, conversion, domestication, or merger of the entity or business;

(10) sell or liquidate all or part of an entity or business;

(11) establish the value of an entity or business under a buy-out agreement to which the principal is a party;

(12) prepare, sign, file, and deliver reports, compilations of information, returns, or other papers with respect to an entity or business and make related payments; and

(13) pay, compromise, or contest taxes, assessments, fines, or penalties and perform any other act to protect the principal from illegal or unnecessary taxation, assessments, fines, or penalties, with respect to an entity or business, including attempts to recover, in any manner permitted by law, money paid before or after the execution of the power of attorney.

#### § 4040. INSURANCE AND ANNUITIES

Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to insurance and annuities authorizes the agent to:

(1) continue, pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract procured by or on behalf of the principal that insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract;

(2) procure new, different, and additional contracts of insurance and annuities for the principal and the principal's spouse, children, and other dependents and select the amount, type of insurance or annuity, and mode of payment;

(3) pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract of insurance or annuity procured by the agent;

(4) apply for and receive a loan secured by a contract of insurance or annuity;

(5) surrender and receive the cash surrender value on a contract of insurance or annuity;

(6) exercise an election;

(7) exercise investment powers available under a contract of insurance or annuity;

(8) change the manner of paying premiums on a contract of insurance or annuity;

(9) change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section;

(10) apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal;

(11) collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal in a contract of insurance or annuity;

(12) select the form and timing of the payment of proceeds from a contract of insurance or annuity; and

(13) pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with, a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or its proceeds or liability accruing by reason of the tax or assessment.

#### § 4041. ESTATES, TRUSTS, AND OTHER BENEFICIAL INTERESTS

(a) As used in this section, "estate, trust, or other beneficial interest" means a trust, probate estate, guardianship, conservatorship, escrow, or custodianship or a fund from which the principal is, may become, or claims to be entitled to a share or payment.

(b) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to estates, trusts, and other beneficial interests authorizes the agent to:

(1) accept, receive, receipt for, sell, assign, pledge, or exchange a share in or payment from an estate, trust, or other beneficial interest;

(2) demand or obtain money or another thing of value to which the principal is, may become, or claims to be entitled by reason of an estate, trust, or other beneficial interest, by litigation or otherwise;

(3) exercise for the benefit of the principal a presently exercisable general power of appointment held by the principal;

(4) initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to ascertain the meaning, validity, or effect of a deed, will, declaration of trust, or other instrument or transaction affecting the interest of the principal;

(5) initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to remove, substitute, or surcharge a fiduciary;

(6) conserve, invest, disburse, or use anything received for an authorized purpose; and

(7) transfer an interest of the principal in real property, stocks and bonds, accounts with financial institutions or securities intermediaries, insurance, annuities, and other property to the trustee of a revocable trust created by the principal as settlor.

#### § 4042. CLAIMS AND LITIGATION

Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to claims and litigation authorizes the agent to:

(1) assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment, or defense, including an action to recover property or other thing of value, recover damages sustained by the principal, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief;

(2) bring an action to determine adverse claims or intervene or otherwise participate in litigation;

(3) seek an attachment, garnishment, order of arrest, or other preliminary, provisional, or intermediate relief and use an available procedure to effect or satisfy a judgment, order, or decree;

(4) make or accept a tender, offer of judgment, or admission of facts; submit a controversy on an agreed statement of facts; consent to examination; and bind the principal in litigation;

(5) submit to alternative dispute resolution, settle, and propose or accept a compromise;

(6) waive the issuance and service of process upon the principal; accept service of process; appear for the principal; designate persons upon which process directed to the principal may be served; execute and file or deliver stipulations on the principal's behalf; verify pleadings; seek appellate review; procure and give surety and indemnity bonds; contract and pay for the preparation and printing of records and briefs; and receive, execute, and file or deliver a consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement, or other instrument in connection with the prosecution, settlement, or defense of a claim or litigation;

(7) act for the principal with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning the principal or some other person, or with respect to a reorganization, receivership, or application for the appointment of a receiver or trustee that affects an interest of the principal in property or other thing of value;

(8) pay a judgment, award, or order against the principal or a settlement made in connection with a claim or litigation; and

(9) receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation.

#### § 4043. PERSONAL AND FAMILY MAINTENANCE

(a) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to personal and family maintenance authorizes the agent to:

(1) perform the acts necessary to maintain the customary standard of living of the principal, the principal's spouse, and the following individuals, whether living when the power of attorney is executed or later born:

(A) other individuals legally entitled to be supported by the principal; and

(B) the individuals whom the principal has customarily supported or indicated the intent to support;

(2) make periodic payments of child support and other family maintenance required by a court or governmental agency or an agreement to which the principal is a party;



(3) provide living quarters for the individuals described in subdivision (1) of this subsection by:

(A) purchase, lease, or other contract; or

(B) paying the operating costs, including interest, amortization payments, repairs, improvements, and taxes, for premises owned by the principal or occupied by those individuals;

(4) provide normal domestic help, usual vacations and travel expenses, and funds for shelter, clothing, food, appropriate education, including postsecondary and vocational education, and other current living costs for the individuals described in subdivision (1) of this subsection;

(5) pay expenses for necessary health care and custodial care on behalf of the individuals described in subdivision (1) of this subsection;

(6) act as the principal's personal representative pursuant to the Health Insurance Portability and Accountability Act; Sections 1171–1179 of the Social Security Act; 42 U.S.C. § 1320d, as amended; and applicable regulations in making decisions related to the past, present, or future payment for the provision of health care consented to by the principal or anyone authorized under the law of this State to consent to health care on behalf of the principal;

(7) continue any provision made by the principal for automobiles or other means of transportation, including registering, licensing, insuring, and replacing them, for the individuals described in subdivision (1) of this subsection;

(8) maintain credit and debit accounts for the convenience of the individuals described in subdivision (1) of this subsection and open new accounts; and

(9) continue payments incidental to the membership or affiliation of the principal in a religious institution, club, society, order, or other organization or to continue contributions to those organizations.

(b) Authority with respect to personal and family maintenance is neither dependent upon, nor limited by, authority that an agent may or may not have with respect to gifts under this chapter.

§ 4044. BENEFITS FROM GOVERNMENTAL PROGRAMS OR CIVIL OR  
MILITARY SERVICE

(a) As used in this section, "benefits from governmental programs or civil or military service" means any benefit, program, or assistance provided under

a statute or regulation, including Social Security, Medicare, Medicaid, and the Department of Veterans Affairs.

(b) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to benefits from governmental programs or civil or military service authorizes the agent to:

(1) execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal, including allowances and reimbursements for transportation of the individuals described in subdivision 4043(a)(1) of this title and for shipment of their household effects;

(2) take possession and order the removal and shipment of property of the principal from a post, warehouse, depot, dock, or other place of storage or safekeeping, either governmental or private, and execute and deliver a release, voucher, receipt, bill of lading, shipping ticket, certificate, or other instrument for that purpose;

(3) enroll in, apply for, select, reject, change, amend, or discontinue, on the principal's behalf, a benefit or program;

(4) prepare, file, and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled under a statute or regulation;

(5) initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation concerning any benefit or assistance the principal may be entitled to receive under a statute or regulation; and

(6) receive the financial proceeds of a claim described in subdivision (4) of this subsection and conserve, invest, disburse, or use for a lawful purpose anything so received.

#### § 4045. RETIREMENT PLANS

(a) As used in this section, "retirement plan" means a plan or account created by an employer, the principal, or another individual to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary, or owner, including a plan or account under the following sections of the Internal Revenue Code:

(1) an individual retirement account under Internal Revenue Code § 408, 26 U.S.C. § 408, as amended;

(2) a Roth individual retirement account under Internal Revenue Code § 408A, 26 U.S.C. § 408A, as amended;

(3) a deemed individual retirement account under Internal Revenue Code § 408(q), 26 U.S.C. § 408(q), as amended;

(4) an annuity or mutual fund custodial account under Internal Revenue Code § 403(b), 26 U.S.C. § 403(b), as amended;

(5) a pension, profit-sharing, stock bonus, or other retirement plan qualified under Internal Revenue Code § 401(a), 26 U.S.C. § 401(a), as amended;

(6) a plan under Internal Revenue Code § 457(b), 26 U.S.C. § 457(b), as amended; and

(7) a nonqualified deferred compensation plan under Internal Revenue Code § 409A, 26 U.S.C. § 409A, as amended.

(b) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to retirement plans authorizes the agent to:

(1) select the form and timing of payments under a retirement plan and withdraw benefits from a plan;

(2) make a rollover, including a direct trustee-to-trustee rollover, of benefits from one retirement plan to another;

(3) establish a retirement plan in the principal's name;

(4) make contributions to a retirement plan;

(5) exercise investment powers available under a retirement plan; and

(6) borrow from, sell assets to, or purchase assets from a retirement plan.

#### § 4046. TAXES

Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to taxes authorizes the agent to:

(1) prepare, sign, and file federal, state, local, and foreign income, gift, payroll, property, Federal Insurance Contributions Act, and other tax returns; claims for refunds; requests for extension of time; petitions regarding tax matters; and any other tax-related documents, including receipts; offers; waivers; consents, including consents and agreements under Internal Revenue Code § 2032A, 26 U.S.C. § 2032A, as amended; closing agreements; and any power of attorney required by the Internal Revenue Service or other taxing authority, including an internal revenue service form 2848 in favor of any third

party with respect to a tax year upon which the statute of limitations has not run and the following 25 tax years;

(2) pay taxes due, collect refunds, post bonds, receive confidential information, and contest deficiencies determined by the Internal Revenue Service or other taxing authority;

(3) exercise any election available to the principal under federal, state, local, or foreign tax law; and

(4) act for the principal in all tax matters for all periods before the Internal Revenue Service, or other taxing authority.

#### § 4047. GIFTS

(a) For purposes of this section, “gift” includes a gift for the benefit of a person, including a gift to a trust, an account under chapter 115 of this title (Vermont Uniform Transfers to Minors Act), and a tuition savings account or prepaid tuition plan as defined under Internal Revenue Code § 529, 26 U.S.C. § 529, as amended.

(b) An agent may make a gift of the principal’s property only as the agent determines is consistent with the principal’s objectives if actually known by the agent or, if unknown, as the agent determines is consistent with the principal’s best interests based on all relevant factors, including:

(1) evidence of the principal’s intent;

(2) the principal’s personal history of making or joining in the making of lifetime gifts;

(3) the principal’s estate plan;

(4) the principal’s foreseeable obligations and maintenance needs and the impact of the proposed gift on the principal’s housing options, access to care and services, and general welfare;

(5) the income, gift, estate, or inheritance tax consequences of the transaction; and

(6) whether the proposed gift creates a foreseeable risk that the principal will be deprived of sufficient assets to cover the principal’s needs during any period of Medicaid ineligibility that would result from the proposed gift.

(c) An agent may make a gift of the principal’s property only as the agent determines is consistent with the principal’s objectives if actually known by the agent and, if unknown, as the agent determines is consistent with the principal’s best interests based on all relevant factors, including:

(1) the value and nature of the principal’s property;

- (2) the principal's foreseeable obligations and need for maintenance;
- (3) minimization of taxes, including income, estate, inheritance, generation-skipping transfer, and gift taxes;
- (4) eligibility for a benefit, a program, or assistance under a statute or regulation; and
- (5) the principal's personal history of making or joining in making gifts.

### Subchapter 3. Statutory Forms

#### § 4051. STATUTORY FORM POWER OF ATTORNEY

A document substantially in the following form may be used to create a statutory form power of attorney that has the meaning and effect prescribed by this chapter.

#### VERMONT STATUTORY FORM POWER OF ATTORNEY

##### IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127.

This power of attorney does not authorize the agent to make health-care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.

This form does not revoke powers of attorney previously executed by you unless you initial the introductory paragraph under DESIGNATION OF AGENT that all previous powers of attorney are revoked.

This form provides for designation of one agent. If you wish to name more than one agent, you may name a coagent in the Special Instructions. Coagents are not required to act together unless you include that requirement in the Special Instructions.

If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

#### DESIGNATION OF AGENT

I \_\_\_\_\_ (Name of Principal) ( ) revoke all previous powers of attorney and name the following person as my agent:

Name of Agent: \_\_\_\_\_

Agent's Address: \_\_\_\_\_

Agent's Telephone Number: \_\_\_\_\_

#### DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: \_\_\_\_\_

Successor Agent's Address: \_\_\_\_\_

Successor Agent's Telephone Number: \_\_\_\_\_

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor Agent: \_\_\_\_\_

Second Successor Agent's Address: \_\_\_\_\_

Second Successor Agent's Telephone Number: \_\_\_\_\_

#### GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127.

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects, you may initial "All Preceding Subjects" instead of initialing each subject.)

( ) Real Property

( ) Tangible Personal Property

( ) Stocks and Bonds

( ) Commodities and Options

( ) Banks and Other Financial Institutions

- Operation of Entity or Business
- Insurance and Annuities
- Estates, Trusts, and Other Beneficial Interests
- Claims and Litigation
- Personal and Family Maintenance
- Benefits from Governmental Programs or Civil or Military Service
- Retirement Plans
- Taxes
- All Preceding Subjects

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

- An agent who is not an ancestor, spouse, or descendant may exercise authority under this power of attorney to create in the agent or in an individual to whom the agent owes a legal obligation of support an interest in my property whether by gift, rights of survivorship, beneficiary designation, disclaimer, or otherwise
- Create, amend, revoke, or terminate an inter vivos, family, living, irrevocable, or revocable trust
- Consent to the modification or termination of a noncharitable irrevocable trust under 14A V.S.A. § 411
- Make a gift, subject to the limitations of 14 V.S.A. § 4047 (gifts) and any special instructions in this power of attorney
- Create, amend, or change rights of survivorship
- Create, amend, or change a beneficiary designation
- Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
- Exercise fiduciary powers that the principal has authority to delegate

( ) Authorize another person to exercise the authority granted under this power of attorney

( ) Disclaim or refuse an interest in property, including a power of appointment

( ) Exercise authority with respect to elective share under 14 V.S.A. § 319

( ) Exercise waiver rights under 14 V.S.A. § 323

( ) Exercise authority over the content and catalogue of electronic communications and digital assets under 14 V.S.A. chapter 125 (Vermont Revised Uniform Fiduciary Access to Digital Assets Act)

( ) Exercise authority with respect to intellectual property, including, without limitation, copyrights, contracts for payment of royalties, and trademarks

LIMITATION ON AGENT’S AUTHORITY

An agent who is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

Initial:

( ) This power of attorney is effective immediately and shall not be affected by disability of the principal.

OR

( ) My agent(s) shall only have the authority to act upon my later incapacity.

You may give special instructions on the following lines:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.



NOMINATION OF GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a guardian of my estate or a guardian of my person, I nominate the following person(s) for appointment:

Name of Nominee for [conservator or guardian] of my estate:

\_\_\_\_\_

Nominee's Address: \_\_\_\_\_

Nominee's Telephone Number: \_\_\_\_\_

Name of Nominee for guardian of my person: \_\_\_\_\_

Nominee's Address: \_\_\_\_\_

Nominee's Telephone Number: \_\_\_\_\_

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid. Unless expressly stated otherwise, this power of attorney is durable and shall remain valid if I become incapacitated.

SIGNATURE AND ACKNOWLEDGMENT

\_\_\_\_\_

Your Name Printed

\_\_\_\_\_

Your Address

\_\_\_\_\_

Your Telephone Number

\_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

This document was acknowledged before me on \_\_\_\_\_ (Date)

by \_\_\_\_\_.

(Name of Principal)

\_\_\_\_\_ (Seal, if any)

Signature of Notary \_\_\_\_\_

My commission expires: \_\_\_\_\_

IMPORTANT INFORMATION FOR AGENT

Agent's Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

(1) do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interests;

(2) act in good faith;

(3) do nothing beyond the authority granted in this power of attorney;  
and

(4) disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner: (Principal's Name) by (Your Signature) as Agent.

Unless the Special Instructions in this power of attorney state otherwise, you must also:

(1) act loyally for the principal's benefit;

(2) avoid conflicts that would impair your ability to act in the principal's best interest;

(3) act with care, competence, and diligence;

(4) keep a record of all receipts, disbursements, and transactions made on behalf of the principal;

(5) cooperate with any person that has authority to make health-care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interests; and

(6) attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interests.

Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

- (1) death of the principal;
- (2) the principal's revocation of the power of attorney or your authority;
- (3) the occurrence of a termination event stated in the power of attorney;
- (4) the purpose of the power of attorney is fully accomplished; or
- (5) if you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

Liability of Agent

The meaning of the authority granted to you is defined in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127. If you violate the Vermont Uniform Power of Attorney Act, or act outside the authority granted, you may be liable for any damages caused by your violation. In addition to civil liability, failure to comply with your duties and authority granted under this document could subject you to criminal prosecution.

If there is anything about this document or your duties that you do not understand, you should seek legal advice.

§ 4052. STATUTORY SHORT FORM POWER OF ATTORNEY FOR  
REAL ESTATE TRANSACTIONS

(a) A document substantially in the following form may be used to create a statutory form power of attorney for a real estate transaction that has the meaning and effect prescribed by this chapter.

VERMONT SHORT FORM POWER OF ATTORNEY FOR REAL ESTATE  
TRANSACTIONS

This power of attorney authorizes another person (your agent) to take actions for you (the principal) in connection with a real estate transaction (sale, purchase, or mortgage). Your agent will be able to make decisions and act with respect to a specific parcel of land whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is

explained in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127.

#### DESIGNATION OF AGENT

I/we \_\_\_\_\_ and \_\_\_\_\_  
 (Name(s) of Principal) appoint the following person as my (our) agent:

Name of Agent: \_\_\_\_\_

Name of Alternate Agent: \_\_\_\_\_

Address of Property that is the subject of this power of attorney

(Street): \_\_\_\_\_, \_\_\_\_\_ (Municipality)  
\_\_\_\_\_, Vermont.

Transaction for which the power of attorney is given:

Sale

Purchase

Refinance

#### GRANT OF AUTHORITY

I/we grant my (our) agent and any alternate agent authority named in this power of attorney to act for me/us with respect to a real estate transaction involving the property with the address stated above, including, but not limited to, the powers described in 14 V.S.A. § 4034(2), (3), and (4) as provided in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127.

#### POWER TO DELEGATE

Each agent appointed in this power of attorney may delegate the authority to act to another person. Any delegation shall be in writing and executed in the same manner as this power of attorney.

#### TERM

This power of attorney commences when fully executed and continues until the real estate transaction for which it was given is complete.

#### SELF DEALING

If this box is checked, the agent named in this power of attorney may convey the subject real estate to the agent, individually, in trust, or to one or more persons as co-tenants with the agent.

CHOICE OF LAW

This power of attorney and the effect hereof shall be determined by the application of Vermont law and the Vermont Uniform Power of Attorney Act.

SIGNATURE AND ACKNOWLEDGMENT

\_\_\_\_\_  
Your Name Printed

\_\_\_\_\_  
Your Address

\_\_\_\_\_  
Your Telephone Number

\_\_\_\_\_  
State of

\_\_\_\_\_  
County of

This document was acknowledged before me on \_\_\_\_\_ (Date)

by \_\_\_\_\_.

(Name of Principal)

\_\_\_\_\_  
(Seal, if any)

Signature of Notary \_\_\_\_\_

My commission expires: \_\_\_\_\_

(b) A power of attorney in the form above confers on the agent the powers provided in subdivisions 4034 (2), (3) and (4) of this Chapter.

(c) Unless the language of the power of attorney expressly forbids delegation of the authority, the agent may delegate the authority granted in the power of attorney created under this provision to another person.

§ 4053. AGENT’S CERTIFICATION

The following optional form may be used by an agent to certify facts concerning a power of attorney.

AGENT’S CERTIFICATION AS TO THE VALIDITY OF POWER OF ATTORNEY AND AGENT’S AUTHORITY

State of \_\_\_\_\_

[County] of \_\_\_\_\_ ]

I, \_\_\_\_\_ (Name of Agent), certify under penalty of perjury that \_\_\_\_\_ (Name of Principal) granted me authority as an agent or successor agent in a power of attorney dated \_\_\_\_\_.

I further certify that to my knowledge:

(1) the Principal is alive and has not revoked the Power of Attorney or my authority to act under the Power of Attorney and the Power of Attorney and my authority to act under the Power of Attorney have not terminated;

(2) if the Power of Attorney was drafted to become effective upon the happening of an event or contingency, the event or contingency has occurred;

(3) if I was named as a successor agent, the prior agent is no longer able or willing to serve; and

(4) \_\_\_\_\_ (Insert other relevant statements below)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE AND ACKNOWLEDGMENT

\_\_\_\_\_

\_\_\_\_\_  
Agent's Name Printed

\_\_\_\_\_  
Agent's Address

\_\_\_\_\_  
Agent's Telephone Number

This document was acknowledged before me on \_\_\_\_\_,

\_\_\_\_ (Date)

by \_\_\_\_\_

(Name of Agent)

\_\_\_\_\_ (Seal, if any)

Signature of Notary

My commission expires: \_\_\_\_\_

Subchapter 4. Miscellaneous Provisions

§ 4061. UNIFORMITY OF APPLICATION AND CONSTRUCTION

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact it.

§ 4062. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

This chapter 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 subsection 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in subsection 103(b) of that act, 15 U.S.C. § 7003(b).

§ 4063. EFFECT ON EXISTING POWERS OF ATTORNEY

Except as otherwise provided in this chapter, on July 1, 2023:

(1) this chapter applies to a power of attorney created before, on, or after July 1, 2023;

(2) this chapter applies to a judicial proceeding concerning a power of attorney commenced on or after July 1, 2023;

(3) this chapter applies to a judicial proceeding concerning a power of attorney commenced before July 1, 2023 unless the court finds that application of a provision of this chapter would substantially interfere with the effective conduct of the judicial proceeding or prejudice the rights of a party, in which case that provision does not apply and the superseded law applies; and

(4) an act done before July 1, 2023 is not affected by this chapter.

Sec. 2. REPEAL

14 V.S.A. chapter 123 (powers of attorney) is repealed.

Sec. 3. 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, the report of the Committee on Judiciary agreed to, and third reading ordered.

**Favorable Reports; Second Reading; Third Reading Ordered**

**H. 53**

**Rep. Dolan of Essex Junction**, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to driver's license suspensions

Reported in favor of its passage.

**Rep. Masland of Thetford**, 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.

**Message from the Senate No. 23**

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 the report of the Committee of Conference upon the disagreeing votes of the two Houses upon House bill of the following title:

**H. 145.** An act relating to fiscal year 2023 budget adjustments.

And has accepted and adopted the same on its part.

**Adjournment**

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

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**Thursday, March 2, 2023**

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



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**Devotional Exercises**

Devotional exercises were conducted by Rev. Kevin Goldenbogen, Charlotte Congregational Church.

**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. 461**

By the Committee on Education,

House bill, entitled

An act relating to making miscellaneous changes in education laws

Pursuant to House Rule 48, placed on the Notice Calendar.

**H. 462**

By LaLonde of South Burlington,

House bill, entitled

An act relating to the evidentiary rules governing proceedings concerning a child who is a victim of an offense involving serious bodily injury

To the Committee on Judiciary

**Bill Referred to Committee on Ways and Means****H. 158**

House bill, entitled

An act relating to the beverage container redemption system

Appearing 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.

**Committee Relieved of Consideration and  
Bill Committed to Other Committee****H. 72**

**Rep. LaLonde of South Burlington** moved that the Committee on Judiciary be relieved of House bill, entitled

An act relating to a harm-reduction criminal justice response to drug use

And that the bill be committed to the Committee on Human Services, which was agreed to.

**Third Reading; Bills Passed**

House bills of the following titles were severally taken up, read the third time, and passed:

**H. 53**

House bill, entitled

An act relating to driver's license suspensions

**H. 67**

House bill, entitled

An act relating to household products containing hazardous substances

**H. 148**

House bill, entitled

An act relating to raising the age of eligibility to marry

**Action on Bill Postponed****H. 227**

House bill, entitled

An act relating to the Vermont Uniform Power of Attorney Act

Was taken up and, pending third reading, on motion of **Rep. LaLonde of South Burlington**, action on the bill was postponed until March 3, 2023.

**Committee Bill; Second Reading; Third Reading Ordered****H. 411**

**Rep. Houghton of Essex Junction** spoke for the Committee on Health Care.

House bill, entitled

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

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; Amendments Offered;  
Consideration Interrupted; Bill Amended; Third Reading Ordered****H. 429**

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

House bill, entitled

An act relating to miscellaneous changes to election 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. Sibiliala of Dover** moved to amend the bill as follows:

First: By striking out Secs. 1, 17 V.S.A. § 2381(c), and 2, 17 V.S.A. § 2401, and their reader assistance heading in their entireties and inserting in lieu thereof the following:

Sec. 1. [Deleted.]

Sec. 2. [Deleted.]

Second: By adding a new section to be Sec. 2a and its accompanying reader assistance heading to read as follows:

\* \* \* Independent Candidate Filing Deadline \* \* \*

Sec. 2a. 17 V.S.A. § 2402(d) is amended to read:

(d)(1) A statement of nomination and a completed and signed consent form shall be filed:

\* \* \*

(C) in the case of any other independent candidate, not earlier than the fourth Monday in April and not later than 5:00 p.m. on the ~~Thursday preceding~~ second Friday following the primary election prescribed by section 2351 of this chapter, and not later than 5:00 p.m. of the ~~third day prior to~~ second Friday following the day of a special primary election.

Thereupon, **Rep. Elder of Starksboro** asked that the question be divided so that the first instance of amendment be voted separate from the second instance of amendment, and the Speaker ruled that the question was divisible in that manner.

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

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

Pending the question, Shall the bill be amended as offered by Rep. Sibiliala of Dover in the first instance of amendment?, **Rep. Logan of 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 bill be amended as offered by Rep. Sibia of Dover in the first instance of amendment?, was decided in the negative. Yeas, 59. Nays, 78.

Those who voted in the affirmative are:

Andriano of Orwell	Elder of Starksboro	Nicoll of Ludlow
Arsenault of Williston	Galfetti of Barre Town	Oliver of Sheldon
Bartley of Fairfax	Goslant of Northfield	Pajala of Londonderry
Bos-Lun of Westminster	Graham of Williamstown	Parsons of Newbury
Brennan of Colchester	Gregoire of Fairfield	Peterson of Clarendon
Brownell of Pownal	Hango of Berkshire	Pouech of Hinesburg
Burditt of West Rutland	Headrick of Burlington	Rachelson of Burlington
Canfield of Fair Haven	Higley of Lowell	Roberts of Halifax
Carroll of Bennington	Labor of Morgan	Shaw of Pittsford
Chapin of East Montpelier	LaMont of Morristown	Sibia of Dover
Chesnut-Tangerman of Middletown Springs	Laroche of Franklin	Sims of Craftsbury
Cina of Burlington	Lipsky of Stowe	Small of Winooski
Clifford of Rutland City	Logan of Burlington	Smith of Derby
Cole of Hartford	Maguire of Rutland City	Stone of Burlington
Corcoran of Bennington	McCann of Montpelier	Surprenant of Barnard
Cordes of Lincoln	McCoy of Poultney	Taylor of Milton
Demar of Enosburgh	McGill of Bridport	Toof of St. Albans Town
Dickinson of St. Albans Town	Morgan of Milton	Walker of Swanton
Donahue of Northfield	Morrissey of Bennington	Williams of Granby
	Mulvaney-Stanak of Burlington	Wilson of Lyndon

Those who voted in the negative are:

Andrews of Westford	Durfee of Shaftsbury	Morris of Springfield
Anthony of Barre City	Emmons of Springfield	Mrowicki of Putney
Arrison of Weathersfield	Farlice-Rubio of Barnet	Notte of Rutland City
Austin of Colchester	Garofano of Essex	Noyes of Wolcott
Bartholomew of Hartland	Goldman of Rockingham	Nugent of South Burlington
Beck of St. Johnsbury	Graning of Jericho	O'Brien of Tunbridge
Berbeco of Winooski	Holcombe of Norwich	Ode of Burlington
Birong of Vergennes	Hooper of Randolph	Patt of Worcester
Black of Essex	Houghton of Essex Junction	Priestley of Bradford
Bluemle of Burlington	Howard of Rutland City	Rice of Dorset
Bongartz of Manchester	Hyman of South Burlington	Satcowitz of Randolph
Boyden of Cambridge	James of Manchester	Scheu of Middlebury
Brown of Richmond	Jerome of Brandon	Sheldon of Middlebury
Brumsted of Shelburne	Kornheiser of Brattleboro	Squirrell of Underhill
Burke of Brattleboro	Krasnow of South Burlington	Stebbins of Burlington
Burrows of West Windsor	LaBounty of Lyndon	Stevens of Waterbury
Buss of Woodstock	Lalley of Shelburne	Taylor of Colchester
Casey of Montpelier	LaLonde of South Burlington	Templeman of Brownington
Chase of Chester	Lanpher of Vergennes	Toleno of Brattleboro
Chase of Colchester	Leavitt of Grand Isle	Torre of Moretown
Christie of Hartford		Troiano of Stannard
Coffey of Guilford		Waters Evans of Charlotte

Conlon of Cornwall	Long of Newfane	White of Bethel
Demrow of Corinth	Marcotte of Coventry	Whitman of Bennington
Dodge of Essex	Masland of Thetford	Williams of Barre City
Dolan of Essex Junction	Mattos of Milton	Wood of Waterbury
	McCarthy of St. Albans City	
	Minier of South Burlington	

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

Brady of Williston	Harrison of Chittenden	Page of Newport City
Branagan of Georgia	Hooper of Burlington	Pearl of Danville
Campbell of St. Johnsbury	McFaun of Barre Town	Sammis of Castleton
Dolan of Waitsfield	Mihaly of Calais	

Pending the question, Shall the bill be amended as offered by Rep. Sibia of Dover in the second instance of amendment?, **Rep. Sibia of Dover** requested the vote be by division.

Thereupon, the amendment was disagreed to: Yeas, 38. Nays, 96.

Pending the question, Shall the bill be read a third time?, **Reps. McCarthy of St. Albans City, Birong of Vergennes, Krasnow of South Burlington, and Small of Winooski** moved to amend the bill as follows:

First: By striking out Sec. 3, 17 V.S.A. § 2941(a), in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. 17 V.S.A. § 2941(a) is amended to read:

§ 2941. LIMITATIONS OF CONTRIBUTIONS

(a) In any election cycle:

\* \* \*

(5)(A) A political party shall not accept contributions totaling more than:

(A)(i) \$10,000.00 from a single source;

(B)(ii) \$10,000.00 from a political committee; or

(C)(iii) \$60,000.00 from a political party.

(B) Notwithstanding subdivision (A) of this subdivision, a political party may accept not more than \$60,000.00 from a candidate for State office.

\* \* \*

Second: By striking out Sec. 5, 17 V.S.A. § 2474, and its reader assistance heading in their entireties and inserting in lieu thereof a new Sec. 5 to read as follows:

Sec. 5. [Deleted.]

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

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 40**

**Rep. Rachelson of Burlington**, for the Committee on Judiciary, to which had been referred House bill, entitled

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

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

Sec. 1. 13 V.S.A. § 3251 is amended to read:

§ 3251. DEFINITIONS

As used in this chapter:

(1) A “sexual act” means conduct between persons consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any intrusion, however slight, by any part of a person’s body or any object into the genital or anal opening of another.

(2) “Sexual conduct” means any conduct or behavior relating to sexual activities of the complaining witness, including ~~but not limited to~~ prior experience of sexual acts, use of contraceptives, living arrangement, and mode of living.

(3) “Consent” means the affirmative, unambiguous, and voluntary agreement to engage in a sexual act, which can be revoked at any time.

\* \* \*

Sec. 2. 13 V.S.A. § 3260 is added to read:

§ 3260. NONCONSENSUAL REMOVAL OR TAMPERING WITH A

CONDOM

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

(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 12 V.S.A. § 511.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

and that after passage the title of the bill be amended to read: "An act relating to nonconsensual removal or tampering with a condom"

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.

### **Second Reading; Bill Amended; Third Reading Ordered**

#### **H. 94**

**Rep. McGill of Bridport**, for the Committee on Human Services, to which had been referred House bill, entitled

An act relating to removing the Reach Up ratable reduction

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

### Sec. 1. REPORT; REACH UP; RATABLE REDUCTION

On or before January 15, 2024, the Department for Children and Families shall submit a report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare containing an actionable, phased plan that estimates the amount needed to remove the ratable reduction in the Reach Up program. The plan shall be designed to be phased in over a period not greater than five fiscal years and shall:

(1) address the financial implications posed by removing the ratable reduction;

(2) address any anticipated changes to the Reach Up caseload as a result of removing the ratable reduction; and

(3) identify any federal and State resources that may be utilized to remove the ratable reduction.

### Sec. 2. 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, the report of the Committee on Human Services agreed to, and third reading ordered.

**Favorable Reports; Second Reading; Third Reading Ordered**

**H. 217**

**Rep. Williams of Barre City**, for the Committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to miscellaneous workers' compensation amendments

Reported in favor of its passage.

**Rep. Anthony of Barre City**, 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.

**House Resolution Adopted**

**H.R. 7**

**Rep. Bartholomew of Hartland** spoke for the Committee on Rules.

House resolution, entitled

House resolution authorizing limited remote committee voting through the first Friday of the 2024 Adjourned Session

Was taken up and adopted.

**Joint Resolution Adopted in Concurrence**

**J.R.S. 16**

Joint resolution, entitled

Joint resolution providing for a Joint Assembly to vote on the retention of a Chief Justice and four Associate Justices of the Supreme Court and eight Superior Court Judges

Was taken up and adopted in concurrence.

**Message from the Senate No. 24**

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 bill of the following title:

**S. 45.** An act relating to an elective pass-through entity income tax and credit.

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

### **Adjournment**

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

---

### **Friday, March 3, 2023**

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. Rameen Zahed, The Old Meeting House, East Montpelier.

### **House Bill Introduced**

#### **H. 463**

By Rep. Burrows of West Windsor,

House bill, entitled

An act relating to creating an Americans with Disabilities Act Coordinator position for the General Assembly

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

### **Senate Bill Referred**

#### **S. 45**

Senate bill, entitled

An act relating to an elective pass-through entity income tax and credit

Was read the first time and referred to the Committee on Ways and Means.

**Bill Referred to Committee on Appropriations****H. 157**

House bill, entitled

An act relating to the Vermont basic needs budget

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

**Third Reading; Bill Passed****H. 40**

House bill, entitled

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

Was taken up and read the third time.

Pending the question, Shall the bill pass?, **Rep. Small 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 bill pass?, was decided in the affirmative. Yeas, 121. Nays, 12.

Those who voted in the affirmative are:

Andrews of Westford	Dolan of Essex Junction *	Mrowicki of Putney
Andriano of Orwell	Durfee of Shaftsbury	Mulvaney-Stanak of Burlington
Anthony of Barre City	Emmons of Springfield	Nicoll of Ludlow
Arsenault of Williston	Farlice-Rubio of Barnet	Notte of Rutland City
Austin of Colchester	Galfetti of Barre Town	Noyes of Wolcott
Bartholomew of Hartland	Garofano of Essex	Nugent of South Burlington
Bartley of Fairfax	Goldman of Rockingham	O'Brien of Tunbridge
Beck of St. Johnsbury	Graham of Williamstown	Ode of Burlington
Berbeco of Winooski	Graning of Jericho	Pajala of Londonderry
Birong of Vergennes	Gregoire of Fairfield *	Patt of Worcester
Black of Essex	Headrick of Burlington *	Pouech of Hinesburg
Bluemle of Burlington	Holcombe of Norwich	Priestley of Bradford
Bongartz of Manchester	Hooper of Randolph	Rachelson of Burlington
Bos-Lun of Westminster	Houghton of Essex Junction	Rice of Dorset
Boyden of Cambridge	Howard of Rutland City	Roberts of Halifax
Brennan of Colchester	Hyman of South Burlington	Satcowitz of Randolph
Brown of Richmond	James of Manchester	Scheu of Middlebury
Brownell of Pownal	Jerome of Brandon	Shaw of Pittsford
Brumsted of Shelburne	Kornheiser of Brattleboro	Sheldon of Middlebury
Burke of Brattleboro	Krasnow of South Burlington	Sibilia of Dover
Burrows of West Windsor	LaBounty of Lyndon	Sims of Craftsbury
Buss of Woodstock	Lalley of Shelburne	Small of Winooski
Canfield of Fair Haven		Squirrell of Underhill
Carroll of Bennington		

Casey of Montpelier	LaLonde of South Burlington	Stebbins of Burlington
Chapin of East Montpelier	Burlington	Stevens of Waterbury
Chase of Chester	LaMont of Morristown	Stone of Burlington
Chase of Colchester	Lanpher of Vergennes	Surprenant of Barnard
Chesnut-Tangerman of Middletown Springs	Laroche of Franklin	Taylor of Milton
Christie of Hartford	Leavitt of Grand Isle	Taylor of Colchester
Cina of Burlington	Lipsky of Stowe	Templeman of Brownington
Clifford of Rutland City	Logan of Burlington	Toleno of Brattleboro
Coffey of Guilford	Long of Newfane	Toof of St. Albans Town
Cole of Hartford	Marcotte of Coventry	Torre of Moretown
Conlon of Cornwall	Masland of Thetford	Troiano of Stannard
Corcoran of Bennington	Mattos of Milton	Walker of Swanton
Cordes of Lincoln	McCann of Montpelier	Waters Evans of Charlotte
Demar of Enosburgh	McCarthy of St. Albans City	White of Bethel
Demrow of Corinth	McCoy of Poultney *	Whitman of Bennington
Dodge of Essex	McGill of Bridport	Williams of Barre City
	Minier of South Burlington	Wood of Waterbury
	Morgan of Milton *	
	Morris of Springfield	
	Morrissey of Bennington	

Those who voted in the negative are:

Arrison of Weathersfield	Hango of Berkshire	Parsons of Newbury *
Burditt of West Rutland *	Higley of Lowell	Peterson of Clarendon
Donahue of Northfield *	Labor of Morgan	Smith of Derby
Goslant of Northfield	Oliver of Sheldon	Williams of Granby *

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

Brady of Williston	Elder of Starksboro	Page of Newport City
Branagan of Georgia	Harrison of Chittenden	Pearl of Danville
Campbell of St. Johnsbury	Hooper of Burlington	Sammis of Castleton
Dickinson of St. Albans Town	Maguire of Rutland City	Wilson of Lyndon
Dolan of Waitsfield	McFaun of Barre Town	
	Mihaly of Calais	

**Rep. Burditt of West Rutland** explained his vote as follows:

“Madam Speaker:

I have no issue with what this bill does. I have an issue with ignoring the equality which is written in our U.S. Constitution, our Vermont Constitution, and is part of our oath of office.”

**Rep. Dolan of Essex Junction** explained her vote as follows:

“Madam Speaker:

It is especially meaningful for me to support this bill today with my two children with us in the Chamber. They and Vermonters deserve a decision that looks out for their safety, health, and future.”

**Rep. Donahue of Northfield** explained her vote as follows:

“Madam Speaker:

I need to be responsible for my actions as much as I expect it of men. This bill wrongly suggests that only men engage in the sexual assault that occurs when consent is based on perpetration of a lie.”

**Rep. Gregoire of Fairfield** explained his vote as follows:

“Madam Speaker:

If we are sincere about protecting victims, then we cannot live in denial that similar acts do occur to men. No matter how that may not fit a narrative, it is all too true and devastating for male victims. If it has not happened to you, then you are lucky, by that I mean that it is wrong to discount that it has happened to men.”

**Rep. Headrick of Burlington** explained his vote as follows:

“Madam Speaker:

Men are certainly victimized by sexual harassment and sexual assault as well. And, in some cases women perpetrate the behavior. However, Dr. Koss and countless other research studies will confirm that the vast majority of instances of sexual assault, rape, and attempted rape will identify a man as the perpetrator. This includes men who have been assaulted and raped by other men. Sexual violence harms women at overwhelmingly far greater rates than it does men. That is the only concern for equity that belongs in today’s discussion.”

**Rep. McCoy of Poultney** explained her vote as follows:

“Madam Speaker:

While I voted yes on this bill, I am disappointed we did not vet this bill from our ‘equity lens’ view when drafting and ultimately passing this bill.”

**Rep. Morgan of Milton** explained his vote as follows:

“Madam Speaker:

I voted yes and I am in support of the structural foundations of the bill but I’m disappointed with the lack of equity in the bill.”

**Rep. Parsons of Newbury** explained his vote as follows:

“Madam Speaker:

I voted no today, looking at all pieces of legislation through the lens of equity has clearly taken the day off.”

**Rep. Williams of Granby** explained her vote as follows:

“Madam Speaker:

I do support the intent in this bill, but as we continue to work for equity in the People’s House, I do not find that in this bill, therefore I cannot support it.”

#### **Recess**

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

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

#### **Third Reading; Bills Passed**

House bills of the following titles were severally taken up, read the third time, and passed:

#### **H. 94**

House bill, entitled

An act relating to removing the Reach Up ratable reduction

#### **H. 217**

House bill, entitled

An act relating to miscellaneous workers’ compensation amendments

#### **H. 411**

House bill, entitled

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

#### **Bill Amended; Third Reading; Bill Passed**

#### **H. 227**

House bill, entitled

An act relating to the Vermont Uniform Power of Attorney Act

Was taken up and, pending third reading of the bill, **Rep. Andriano of Orwell** moved to amend the bill as follows:

First: In Sec. 1, 14 V.S.A. chapter 127, in section 4002, in subdivision (2), after “incapacity” by inserting “or unavailability”

Second: In Sec. 1, 14 V.S.A. chapter 127, in section 4002, by striking out subdivision (7) in its entirety and inserting in lieu thereof a new subdivision (7) to read as follows:

(7)(A) “Incapacity” means the inability of an individual to manage property or business affairs because the individual has an impairment in the ability to receive and evaluate information or make or communicate decisions even with the use of technological assistance.

(B) “Unavailability” means the inability of an individual to manage property or business affairs because the individual is:

(i) missing;

(ii) detained, including incarcerated in a penal system; or

(iii) outside the United States and unable to return.

Third: In Sec. 1, 14 V.S.A. chapter 127, in section 4004, after “incapacity” by inserting “or unavailability”

Fourth: In Sec. 1, 14 V.S.A. chapter 127, in section 4009, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) If a power of attorney becomes effective upon the principal’s incapacity or unavailability and the principal has not authorized a person to determine whether the principal is incapacitated or unavailable, or the person authorized is unable or unwilling to make the determination, the power of attorney becomes effective upon a determination in a writing or other record by:

(1) a licensed health care professional working within the professional’s scope of practice, including a physician licensed pursuant to 26 V.S.A. chapter 23 or 33 and a psychologist licensed pursuant to 26 V.S.A. chapter 55, that the principal is incapacitated within the meaning of subdivision 4002(7) of this chapter; or

(2) an attorney at law, a judge, or an appropriate governmental official that the principal is unavailable within the meaning of subdivision 4002(17) of this chapter.

Fifth: In Sec. 1, 14 V.S.A. chapter 127, in section 4009, in subsection (d), after “incapacitated” by inserting “or unavailable”

Sixth: In Sec. 1, 14 V.S.A. chapter 127, in section 4010, in subdivision (a)(2), after “incapacitated” by inserting “or unavailable”

Seventh: In Sec. 1, 14 V.S.A. chapter 127, in section 4010, in subdivision (a)(6), after “incapacitated” by inserting “or unavailable”

Eighth: In Sec. 1, 14 V.S.A. chapter 127, in section 4010, in subdivision (b)(2), after “incapacitated” by inserting “or unavailable”

Ninth: In Sec. 1, 14 V.S.A. chapter 127, in section 4010, by striking out subsection (e) in its entirety and inserting in lieu thereof a new subsection (e) to read as follows:

(e) Incapacity or unavailability of the principal of a power of attorney that is not durable does not revoke or terminate the power of attorney as to an agent or other person that, without actual knowledge of the incapacity or unavailability, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

Tenth: In Sec. 1, 14 V.S.A. chapter 127, in section 4010, by inserting a new subsection (g) to read as follows:

(g) The principal of a power of attorney may not revoke the power of attorney if the principal has been determined to be incapacitated.

Eleventh: In Sec. 1, 14 V.S.A. chapter 127, in section 4011, in subsection (b), after “incapacitated” by inserting “or unavailable”

Twelfth: In Sec. 1, 14 V.S.A. chapter 127, in section 4011, in subdivision (b)(2), after “incapacitated” by inserting “or unavailable”

Thirteenth: In Sec. 1, 14 V.S.A. chapter 127, in section 4011, in subsection (d), after “incapacitated” by inserting “or unavailable”

Fourteenth: In Sec. 1, 14 V.S.A. chapter 127, in section 4018, after “incapacitated” by inserting “or unavailable”

Fifteenth: In Sec. 1, 14 V.S.A. chapter 127, subchapter 3, by striking out section 4051 in its entirety and inserting in lieu thereof a new section 4051 to read as follows:

#### § 4051. STATUTORY FORM POWER OF ATTORNEY

A document substantially in the following form may be used to create a statutory form power of attorney that has the meaning and effect prescribed by this chapter.

#### VERMONT STATUTORY FORM POWER OF ATTORNEY

#### IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127.

This power of attorney does not authorize the agent to make health-care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.

This form does not revoke powers of attorney previously executed by you unless you initial the introductory paragraph under DESIGNATION OF AGENT that all previous powers of attorney are revoked.

This form provides for designation of one agent. If you wish to name more than one agent, you may name a coagent in the Special Instructions. Coagents are not required to act together unless you include that requirement in the Special Instructions.

If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

#### DESIGNATION OF AGENT

I \_\_\_\_\_ (Name of Principal) ( ) revoke all previous powers of attorney and name the following person as my agent:

Name of Agent: \_\_\_\_\_

Agent's Address: \_\_\_\_\_

Agent's Telephone Number: \_\_\_\_\_

#### DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: \_\_\_\_\_

Successor Agent's Address: \_\_\_\_\_

Successor Agent's Telephone Number: \_\_\_\_\_

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:



Name of Second Successor Agent: \_\_\_\_\_

Second Successor Agent's Address: \_\_\_\_\_

Second Successor Agent's Telephone Number: \_\_\_\_\_

#### GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127.

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects, you may initial "All Preceding Subjects" instead of initialing each subject.)

Real Property

Tangible Personal Property

Stocks and Bonds

Commodities and Options

Banks and Other Financial Institutions

Operation of Entity or Business

Insurance and Annuities

Estates, Trusts, and Other Beneficial Interests

Claims and Litigation

Personal and Family Maintenance

Benefits from Governmental Programs or Civil or Military Service

Retirement Plans

Taxes

All Preceding Subjects

#### GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

( ) An agent who is not an ancestor, spouse, or descendant may exercise authority under this power of attorney to create in the agent or in an individual to whom the agent owes a legal obligation of support an interest in my property whether by gift, rights of survivorship, beneficiary designation, disclaimer, or otherwise

( ) Create, amend, revoke, or terminate an inter vivos, family, living, irrevocable, or revocable trust

( ) Consent to the modification or termination of a noncharitable irrevocable trust under 14A V.S.A. § 411

( ) Make a gift, subject to the limitations of 14 V.S.A. § 4047 (gifts) and any special instructions in this power of attorney

( ) Create, amend, or change rights of survivorship

( ) Create, amend, or change a beneficiary designation

( ) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan

( ) Exercise fiduciary powers that the principal has authority to delegate

( ) Authorize another person to exercise the authority granted under this power of attorney

( ) Disclaim or refuse an interest in property, including a power of appointment

( ) Exercise authority with respect to elective share under 14 V.S.A. § 319

( ) Exercise waiver rights under 14 V.S.A. § 323

( ) Exercise authority over the content and catalogue of electronic communications and digital assets under 14 V.S.A. chapter 125 (Vermont Revised Uniform Fiduciary Access to Digital Assets Act)

( ) Exercise authority with respect to intellectual property, including, without limitation, copyrights, contracts for payment of royalties, and trademarks

#### LIMITATION ON AGENT'S AUTHORITY

An agent who is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

#### WHEN POWER OF ATTORNEY EFFECTIVE

This power of attorney becomes effective when executed unless the principal has initialed one of the following:

( ) This power of attorney is effective only upon my later incapacity.

OR

( ) This power of attorney is effective only upon my later incapacity or unavailability.

OR

( ) I direct that this power of attorney shall become effective when one or more of the following occurs:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions on the following lines:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

NOMINATION OF GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a guardian of my estate or a guardian of my person, I nominate the following person(s) for appointment:

Name of Nominee for [conservator or guardian] of my estate:

\_\_\_\_\_

Nominee's Address: \_\_\_\_\_

Nominee's Telephone Number: \_\_\_\_\_

Name of Nominee for guardian of my person: \_\_\_\_\_

Nominee's Address: \_\_\_\_\_

Nominee's Telephone Number: \_\_\_\_\_

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid. Unless expressly stated otherwise, this power of attorney is durable and shall remain valid if I become incapacitated or unavailable.

SIGNATURE AND ACKNOWLEDGMENT

\_\_\_\_\_  
Your Name Printed

\_\_\_\_\_  
Your Address

\_\_\_\_\_  
Your Telephone Number

\_\_\_\_\_  
State of

\_\_\_\_\_  
County of

This document was acknowledged before me on \_\_\_\_\_ (Date)

by \_\_\_\_\_.

(Name of Principal)

\_\_\_\_\_  
(Seal, if any)

Signature of Notary \_\_\_\_\_

My commission expires: \_\_\_\_\_

IMPORTANT INFORMATION FOR AGENT

Agent's Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

(1) do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interests;

(2) act in good faith;

(3) do nothing beyond the authority granted in this power of attorney;  
and

(4) disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner: (Principal's Name) by (Your Signature) as Agent.

Unless the Special Instructions in this power of attorney state otherwise, you must also:

(1) act loyally for the principal's benefit;

(2) avoid conflicts that would impair your ability to act in the principal's best interest;

(3) act with care, competence, and diligence;

(4) keep a record of all receipts, disbursements, and transactions made on behalf of the principal;

(5) cooperate with any person that has authority to make health-care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interests; and

(6) attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interests.

#### Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

(1) death of the principal;

(2) the principal's revocation of the power of attorney or your authority;

(3) the occurrence of a termination event stated in the power of attorney;

(4) the purpose of the power of attorney is fully accomplished; or

(5) if you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

#### Liability of Agent

The meaning of the authority granted to you is defined in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127. If you violate the Vermont Uniform Power of Attorney Act, or act outside the authority granted, you may be liable for any damages caused by your violation. In addition to civil liability, failure to comply with your duties and authority granted under this document could subject you to criminal prosecution.

If there is anything about this document or your duties that you do not understand, you should seek legal advice.

Pending the question, Shall the bill be amended as offered by Rep. Andriano of Orwell?, **Rep. Andriano of Orwell** moved to amend his recommendation of amendment in the fourth instance of amendment as follows:

First: In Sec. 1, 14 V.S.A. chapter 127, in section 4009, in new subdivision (c)(1), by striking out “subdivision 4002(7)” and inserting in lieu thereof “subdivision 4002(7)(A)”

Second: In Sec. 1, 14 V.S.A. chapter 127, in section 4009, in new subdivision (c)(2), by striking out “subdivision 4002(17)” and inserting in lieu thereof “4002(7)(B)”

Which was agreed to.

Thereafter, the question, Shall the bill be amended as offered by Rep. Andriano of Orwell, as amended?, was agreed to. Thereupon, the bill was read the third time and passed.

#### **Amendment Offered; Consideration Interrupted; Amendments Offered and Withdrawn; Third Reading; Bill Passed**

#### **H.429**

House bill, entitled

An act relating to miscellaneous changes to election laws

Was taken up and, pending third reading of the bill, **Rep. Gregoire of Fairfield** moved to amend the bill as follows:

By striking out Sec. 9, 17 V.S.A. § 2370, in its entirety and inserting in lieu thereof a new Sec. 9 to read as follows:

Sec. 9. 17 V.S.A. § 2370 is amended to read:

§ 2370. WRITE-IN CANDIDATES

(a) A write-in candidate shall not qualify as a primary winner unless ~~he or she~~ the candidate receives at ~~least one-half~~ the same number of votes as the number of signatures required for ~~his or her~~ the candidate's office on a primary petition, except that if a write-in candidate receives more votes than a candidate whose name is printed on the ballot, ~~he or she may~~ the write-in candidate shall qualify as a primary winner.

(b) The write-in candidate who qualifies as a primary winner under this section must still be determined a winner under section 2369 of this chapter before ~~he or she~~ the candidate becomes the party's candidate in the general election.

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

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

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

Pending the question, Shall the bill be read a third time?, **Rep. Gregoire of Fairfield** moved to amend the bill as follows:

By striking out Sec. 9, 17 V.S.A. § 2370, in its entirety and inserting in lieu thereof a new Sec. 9 to read as follows:

Sec. 9. 17 V.S.A. § 2370 is amended to read:

§ 2370. WRITE-IN CANDIDATES

(a) A write-in candidate shall not qualify as a primary winner unless ~~he or she~~ the candidate receives at ~~least one-half~~ the same number of votes as the number of signatures required for ~~his or her~~ the candidate's office on a primary petition, except that if a write-in candidate receives more votes than a candidate whose name is printed on the ballot, ~~he or she may~~ the write-in candidate shall qualify as a primary winner.

(b) The write-in candidate who qualifies as a primary winner under this section must still be determined a winner under section 2369 of this chapter before ~~he or she~~ the candidate becomes the party's candidate in the general election.

Which was disagreed to.

Pending third reading of the bill, **Rep. Sibia of Dover** moved to amend the bill as follows:

First: By adding six new sections to be Secs. 11a–11f and accompanying reader assistance headings to read as follows:

\* \* \* Redesignation \* \* \*

Sec. 11a. REDESIGNATION

17 V.S.A. §§ 2705 and 2706 are redesignated as 17 V.S.A. §§ 2710 and 2711.

\* \* \* Ranked-Choice Voting Requirements for Presidential Primary  
Elections \* \* \*

Sec. 11b. 17 V.S.A. chapter 57, subchapter 1 is amended to read:

Subchapter 1. Presidential Primary

§ 2700. DEFINITIONS

As used in this subchapter:

(1) “Active candidate” means a candidate who has not been eliminated and who is not a withdrawn candidate as set forth in subdivision (12) of this section.

(2) “By lot” means a method, determined by the Secretary of State, for randomly choosing between two or more active candidates.

(3) “Highest-ranked active candidate” means the active candidate assigned a higher ranking than any other active candidate.

(4) “Inactive ballots” means ballots that do not count as votes for any candidate due to one or more of the reasons listed in subdivision 2706(c)(2) of this title.

(5) “Major political party” has the same meaning as in subdivision 2103(23)(A) of this title.

(6) “Overvote” means an instance in which a voter assigned the same ranking to more than one candidate.

(7) “Ranking” means the number available to be assigned by a voter to a candidate to express the voter’s choice for that candidate. The number “1” is the highest ranking, followed by “2,” and then “3” and so on.

(8) “Round” means an instance of the sequence of voting tabulation in accordance with section 2706 of this title.



(9) “Skipped ranking” means a voter does not assign a certain available ranking to any candidate but does assign a subsequent available ranking to a candidate.

(10) “Threshold for receiving delegates” means the number of votes necessary for a candidate to receive delegates in a presidential primary election conducted in accordance with subdivision 2705(a)(2) of this title.

(11) “Undervote” means a ballot on which a voter does not assign any ranking to any candidate in a particular contest.

(12) “Withdrawn candidate” means any candidate who has submitted a declaration of withdrawal in writing to the Secretary of State, the effectiveness of which begins when filed with the Secretary of State.

§ 2701. PRESIDENTIAL PRIMARY; TIME OF HOLDING; FORM OF  
BALLOT

In presidential election years, a presidential primary for each major political party shall be held in all municipalities on the first Tuesday in March. The Secretary of State shall prepare and distribute for use at the primary an official ranked-choice ballot for each party for which one or more candidates qualify for the placing of their names on the ballot under section 2702 of this title. Ballots shall be printed on index stock and configured to be readable by vote tabulators.

\* \* \*

§ 2704. RANKED-CHOICE VOTING; BALLOTS

(a) A presidential primary election for a major political party shall be conducted by ranked-choice voting.

(b) A person voting at the primary shall be required to ask for the ranked-choice ballot of the party in which the voter wishes to vote, and an election official shall record the voter’s choice of ballot by marking the entrance checklist with a letter code, as designated by the Secretary of State, to indicate the voter’s party choice.

(1) The ballot shall allow voters to rank candidates in order of choice. The names of all candidates on the ballot shall be listed in alphabetical order. Each voter may vote for one candidate for the presidential nomination of one party, either by placing a mark opposite the printed name of a candidate as in other primaries, or by writing in the name of the candidate of the voter’s choice.

(2) The ballot shall allow voters to assign rankings to candidates that are equal to the number of printed candidate names and blank write-in lines, except to the extent established by the Secretary pursuant to section 2709 of this title.

§ 2705. TYPE OF RANKED-CHOICE VOTING

(a) At least 150 days before the date of the presidential primary election, the State committee of each major political party shall confirm in writing with the Secretary of State whether the party will award delegates either:

(1) on a winner-take-all basis in accordance with subsection 2706(d) of this title; or

(2) on a proportional basis in accordance with subsection 2706(e) of this title, in which case the party shall also indicate the applicable threshold or thresholds for receiving delegates.

(b) If a party fails to provide notice, or its notice does not specify how the party will award its delegates, the presidential primary election for that party shall be tabulated on a winner-take-all basis in accordance with subsection 2706(d) of this title.

(c) At least 120 days before the date of the presidential primary election, the Secretary of State shall confirm with the State committee of each political party that the State is capable of implementing the party's preferences as declared under subsection (a) of this section or shall notify the State committee of any feasibility constraints that could prevent the State from implementing the party's preferences.

§ 2706. RANKED-CHOICE VOTING TABULATION

(a) Tabulation rounds. In any presidential primary election for a major political party, each ballot shall count as one vote for the highest-ranked active candidate on that ballot. Tabulation shall proceed in rounds. Each round proceeds sequentially as described in subsection (d) or (e) of this section, as applicable.

(b) Withdrawn candidates. Ranking orders containing withdrawn candidates shall be treated the same as ranking orders containing candidates who have been eliminated from tabulation.

(c) Inactive ballots and undervotes.

(1) In any round of tabulation, an inactive ballot does not count for any candidate and is not considered a vote for the purposes of determining either which active candidate has the majority of the active votes in the final round of tabulation pursuant to subsection (d) of this section or which active candidates

possess a vote total above the threshold for receiving delegates pursuant to subsection (e) of this section.

(2) A ballot is an inactive ballot if any of the following is true:

(A) The ballot does not rank any active candidates and is not an undervote.

(B) The ballot has reached an overvote.

(C) The ballot has reached two consecutive skipped rankings.

(3) An undervote does not count as either an active or inactive ballot in any round of tabulation.

(d) Award of delegates on winner-take-all basis. If a major political party awards all of the State's delegates to a single candidate on a winner-take-all basis, tabulation shall proceed as follows:

(1) If there are two or fewer active candidates, then tabulation is complete, and the candidate with the most votes is declared the winner of the election.

(2) If there are more than two active candidates, the active candidate with the fewest votes is eliminated, the votes for the eliminated candidate are transferred to each ballot's next-ranked active candidate, and a new round begins.

(3) If there is a tie between two active candidates with the fewest votes, the tie shall be resolved by lot to determine which candidate is defeated. The result of the tie resolution must be recorded and reused in the event of a recount.

(4) If there is a tie between the final two active candidates, the Secretary of State shall notify each active candidate involved in the tie, or the candidate's designee, to be present at the Secretary of State's office at a certain time. At that time, the Secretary of State shall select the winner of the tabulation by lot.

(e) Award of delegates on proportional basis. If a major political party awards the State's delegates to multiple candidates on a proportional basis, tabulation shall proceed as follows:

(1) If the vote total of every active candidate is above the threshold for receiving delegates as confirmed by the major political party pursuant to subdivision 2705(a)(2) of this title, then tabulation is complete.

(2) If any active candidate is below the threshold for receiving delegates, then the active candidate with the fewest votes is eliminated, votes for the eliminated candidate are transferred to each ballot's next-ranked active candidate, and a new round begins.

(3) If there is a tie between two active candidates with the fewest votes and tabulation is not yet complete, the tie shall be resolved by lot to determine which candidate is defeated. The result of the tie resolution must be recorded and reused in the event of a recount.

(f) Certification of tabulation rounds. The Secretary of State shall certify the results of each round tabulated pursuant to subsection (d) or (e) of this section, as applicable, along with any other information required under section 2707 of this title, to the State chairperson and the national committee of each political party that had at least one candidate on the State-administered presidential primary election ballot to allocate national delegate votes in accordance with the party's State and national rules.

(g) Political party allocation of delegates. Nothing in this act shall be construed to preclude a political party from allocating delegates according to its own rules for allocating such delegates.

#### § 2707. RANKED-CHOICE VOTING RESULTS REPORTING

(a) Unofficial preliminary round-by-round results and unofficial preliminary cast vote records shall be released as soon as feasible after the polls close and at regular intervals thereafter until the counting of ballots is complete.

(1) Unofficial preliminary round-by-round results shall be clearly labeled as preliminary and, to the extent feasible, shall include the percent of ballots counted to date.

(2) Unofficial preliminary cast vote records shall be:

(A) clearly labeled as preliminary and, to the extent feasible, shall include the percent of ballots counted to date;

(B) published online in a publicly accessible, electronic format; and

(C) published in a manner consistent with the need to maintain voter privacy.

(b) In addition to any other information required by law to be reported with the final results, the following shall be made public:

(1) the total number of votes each candidate received in each round of the official tabulation, including votes for withdrawn candidates;

(2) the total number of ballots that became inactive in each round because they did not contain any active candidates, reached an overvote, or reached two consecutive skipped rankings, reported as separate figures; and

(3) the cast vote records in a publicly accessible, electronic format and by district, published in a manner consistent with the need to maintain voter privacy.

(c) If a major political party allocates delegates by geographical unit or district, round-by-round results by geographical unit or district shall be made public in addition to statewide results.

#### § 2708. CANVASSING COMMITTEE CERTIFICATES

When the canvassing committee provided for in section 2592 of this title prepares its certificate of election for a presidential primary election for a major political party, the canvass shall state the number of final round votes received by each candidate who has received votes in the final round of tabulation.

\* \* \* Voter and Election Official Education \* \* \*

#### Sec. 11c. VOTER AND ELECTION OFFICIAL EDUCATION;

##### SECRETARY OF STATE'S OFFICE

The Secretary of State shall make available to voters information regarding the ranked-choice process and provide to election officials training in order to assist them in implementing that process.

\* \* \* Vote Tabulators; Returns \* \* \*

#### Sec. 11d. TALLY SHEETS; SUMMARY SHEETS; RETURNS

The Secretary of State shall ensure that on or before January 1, 2025, all tally sheets, summary sheets, and returns described in 17 V.S.A. § 2586 are designed to record ranked-choice voting results in accordance with this act.

\* \* \* Rulemaking Authority; Office of the Secretary of State \* \* \*

#### Sec. 11e. 17 V.S.A. § 2709 is added to read:

##### § 2709. RULEMAKING

The Secretary of State shall adopt rules pursuant to 3 V.S.A. chapter 25 for the proper and efficient administration of presidential primary elections, including procedures for ensuring that voting tabulators, voting tabulator memory cards, and related software are able to tabulate rank-choice voting when necessary; procedures for ensuring that the number of rankings allowed to voters be uniform across the State for any given contest, that the number of rankings allowed in any given contest be the maximum number allowed by the

equipment, and that the number of rankings allowed be not fewer than three in any event; procedures for the release of unofficial preliminary round-by-round results and unofficial preliminary cast vote records; procedures for requesting and conducting recounts of the results of presidential primary elections for major candidates; and procedures for filing returns in accordance with section 2588 of this title.

\* \* \* Appropriation \* \* \*

Sec. 11f. APPROPRIATION; UPGRADE OF SECRETARY OF STATE  
ELECTION MANAGEMENT SYSTEM AND VOTE  
TABULATORS

The sum of \$2,000,000.00 is appropriated from the General Fund to the Office of the Secretary of State in fiscal year 2024 for the purpose of upgrading the election management system and all vote tabulators and their memory cards and related software so that they may perform ranked-choice voting as described in this act.

Second: By adding a new section to be Sec. 11g and its accompanying reader assistance heading to read as follows:

\* \* \* Nonpartisan Blanket Primaries Study and Report \* \* \*

Sec. 11g. NONPARTISAN BLANKET PRIMARIES; SECRETARY OF  
STATE; STUDY AND REPORT

(a) The Secretary of State, in consultation with the Vermont Municipal Clerks' and Treasurers' Association, shall develop a process for conducting "top-four" nonpartisan blanket primaries in State elections, in which the top four candidates advance to the general election without establishing party nominees, to begin not later than the 2028 election cycle. The Secretary of State shall determine how best to conduct nonpartisan blanket primaries in all State elections, including for local offices, school boards, county offices, members of the General Assembly, statewide offices, U.S. congressional offices, and the president of the United States.

(b) The Secretary of State shall solicit input from a wide range of stakeholders and shall hold not fewer than two public hearings.

(c) On or before January 15, 2024, the Secretary of State shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations with the Secretary's findings and any recommendations for legislative action.

Third: By adding a new section to be Sec. 11h and a accompanying reader assistance heading to read as follows:

\* \* \* Reapportionment Process Study and Report \* \* \*

Sec. 11h. REAPPORTIONMENT; LEGISLATIVE APPORTIONMENT  
BOARD; STUDY AND REPORT

(a) Reapportionment process study. The Legislative Apportionment Board shall explore opportunities to make Vermont's redistricting process less partisan than prior redistricting efforts and yield redistricting plans that better reflect the principle of "one person – one vote." In its study, the Board shall consider the following:

(1) redistricting processes in states where the legislature does not participate in redistricting;

(2) those states' 2021–2022 redistricting results and whether there have been any court challenges; and

(3) how best to revise Vermont's reapportionment process so that:

(A) no elected persons or partisans are involved; and

(B) incumbency is not considered.

(b) Public engagement. The Board shall solicit input from a wide range of stakeholders and hold not fewer than two public hearings.

(c) Assistance. The Board shall have the administrative, technical, and legal assistance of the Office of the Secretary of State for the purpose of the reapportionment process study.

(d) Report. On or before January 15, 2024, the Board shall submit a written report to the House Committee on Government Operations and Military Affairs and Senate Committee on Government Operations with its findings and recommendations for enacting a redistricting process, prior to the 2030 Census, that would be less partisan than prior redistricting efforts and generate legislative districts that better adhere to the principle of "one person – one vote."

(e) Meetings. The Chair of the Board shall call the first meeting for the reapportionment process study to occur on or before July 15, 2023.

(f) Compensation and reimbursement. Members of the Board shall be entitled to per diem compensation and reimbursement of expenses as allowed under 17 V.S.A. § 1904(d) for not more than 10 meetings. Payments authorized under this subsection shall be made from monies appropriated to the Secretary of State's office.

Fourth: By striking out Sec. 12, effective date, and its reader assistance heading in their entirety and inserting in lieu thereof a new Sec. 12 and reader assistance heading to read as follows:

\* \* \* Effective Dates \* \* \*

Sec. 12. EFFECTIVE DATES

This act shall take effect on passage, except Secs. 11a–11b which shall take effect on January 1, 2024.

Thereupon, **Rep. Sibilía of Dover** asked and was granted leave of the House to withdraw her amendment.

Pending third reading of the bill, **Rep. Sibilía of Dover** moved to amend the bill as follows:

First: By striking out the reader assistance heading prior to Sec.1 in its entirety and inserting in lieu thereof the following:

\* \* \* Vermont's Party over People General Election Provision \* \* \*

Second: By adding a reader assistance heading and two new sections to be Secs. 11a and 11b to read as follows:

\* \* \* Incumbency Not to be Considered in the Redistricting Division of Districts Having Two or More Representatives \* \* \*

Sec. 11a. 17 V.S.A. § 1906b is amended to read:

§ 1906b. DIVISION OF TWO-MEMBER REPRESENTATIVE DISTRICTS

\* \* \*

(c) In making a proposal under this section, the boards of civil authority shall consider:

- (1) preservation of existing political subdivision lines;
- (2) recognition and maintenance of patterns of geography, social interaction, trade, political ties, and common interests; and
- (3) use of compact and contiguous territory;
- (4) ~~incumbencies.~~

\* \* \*

Sec. 11b. 17 V.S.A. § 1906c is amended to read:

§ 1906c. DIVISION OF DISTRICTS HAVING THREE OR MORE REPRESENTATIVES

\* \* \*



(c) In making a proposal under this section, the boards of civil authority shall consider:

- (1) preservation of existing political subdivision lines;
- (2) recognition and maintenance of patterns of geography, social interaction, trade, political ties, and common interests; and
- (3) use of compact and contiguous territory;
- ~~(4) incumbencies.~~

\* \* \*

Thereupon, **Rep. Cina of Burlington** requested that the question be divided by its two instances of amendment, and the Speaker ruled it was divisible in that manner.

Thereafter, the question, Shall the bill be amended as offered by Rep. Sabilia of Dover in the first instance of amendment?, was disagreed to.

Thereupon, the question, Shall the bill be amended as offered by Rep. Sabilia of Dover in the second instance of amendment?, was disagreed to.

Thereupon, the bill was read the third time and passed.

**Favorable Report; Second Reading; Third Reading Ordered**

**H.R. 6**

**Rep. Bartholomew of Hartland**, for the Committee on Rules, to which had been referred House resolution, entitled

House resolution updating House Rules

Reported in favor of its adoption. The resolution, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

**Report of Committee of Conference Adopted;  
House Actions Ordered Delivered to the Governor Forthwith**

**H. 145**

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:

**H. 145.** An act relating to fiscal year 2023 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. 2022 Acts and Resolves No. 185, Sec. B.105 is amended to read:

Sec. B.105 Agency of digital services - communications and information technology

Personal services	99,364,395	82,655,019
Operating expenses	<u>34,833,539</u>	<u>34,833,539</u>
Total	134,197,934	117,488,558
Source of funds		
General fund	179,572	179,572
Special funds	<del>17,159,341</del>	449,965
Internal service funds	<u>116,859,021</u>	<u>116,859,021</u>
Total	134,197,934	117,488,558

Sec. 1a. 2022 Acts and Resolves No. 185, Sec. B.133 is amended to read:

Sec. B.133 Vermont state retirement system

Personal services		180,911
Operating expenses	1,399,555	<u>2,276,023</u>
Total	<del>1,580,466</del>	<u>2,456,934</u>
Source of funds		
Pension trust funds	<del>1,580,466</del>	<u>2,456,934</u>
Total	<del>1,580,466</del>	<u>2,456,934</u>

Sec. 1b. 2022 Acts and Resolves No. 185, Sec. B.134 is amended to read:

Sec. B.134 Municipal employees' retirement system

Personal services		198,399
Operating expenses	<del>890,207</del>	<u>1,221,607</u>
Total	<del>1,088,606</del>	<u>1,420,006</u>
Source of funds		
Pension trust funds	<del>1,088,606</del>	<u>1,420,006</u>
Total	<del>1,088,606</del>	<u>1,420,006</u>

Sec. 2. 2022 Acts and Resolves No. 185, Sec. B.145 is amended to read:

Sec. B.145 Total general government

Source of funds		
General fund	104,811,247	104,811,247
Transportation fund	4,059,343	4,059,343
Special funds	<u>35,893,006</u>	19,183,630

Federal funds	1,308,858	1,308,858
Internal service funds	178,033,418	178,033,418
Interdepartmental transfers	4,447,671	4,447,671
Enterprise funds	6,979	6,979
Pension trust funds	<u>2,669,072</u>	<u>3,876,940</u>
Private purpose trust funds	<u>1,156,575</u>	<u>1,156,575</u>
Total	<u>332,386,169</u>	<u>316,884,661</u>

Sec. 3. 2022 Acts and Resolves No. 185, Sec. B.209 is amended to read:

Sec. B.209 Public safety - state police

Personal services	62,598,426	62,396,849
Operating expenses	12,660,950	12,660,950
Grants	<u>1,467,153</u>	<u>1,467,153</u>
Total	<u>76,726,529</u>	<u>76,524,952</u>

Source of funds

General fund	46,676,421	46,474,844
Transportation fund	20,250,000	20,250,000
Special funds	3,116,711	3,116,711
Federal funds	4,820,645	4,820,645
Interdepartmental transfers	<u>1,862,752</u>	<u>1,862,752</u>
Total	<u>76,726,529</u>	<u>76,524,952</u>

Sec. 4. 2022 Acts and Resolves No. 185, Sec. B.225 is amended to read:

Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship

Personal services	2,830,318	2,830,318
Operating expenses	950,906	950,906
Grants	<u>545,334</u>	<u>295,334</u>
Total	<u>4,326,558</u>	<u>4,076,558</u>

Source of funds

General fund	<u>1,191,645</u>	941,645
Special funds	2,325,153	2,325,153
Federal funds	472,695	472,695
Interdepartmental transfers	<u>337,065</u>	<u>337,065</u>
Total	<u>4,326,558</u>	<u>4,076,558</u>

Sec. 5. 2022 Acts and Resolves No. 185, Sec. B.225.2 is amended to read:

Sec. B.225.2 Agriculture, Food and Markets - Clean Water

Personal services	3,351,394	3,351,394
Operating expenses	518,202	518,202
Grants	<u>5,253,111</u>	<u>5,503,111</u>

Total	9,122,707	9,372,707
Source of funds		
General fund	1,100,802	1,350,802
Special funds	7,266,122	7,266,122
Federal funds	441,907	441,907
Interdepartmental transfers	<u>313,876</u>	<u>313,876</u>
Total	9,122,707	9,372,707

Sec. 6. 2022 Acts and Resolves No. 185, Sec. B.240 is amended to read:

Sec. B.240 Cannabis Control Board

Personal services	3,211,914	3,497,225
Operating expenses	<u>278,608</u>	<u>1,383,608</u>
Total	3,490,522	4,880,833
Source of funds		
Special funds	<u>3,490,522</u>	<u>4,880,833</u>
Total	3,490,522	4,880,833

Sec. 7. 2022 Acts and Resolves No. 185, Sec. B.241 is amended to read:

Sec. B.241 Total protection to persons and property

Source of funds		
General fund	187,158,391	186,956,814
Transportation fund	20,250,000	20,250,000
Special funds	98,238,728	99,629,039
Tobacco fund	561,843	561,843
Federal funds	127,115,612	127,115,612
ARRA funds	510,535	510,535
Interdepartmental transfers	12,413,144	12,413,144
Enterprise funds	<u>13,619,207</u>	<u>13,619,207</u>
Total	459,867,460	461,056,194

Sec. 8. 2022 Acts and Resolves No. 185, Sec. B.300 is amended to read:

Sec. B.300 Human services - agency of human services - secretary's office

Personal services	12,307,314	14,990,385
Operating expenses	5,340,825	5,356,835
Grants	<u>2,895,202</u>	<u>3,160,202</u>
Total	20,543,341	23,507,422
Source of funds		
General fund	9,056,662	12,020,743
Special funds	135,517	135,517
Federal funds	10,569,851	10,569,851
Interdepartmental transfers	<u>781,311</u>	<u>781,311</u>

Total	20,543,341	23,507,422
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Sec. 9. 2022 Acts and Resolves No. 185, Sec. B.301 is amended to read:

Sec. B.301 Secretary's office - global commitment

Grants	<del>1,835,603,282</del>	<u>1,934,679,638</u>
Total	<del>1,835,603,282</del>	<u>1,934,679,638</u>
Source of funds		
General fund	<del>608,430,925</del>	515,071,925
Special funds	<del>33,384,536</del>	29,121,769
Tobacco fund	<del>21,049,373</del>	21,049,373
State health care resources fund	<del>17,078,501</del>	25,102,272
Federal funds	<del>1,151,625,777</del>	1,340,818,340
Interdepartmental transfers	<del>4,034,170</del>	<u>3,515,959</u>
Total	<del>1,835,603,282</del>	<u>1,934,679,638</u>

Sec. 10. 2022 Acts and Resolves No. 185, Sec. B.304 is amended to read:

Sec. B.304 Human services board

Personal services	<del>766,312</del>	619,083
Operating expenses	<del>89,396</del>	<u>89,396</u>
Total	<del>855,708</del>	708,479
Source of funds		
General fund	<del>490,779</del>	343,550
Federal funds	<del>364,929</del>	<u>364,929</u>
Total	<del>855,708</del>	708,479

Sec. 11. 2022 Acts and Resolves No. 185, Sec. B.306 is amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	<del>133,258,216</del>	133,258,216
Operating expenses	<del>27,050,784</del>	27,115,536
Grants	<del>2,912,301</del>	<u>8,712,301</u>
Total	<del>163,221,301</del>	169,086,053
Source of funds		
General fund	<del>34,666,169</del>	38,830,921
Special funds	<del>4,738,197</del>	4,738,197
Federal funds	<del>114,997,590</del>	116,697,590
Global Commitment fund	<del>3,986,316</del>	3,986,316
Interdepartmental transfers	<del>4,833,029</del>	<u>4,833,029</u>
Total	<del>163,221,301</del>	169,086,053

Sec. 12. 2022 Acts and Resolves No. 185, 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>837,108,046</u>	<u>965,640,677</u>
Total	<u>837,656,029</u>	<u>966,188,660</u>
Source of funds		
Global Commitment fund	<u>837,656,029</u>	<u>966,188,660</u>
Total	<u>837,656,029</u>	<u>966,188,660</u>

Sec. 13. 2022 Acts and Resolves No. 185, Sec. B.309 is amended to read:

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>54,104,191</u>	<u>49,357,135</u>
Total	<u>54,104,191</u>	<u>49,357,135</u>
Source of funds		
General fund	44,533,864	49,352,443
Global Commitment fund	<u>9,570,327</u>	<u>4,692</u>
Total	<u>54,104,191</u>	<u>49,357,135</u>

Sec. 14. 2022 Acts and Resolves No. 185, Sec. B.310 is amended to read:

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>35,125,592</u>	<u>35,226,509</u>
Total	<u>35,125,592</u>	<u>35,226,509</u>
Source of funds		
General fund	12,736,699	12,342,078
Federal funds	<u>22,388,893</u>	<u>22,884,431</u>
Total	<u>35,125,592</u>	<u>35,226,509</u>

Sec. 15. 2022 Acts and Resolves No. 185, Sec. B.311 is amended to read:

Sec. B.311 Health - administration and support

Personal services	7,880,051	7,232,181
Operating expenses	7,161,896	8,283,741
Grants	<u>15,416,408</u>	<u>15,416,408</u>
Total	<u>30,458,355</u>	<u>30,932,330</u>
Source of funds		
General fund	3,120,538	3,594,513
Special funds	2,123,150	2,123,150
Federal funds	19,371,027	19,371,027

Global Commitment fund	5,779,334	5,779,334
Interdepartmental transfers	64,306	64,306
Total	30,458,355	30,932,330

Sec. 16. 2022 Acts and Resolves No. 185, Sec. B.312 is amended to read:

Sec. B.312 Health - public health

Personal services	58,557,637	59,756,793
Operating expenses	10,504,324	10,504,324
Grants	45,237,061	45,237,061
Total	114,299,022	115,498,178

Source of funds

General fund	12,217,471	13,416,627
Special funds	22,422,908	22,422,908
Tobacco fund	1,088,918	1,088,918
Federal funds	61,398,428	61,398,428
Global Commitment fund	16,159,672	16,159,672
Interdepartmental transfers	986,625	986,625
Permanent trust funds	25,000	25,000
Total	114,299,022	115,498,178

Sec. 17. 2022 Acts and Resolves No. 185, Sec. B.313 is amended to read:

Sec. B.313 Health - alcohol and drug abuse programs

Personal services	5,533,379	4,982,093
Operating expenses	511,500	511,500
Grants	55,582,806	55,595,616
Total	61,627,685	61,089,209

Source of funds

General fund	4,706,142	4,167,666
Special funds	1,392,101	1,392,101
Tobacco fund	949,917	949,917
Federal funds	21,131,903	21,131,903
Global Commitment fund	33,447,622	33,447,622
Total	61,627,685	61,089,209

Sec. 18. 2022 Acts and Resolves No. 185, Sec. B.314 is amended to read:

Sec. B.314 Mental health - mental health

Personal services	37,550,464	45,679,048
Operating expenses	5,023,808	5,406,921
Grants	251,958,650	252,383,242
Total	294,532,922	303,469,211

Source of funds		
General fund	12,966,387	23,720,891
Special funds	1,690,187	1,690,187
Federal funds	10,279,911	10,279,911
Global Commitment fund	269,471,344	267,653,129
Interdepartmental transfers	<u>125,093</u>	<u>125,093</u>
Total	<u>294,532,922</u>	303,469,211

Sec. 19. 2022 Acts and Resolves No. 185, Sec. B.316 is amended to read:

Sec. B.316 Department for children and families - administration & support services

Personal services	41,932,610	41,930,824
Operating expenses	17,284,575	23,063,394
Grants	<u>3,819,106</u>	<u>3,415,106</u>
Total	<u>63,036,291</u>	68,409,324
Source of funds		
General fund	36,020,845	36,525,221
Special funds	2,789,842	2,788,056
Federal funds	22,463,191	27,083,191
Global Commitment fund	1,409,481	1,659,924
Interdepartmental transfers	<u>352,932</u>	<u>352,932</u>
Total	<u>63,036,291</u>	68,409,324

Sec. 20. 2022 Acts and Resolves No. 185, Sec. B.317 is amended to read:

Sec. B.317 Department for children and families - family services

Personal services	41,455,253	41,755,292
Operating expenses	5,392,584	5,392,584
Grants	<u>88,864,318</u>	<u>89,022,405</u>
Total	<u>135,712,155</u>	136,170,281
Source of funds		
General fund	56,028,109	66,085,811
Special funds	729,587	729,587
Federal funds	32,206,285	32,206,285
Global Commitment fund	46,710,437	37,110,861
Interdepartmental transfers	<u>37,737</u>	<u>37,737</u>
Total	<u>135,712,155</u>	136,170,281

Sec. 21. 2022 Acts and Resolves No. 185, Sec. B.318 is amended to read:

Sec. B.318 Department for children and families - child development

Personal services	5,486,947	5,487,235
Operating expenses	860,622	860,581



Grants	<u>106,205,300</u>	<u>100,677,216</u>
Total	<u>112,552,869</u>	<u>107,025,032</u>
Source of funds		
General fund	33,130,398	27,602,602
Special funds	16,820,011	16,820,011
Federal funds	50,457,478	50,457,478
Global Commitment fund	12,144,941	12,144,941
Interdepartmental transfers	<u>41</u>	<u>0</u>
Total	<u>112,552,869</u>	<u>107,025,032</u>

Sec. 22. 2022 Acts and Resolves No. 185, Sec. B.320 is amended to read:

Sec. B.320 Department for children and families - aid to aged, blind and disabled

Personal services	2,252,206	2,252,206
Grants	<u>10,431,118</u>	<u>9,624,177</u>
Total	<u>12,683,324</u>	<u>11,876,383</u>
Source of funds		
General fund	7,533,333	6,726,392
Global Commitment fund	<u>5,149,991</u>	<u>5,149,991</u>
Total	<u>12,683,324</u>	<u>11,876,383</u>

Sec. 23. 2022 Acts and Resolves No. 185, 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>2,147,995</u>
Total	<u>2,838,574</u>	<u>2,162,995</u>
Source of funds		
General fund	2,541,239	1,865,660
Federal funds	11,320	11,320
Global Commitment fund	<u>286,015</u>	<u>286,015</u>
Total	<u>2,838,574</u>	<u>2,162,995</u>

Sec. 24. 2022 Acts and Resolves No. 185, Sec. B.323 is amended to read:

Sec. B.323 Department for children and families - reach up

Operating expenses	30,633	30,633
Grants	<u>27,235,606</u>	<u>37,028,703</u>
Total	<u>27,266,239</u>	<u>37,059,336</u>
Source of funds		
General fund	15,097,457	24,581,158
Special funds	5,955,834	5,955,834
Federal funds	3,531,330	3,531,330

Global Commitment fund	<u>2,681,618</u>	2,991,014
Total	<u>27,266,239</u>	37,059,336

Sec. 25. 2022 Acts and Resolves No. 185, Sec. B.325 is amended to read:

Sec. B.325 Department for children and families - office of economic opportunity

Personal services	707,738	707,738
Operating expenses	80,979	80,979
Grants	<u>19,896,892</u>	<u>19,096,328</u>
Total	<u>20,685,609</u>	19,885,045
Source of funds		
General fund	14,328,930	13,528,366
Special funds	58,135	58,135
Federal funds	4,942,559	4,942,559
Global Commitment fund	<u>1,355,985</u>	<u>1,355,985</u>
Total	<u>20,685,609</u>	19,885,045

Sec. 26. 2022 Acts and Resolves No. 185, Sec. B.326 is amended to read:

Sec. B.326 Department for children and families - OEO - weatherization assistance

Personal services	376,286	376,286
Operating expenses	47,090	247,090
Grants	<u>12,038,018</u>	<u>11,838,018</u>
Total	12,461,394	12,461,394
Source of funds		
Special funds	7,643,920	7,643,920
Federal funds	<u>4,817,474</u>	<u>4,817,474</u>
Total	12,461,394	12,461,394

Sec. 27. [DELETED]

Sec. 28. 2022 Acts and Resolves No. 185, Sec. B.329 is amended to read:

Sec. B.329 Disabilities, aging, and independent living - administration & support

Personal services	37,398,355	38,484,107
Operating expenses	<u>6,178,888</u>	<u>6,214,683</u>
Total	43,577,243	44,698,790
Source of funds		
General fund	19,725,270	20,846,817
Special funds	1,390,457	1,390,457
Federal funds	21,360,232	21,360,232
Global Commitment fund	35,000	35,000

Interdepartmental transfers	<u>1,066,284</u>	<u>1,066,284</u>
Total	43,577,243	44,698,790

Sec. 29. 2022 Acts and Resolves No. 185, Sec. B.330 is amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>19,709,925</u>	<u>20,278,107</u>
Total	19,709,925	20,278,107
Source of funds		
General fund	7,754,865	7,754,865
Federal funds	7,148,466	7,148,466
Global Commitment fund	<u>4,806,594</u>	<u>5,374,776</u>
Total	19,709,925	20,278,107

Sec. 30. 2022 Acts and Resolves No. 185, Sec. B.333 is amended to read:

Sec. B.333 Disabilities, aging, and independent living - developmental services

Grants	<u>282,169,830</u>	<u>284,711,348</u>
Total	282,169,830	284,711,348
Source of funds		
General fund	155,125	555,125
Special funds	15,463	15,463
Federal funds	359,857	359,857
Global Commitment fund	281,589,385	283,730,903
Interdepartmental transfers	<u>50,000</u>	<u>50,000</u>
Total	282,169,830	284,711,348

Sec. 31. 2022 Acts and Resolves No. 185, Sec. B.334 is amended to read:

Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver

Grants	<u>6,163,669</u>	<u>6,620,179</u>
Total	6,163,669	6,620,179
Source of funds		
Global Commitment fund	<u>6,163,669</u>	<u>6,620,179</u>
Total	6,163,669	6,620,179

Sec. 32. 2022 Acts and Resolves No. 185, Sec. B.334.1 is amended to read:

Sec. B.334.1 Disabilities, aging and independent living - Long Term Care

Grants	<u>247,242,665</u>	<u>269,943,753</u>
Total	247,242,665	269,943,753

## Source of funds

General fund	498,579	1,598,579
Federal funds	2,083,333	2,083,333
Global Commitment fund	<u>244,660,753</u>	<u>266,261,841</u>
Total	<u>247,242,665</u>	<u>269,943,753</u>

Sec. 33. 2022 Acts and Resolves No. 185, Sec. B.338 is amended to read:

## Sec. B.338 Corrections - correctional services

Personal services	124,883,844	129,447,504
Operating expenses	<u>24,337,405</u>	<u>24,571,221</u>
Total	<u>149,221,249</u>	<u>154,018,725</u>

## Source of funds

General fund	144,682,340	149,264,201
Special funds	935,963	935,963
Federal funds	460,376	675,991
Global Commitment fund	2,746,255	2,746,255
Interdepartmental transfers	<u>396,315</u>	<u>396,315</u>
Total	<u>149,221,249</u>	<u>154,018,725</u>

Sec. 34. 2022 Acts and Resolves No. 185, Sec. B.338.1 is amended to read:

## Sec. B.338.1 Corrections - Justice Reinvestment II

<u>Personal services</u>	0	160,140
Grants	<u>9,868,567</u>	<u>12,467,844</u>
Total	<u>9,868,567</u>	<u>12,627,984</u>

## Source of funds

General fund	7,290,879	10,050,296
Federal funds	13,147	13,147
Global Commitment fund	<u>2,564,541</u>	<u>2,564,541</u>
Total	<u>9,868,567</u>	<u>12,627,984</u>

Sec. 35. [DELETED].

Sec. 36. 2022 Acts and Resolves No. 185, Sec. B.342 is amended to read:

## Sec. B.342 Vermont veterans' home - care and support services

Personal services	18,693,897	23,557,937
Operating expenses	<u>4,698,211</u>	<u>5,719,013</u>
Total	<u>23,392,108</u>	<u>29,276,950</u>

## Source of funds

General fund	4,068,733	5,655,522
Special funds	11,892,624	16,190,677
Federal funds	<u>7,430,751</u>	<u>7,430,751</u>
Total	<u>23,392,108</u>	<u>29,276,950</u>

Sec. 37. 2022 Acts and Resolves No. 185, Sec. B.346 is amended to read:

Sec. B.346 Total human services

Source of funds

General fund	<del>1,118,252,689</del>	1,071,972,923
Special funds	<del>122,249,086</del>	122,282,586
Tobacco fund	23,088,208	23,088,208
State health care resources fund	<del>17,078,501</del>	25,102,272
Federal funds	<del>1,651,894,729</del>	1,848,118,445
Global Commitment fund	<del>1,788,710,309</del>	1,921,586,651
Internal service funds	1,699,065	1,699,065
Interdepartmental transfers	28,014,227	27,495,975
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	<del>4,751,011,814</del>	5,041,371,125

Sec. 38. 2022 Acts and Resolves No. 185, Sec. B.505 is amended to read:

Sec. B.505 Education - adjusted education payment

Grants	<del>1,561,661,000</del>	1,577,649,173
Total	<del>1,561,661,000</del>	1,577,649,173

Source of funds

Education fund	<del>1,561,661,000</del>	1,577,649,173
Total	<del>1,561,661,000</del>	1,577,649,173

Sec. 39. 2022 Acts and Resolves No. 185, Sec. B.514 is amended to read:

Sec. B.514 State teachers' retirement system

Grants	<del>187,273,782</del>	188,073,782
Total	<del>187,273,782</del>	188,073,782

Source of funds

General fund	<del>154,345,678</del>	154,645,678
Education fund	<del>32,928,104</del>	33,428,104
Total	<del>187,273,782</del>	188,073,782

Sec. 39a. 2022 Acts and Resolves No. 185, Sec. B.514.1 is amended to read:

Sec. B.514.1 State teachers' retirement system administration

Personal services		236,503
Operating expenses	<del>1,609,560</del>	<u>2,538,377</u>
Total	<del>1,846,063</del>	<u>2,774,880</u>

Source of funds

Pension trust funds	<del>1,846,063</del>	<u>2,774,880</u>
Total	<del>1,846,063</del>	<u>2,774,880</u>

Sec. 40. 2022 Acts and Resolves No. 185, Sec. B.516 is amended to read:

Sec. B.516 Total general education

Source of funds

General fund	<del>204,865,262</del>	<u>205,165,262</u>
Special funds	19,450,491	19,450,491
Tobacco fund	750,388	750,388
Education fund	<del>1,900,680,013</del>	<u>1,917,168,186</u>
Federal funds	512,572,265	512,572,265
Global Commitment fund	260,000	260,000
Interdepartmental transfers	365,324	365,324
Pension trust funds	<u>2,774,880</u>	<u>2,774,880</u>
Total	<del>2,640,789,806</del>	<u>2,658,506,796</u>

Sec. 41. 2022 Acts and Resolves No. 185, Sec. B.802 is amended to read:

Sec. B.802 Housing and community development

Personal services	5,321,306	5,321,306
Operating expenses	673,807	673,807
Grants	<del>76,513,512</del>	<u>77,056,152</u>
Total	<del>82,508,625</del>	<u>83,051,265</u>

Source of funds

General fund	4,065,708	4,065,708
Special funds	<del>7,204,966</del>	<u>7,747,606</u>
Federal funds	68,364,457	68,364,457
Interdepartmental transfers	<u>2,873,494</u>	<u>2,873,494</u>
Total	<del>82,508,625</del>	<u>83,051,265</u>

Sec. 42. 2022 Acts and Resolves No. 185, Sec. B.813 is amended to read:

Sec. B.813 Total commerce and community development

Source of funds

General fund	18,279,159	18,279,159
Special funds	<del>32,584,165</del>	<u>33,126,805</u>
Federal funds	160,118,217	160,118,217
Interdepartmental transfers	<u>5,532,656</u>	<u>5,532,656</u>
Total	<del>216,514,197</del>	<u>217,056,837</u>

Sec. 43. 2022 Acts and Resolves No. 185, Sec. B.903 is amended to read:

Sec. B.903 Transportation - program development

Personal services	67,084,877	67,084,877
Operating expenses	317,718,748	317,718,748
Grants	<u>28,106,566</u>	<u>28,106,566</u>

Total	412,910,191	412,910,191
Source of funds		
Transportation fund	63,006,826	59,806,826
TIB fund	16,199,908	19,399,908
Federal funds	330,355,267	330,355,267
Interdepartmental transfers	75,000	75,000
Local match	<u>3,273,190</u>	<u>3,273,190</u>
Total	412,910,191	412,910,191

Sec. 44. 2022 Acts and Resolves No. 185, Sec. B.907 is amended to read:

Sec. B.907 Transportation - rail

Personal services	4,662,380	4,662,380
Operating expenses	30,650,803	30,650,803
Grants	<u>50,000</u>	<u>50,000</u>
Total	35,363,183	35,363,183
Source of funds		
Transportation fund	14,201,368	10,701,368
Federal funds	18,015,401	21,515,401
Interdepartmental transfers	2,985,206	2,985,206
Local match	<u>161,208</u>	<u>161,208</u>
Total	35,363,183	35,363,183

Sec. 44a. 2022 Acts and Resolves No. 185, Sec. B.922 is amended to read:

Sec. B.922 Total transportation

Source of funds

Transportation fund	298,509,742	291,809,742
TIB fund	19,802,363	23,002,363
Special funds	4,367,498	4,367,498
Federal funds	438,299,601	441,799,601
Internal service funds	22,754,095	22,754,095
Interdepartmental transfers	3,597,177	3,597,177
Local match	<u>4,585,799</u>	<u>4,585,799</u>
Total	791,916,275	791,916,275

Sec. 45. 2022 Acts and Resolves No. 185, Sec. B.1100 is amended to read:

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:

\* \* \*

(18) \$1,500,000 \$3,600,000 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~~ as specified in subdivisions (A) and (B) of this subdivision.

(A) The funds \$1,500,000 shall be allocated on a 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.

(B) \$2,100,000 shall be granted to existing adult day service providers to maintain the existing program infrastructure through fiscal year 2023. The Department shall request that the Vermont Association of Adult Day Services provide a spreadsheet to the Department detailing the amount of grants to be distributed to each adult day program for the remainder of fiscal year 2023.

\* \* \*

(24) \$3,000,000 to the Secretary of Administration to provide funding for municipal technical assistance and related services.

(25) \$3,345,000 to the Secretary of Administration to be used as the 10 percent State match required for FEMA COVID funds starting on July 1, 2022.

(26) \$1,734,000 to the Agency of Digital Services to be used as State match for a U.S. Geological Survey (USGS) Light Detection and Ranging (LIDAR) grant.

(27) \$1,115,000 to the Military Department to be used as State match for the federal Facilities Sustainment, Restoration and Modernization (SRM) funds eligible for receipt in federal fiscal year 2023.

(28) \$30,000,000 to the Public Service Department for the Vermont Community Broadband Board to be used to leverage federal dollars and programs, including the National Telecommunications and Information Administration (NTIA) broadband grant (Middle Mile), to reduce the overall



cost of universal broadband access as described in 2021 Acts and Resolves No. 71.

(29) \$350,000 to the State Refugee Office, located within the Agency of Human Services Central Office, to implement Employment Assistance Grants for New Americans. Funds remaining at the end of fiscal year 2025 shall revert to the General Fund.

(30) \$3,000,000 to the Department for Children and Families Office of Economic Opportunity for the CARES Housing Voucher Program.

(31) \$5,000,000 to the Department of Housing and Community Development as additional support for the Vermont Housing Improvement Program (VHIP).

(32) \$350,000 is appropriated to the Agency of Commerce and Community Development in fiscal year 2023 to provide State match for the Northeast Kingdom Build to Scale proposal to be submitted to the U.S. Economic Development Administration for federal funding.

(33) \$18,778,775 to the Department for Children and Families to provide funding for the General Assistance Emergency Housing Program as specified in this subsection as follows:

(A) \$13,778,775 of these funds are for the purpose of providing temporary housing to vulnerable households as defined in this subdivision from April 1, 2023 through June 30, 2023. These funds are in addition any additional expenditures for emergency housing funded through 2022 Acts and Resolves No. 185, § C.102. During this period, eligible households that seek emergency housing shall receive it, regardless of the number of nights previously received or adverse weather conditions. The Department shall use the income and resource eligibility criteria in effect as of June 2021. A household is eligible if it meets one or more of the following:

(i) a household that lost its housing due to a natural disaster, such as a flood, fire, or hurricane;

(ii)(I) a household that has a member who has experienced domestic violence, dating violence, sexual assault, stalking, or human trafficking; or

(II) a household that has a member who has experienced a dangerous or life-threatening incident related to violence against the member that either occurred within the member's home or caused the member to reasonably believe that the member was at risk of further harm if the member remained in the home;

(iii) a household with a child or children who are either under 18 years of age or who are 18 or 19 years of age and attending secondary school on full-time basis or an equivalent level of vocational or technical training;

(iv) a household that has a member who is 60 years of age or older;

(v) a household that has a member who receives SSI or SSDI;

(vi) a household that has a member who is pregnant;

(vii) a household that is pursuing legal resolution of violations of the Rental Housing Health Code through the Department of Health or appropriate local officials; or

(viii) a household that has been physically barred from entering their residence through an intentional act of the landlord.

(B) \$5,000,000 of these funds are for the purpose of providing emergency housing from March 16, 2023 through May 31, 2023 for other households that are not eligible pursuant the criteria in subdivision (A) of this subdivision, but would be eligible for General Assistance emergency housing under the Adverse Weather Conditions policy in effect on January 15, 2023.

(34) \$952,000 to the Department of Mental Health to be granted to the Howard Center to purchase properties located at 71, 73, and 77 Park Street in Rutland, Vermont.

(A) Prior to granting funds greater than an amount required for a refundable purchase deposit, the Commissioners of Mental Health and for Children and Families, with the assistance of the Secretary of Human Services and Commissioner of Buildings and General Services, shall review the accuracy and comprehensiveness of the financial analysis of the Howard Center proposal to purchase these properties for the continued use as a community-based residential and educational program for adolescent males with sexually harming behaviors. The review should include comparative ongoing operational and additional capital investment costs at this site with reasonable alternative relocation rental or purchase options. A status update on this review and appropriation shall be provided to the General Assembly by the Commissioners of Mental Health and for Children and Families on or before April 1, 2023.

(B) An accounting of the respective State and Howard Center shares of investment in this property shall be maintained in order to refund to the State an appropriate share of any net proceeds resulting from future divestiture of the property.

(35) \$1,550,000 to the Judiciary as follows:

(A) \$750,000 for internal network cabling upgrade.

(B) \$500,000 for courthouses sound system replacement.

(C) \$300,000 for correctional facilities remote hearings improvement.

(36) \$27,500,000 to the Vermont Housing Conservation Board (VHCB):

(A) \$2,500,000 of this funding shall be allocated to provide support and enhance capacity for emergency shelter for those experiencing homelessness. Allocations for emergency shelter for those experiencing homelessness shall be made in consultation with the Secretary of Human Services.

(B) \$25,000,000 is to provide support and enhance capacity for the production and preservation of affordable mixed-income rental housing and homeownership units; including but not limited to improvements to manufactured homes and communities, shelter, and permanent homes for those experiencing homelessness, recovery residences, and housing available to farm workers and refugees.

(37) \$1,200,000 to the Department for Children and Families for a grant to the Lund Center for its Residential Treatment program.

(38) \$30,000 to the Department of Health for a grant to the American Heart Association for CPR and First Aid Training kits to facilitate training in schools.

(39) \$100,000 to the Office of the State Treasurer for a study and report on Other Postemployment Benefits; Governance Structure.

(40) \$4,626,506 to the Department for Children and Families for a temporary secure youth residential facility. The Department shall provide an update to the House Committees on Appropriations, on Corrections and Institutions, and on Human Services and to the Senate Committees on Appropriations, on Judiciary, and on Health and Welfare on the status of the facility, including site location, time frame, design, and budget on or before April 15, 2023.

Sec. 46. 2022 Acts and Resolves No. 185, Sec. B.1101 is added to read:

Sec. B.1101 FISCAL YEAR 2023 ONE-TIME ENVIRONMENTAL  
CONTINGENCY FUND APPROPRIATIONS

(a) In fiscal year 2023, funds are appropriated from the Environmental Contingency Fund (21275) for new and ongoing initiatives as follows:

(1) \$3,000,000 to the Department of Environmental Conservation for PFAS remediation.

Sec. 47. 2022 Acts and Resolves No. 185, Sec. B.1102 is added to read:

Sec. B.1102 FISCAL YEAR 2023 ONE-TIME TECHNOLOGY  
MODERNIZATION SPECIAL FUND APPROPRIATIONS

(a) In fiscal year 2023, funds are appropriated from the Technology Modernization Special Fund (21951) for new and ongoing initiatives as follows:

(1) \$40,010,000 to the Agency of Digital Services to be used as follows:

(A) \$11,800,000 for Enterprise Resource Planning (ERP) system upgrade of core statewide financial accounting system and integration with the Department of Labor and Agency of Transportation financial systems;

(B) \$1,800,000 for continued implementation of the Workplace Information Management System for property management at the Department of Buildings and General Services;

(C) \$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;

(D) \$2,200,000 for a case management system at the Office of the Attorney General;

(E) \$20,250,000 for the Department of Motor Vehicles (DMV) Core System Modernization Phase II; and

(F) \$3,000,000 for the Department of Labor Unemployment Insurance Modernization project.

Sec. 48. 2022 Acts and Resolves No. 185, 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:

\* \* \*

(8) From the General Fund to the Emergency Relief and Assistance Fund (21555): \$2,100,000.

(9) From the General Fund to the Environmental Contingency Fund (21275): \$3,000,000.

(10) From the General Fund to the Cannabis Regulation Fund (21998): \$1,390,311.

(11) From the Transportation Infrastructure Bond Debt Service Fund to the Transportation Infrastructure Bond Fund (20191): \$721,240.62.

(b) Notwithstanding any provision of law to the contrary, in fiscal year 2023:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

21220	<u>Mental Health Risk Pool</u>	\$449.17
21910	<u>Counselor Regulatory Fee Fund</u>	\$2,125.00
21945	<u>DOC - Corrections Donations</u>	\$4.52
22005	AHS Central Office earned federal receipts	\$4,641,960
50300	Liquor Control Fund	\$20,400,000
	Caledonia Fair	\$5,000
	North Country Hospital Loan	\$24,047
	Springfield Hospital promissory note repayment	\$121,416
50400	<u>Vermont Life Magazine Fund</u>	\$374,000.26

(2) The Notwithstanding any other laws related to these special fund balances, the following estimated amounts, which may be all or a portion of unencumbered fund balances, shall may be transferred from the following funds to the General Fund. The upon determination of the Commissioner of Finance and Management that such transfers are integral for the financial closure of the fiscal year. The Commissioner 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.

21638	AG-Fees & reimbursement – Court order	\$2,000,000
21928	Secretary of State Services Funds	\$1,200,000
62100	Unclaimed Property Fund	<u>\$1,773,425</u> <u>\$4,442,485</u>
	<u>Combined estimate for 21075 Insurance Regulatory and Supervision Fund, 21805 Captive Insurance Regulatory and Supervision Fund, 21080 Regulatory and Supervision Fund</u>	<u>\$58,564,476</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:

1210002000	Legislature		\$205,000
1100030000	Executive Branch Pay Act	<del>\$4,450,000</del>	<u>\$4,559,966.09</u>
1100010000	Secretary of Administration		<u>\$261,019.35</u>
1110003000	Budget & Management		<u>\$46,983.65</u>
1140040000	Homeowner Rebates		<u>\$2,593,580.53</u>
1140070000	Use Tax Reimbursement Program		<u>\$103,001.75</u>
1140330000	Renter Rebates		<u>\$4,374,661.25</u>
1260010000	Office of the Treasurer		<u>\$206,201.60</u>
2100001000	Attorney General		<u>\$1,181.15</u>
2140010000	Department of Public Safety - State Police		<u>\$329,311.26</u>
2140090000	Forensic Laboratory		<u>\$60,701.18</u>
2150010000	Military Administration/TAGO		<u>\$347,364.99</u>
3330892202	GMCB - Benchmarking Analyses		<u>\$80,443.00</u>
3400891804	Medicaid Financial Requirements		<u>\$40,341.34</u>
3400892109	St Match - Act 155 4(a),5(a)		<u>\$277,500.00</u>
3400892112	AHS - VT Food Bank-Food Box		<u>\$1,376,000.00</u>
3420892203	VDH - Recovery Centers		<u>\$1.09</u>
3440892203	DCF - Parent Child Ctrs Cap Imp		<u>\$10.00</u>
5100010000	Administration		<u>\$282.00</u>
5100060000	Adult Basic Education		<u>\$7,192.22</u>
5100070000	Education Services		<u>\$3,870.00</u>
5100210000	Education - Flexible Pathways		<u>\$182,072.00</u>
5100400000	State Board of Education		<u>\$54,755.46</u>
5100892216	AOE Vaccine Incentive Program		<u>\$50,000.00</u>
6100040000	Property Tax Assessment Appropriation		<u>\$4,263.13</u>

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<u>6130030000 Parks</u>	<u>\$504.96</u>
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(d) Notwithstanding any provision of law to the contrary, in fiscal year 2023, the following amounts shall revert to the Education Fund from the accounts indicated:

<u>5100010000 Administration</u>	<u>\$1,607,144.76</u>
<u>5100040000 Special Education Formula</u>	<u>\$27,333,400.07</u>
<u>5100050000 State-Placed Students</u>	<u>\$1,443,542.45</u>
<u>5100090000 Education Grant</u>	<u>\$11,754,133.93</u>
<u>5100110000 Small School Grant</u>	<u>\$34,348.00</u>
<u>5100200000 Education - Technical Education</u>	<u>\$1,497,300.35</u>
<u>5100210000 Education - Flexible Pathways</u>	<u>\$1,843,900.61</u>

(e) Notwithstanding any provision of law to the contrary, in fiscal year 2023, the following amounts shall revert to the Transportation Fund from the accounts indicated:

<u>8100000100 Finance and Administration</u>	<u>\$100,000</u>
<u>8100000300 Town Highway Structures</u>	<u>\$8,734,480</u>
<u>8100000800 Transportation Board</u>	<u>\$25,398</u>
<u>8100001000 Town Highway State Aid Federal Disasters</u>	<u>\$18,247</u>
<u>8100001100 Program Development</u>	<u>\$3,288,991</u>
<u>8100001400 Town Highway State Aid</u>	<u>\$533,098</u>
<u>Non-Federal Disasters</u>	
<u>8100001700 Rest Areas</u>	<u>\$135,990</u>
<u>8100001900 Town Highway VT Local Roads</u>	<u>\$101,089</u>
<u>8100002000 Maintenance &amp; Operations Bureau</u>	<u>\$1,817,000</u>
<u>8100002100 Department of Motor Vehicles</u>	<u>\$261,000</u>
<u>8100002200 Policy and Planning</u>	<u>\$893,611</u>
<u>8100002600 Town Highway Class 2 Roadway</u>	<u>\$4,818,108</u>

Sec. 49. 2022 Acts and Resolves No. 185, Sec. D.102(a) is amended to read:

(a) \$3,020,000 from the General Fund shall be reserved in the 27/53 reserve in fiscal year ~~2022~~ 2023. 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. 50. 2022 Acts and Resolves No. 185, Sec. E.100 is amended to read:

Sec. E.100 EXECUTIVE BRANCH POSITIONS

(a) The establishment of the following new positions is authorized in fiscal year 2023:

(1) Permanent classified positions:

\* \* \*

(F) Cannabis Control Board:

(i) two enforcement officers; ~~and~~

(ii) one data analyst;

(iii) two chemists; and

(iv) one Cannabis Quality Assurance Program and Laboratory Director.

\* \* \*

(2) Permanent Exempt Positions:

(A) Vermont Pension Investment Commission: one Principal Assistant.

(B) Office of Child, Youth and Family Advocate:

(i) One Child, Youth and Family Advocate; and

(ii) One Deputy Child, Youth and Family Advocate.

\* \* \*

(g) The establishment of the following exempt limited-service positions is authorized in the fiscal year beginning on July 1, 2022 through June 30, 2026.

(1) Truth and Reconciliation Commission

(A) Three Commissioners.

Sec. 51. 2022 Acts and Resolves No. 185, Sec. E.105.2 is amended to read:

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 Sec. B.1102 of this act 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.~~

~~(e)(b) In fiscal year ~~2023~~ 2024, if funds are available per section C.102(b) of this act, the following expenditures are authorized from the Technology Modernization Special Fund to the projects described in this section:~~

~~(1) The sum of \$20,250,000 for the Department of Motor Vehicles (DMV) Core System Modernization Phase II.~~

~~(2) The sum of up to ~~\$30,000,000~~ \$27,000,000 for the Department of Labor Unemployment Insurance Modernization project. These funds shall be released as follows:~~

~~(A) the sum of \$3,000,000 on July 1, 2022;~~

~~(B) the sum of \$10,000,000 on July 1, 2023 upon approval by the Joint Information Technology Oversight Committee of the actions outlined in a Project Schedule; and~~

~~(C)(B)~~ remaining funds shall be released upon request as needed by the Agency of Digital Services and approval of the Joint Information Technology Oversight Committee in accordance with actions outlined in a Project Schedule.

\* \* \*

(3) For the amounts released in subdivisions ~~(2)(B)-(C)~~ ~~(1)(A)-(B)~~ of this subsection, the Joint Information Technology Oversight Committee shall consider the Project Schedule developed between the Department of Labor and the Agency of Digital Services, as approved by the Agency of Administration. The Joint Information Technology Oversight Committee shall also consider any actions proposed by the U.S. Department of Labor that may impact current or future plans developed by the State's Department of Labor.

Sec. 52. 2022 Acts and Resolves No. 185, Sec. E.233.2(a) is amended to read:

(a) In fiscal year 2023 there is appropriated to the Vermont Community Broadband Board a total of ~~\$1,500,000~~ \$1,435,531 from special funds and \$684,127 from federal 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. 53. EMPLOYMENT SUPPORTS FOR NEW AMERICANS

(a) Employment Assistance Grants. The State Refugee Office, in consultation with the Vermont Department of Labor, shall administer a grant program to support the development of coordinated community-based systems, with consideration of regional networks and resources, to assist in achieving economic self-sufficiency for New Americans, including refugees, humanitarian parolees, special immigrant visa holders, asylees, asylum-seekers and other immigrants with low income who are or intend to become residents of Vermont.

(b) Grant funds may be allocated to:

(1) assess the current ability of a municipality or region supporting the resettlement of New Americans, including the availability of English language learning services, transportation, housing, employment supports and economic and health services;

(2) provide employment and related support services for refugees, asylum seekers and other New Americans including technical support, employment training before or during employment, English language learning, employment-related case management, job placement, transportation or other related services; and

(3) provide staff support for the coordination of local and State resources to secure partnerships with organizations employing refugees, development of sustainable New American support systems for regions where New Americans are being settled, creation of employer partnerships to serve multiple refugees, identification of cultural barriers for individual or groups of refugees, and facilitation with necessary stakeholders to remove barriers and prepare for successful employment.

(c) The funding for this grant program is provided in 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by Sec. 45 of this act.

Sec. 54. 2022 Acts and Resolves No. 185, 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 ~~\$25,231,144~~ \$22,682,952 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) ~~\$22,230,100~~ \$19,881,850 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~~ \$30,618,150 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~~ \$2,801,102 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~~ \$3,515,959 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. 55. DEPARTMENT OF MENTAL HEALTH: REIMBURSEMENT RATES FOR PRIVATE NONMEDICAL INSTITUTIONS

(a) Of the amounts appropriated to the Department of Mental Health in fiscal year 2023, \$420,000 is for the purposes of increasing reimbursement rates for Private Nonmedical Institutions that have rates set according to the Department of Vermont Health Access, Division of Rate Setting's Methods, Standards and Principles for Establishing Payment Rates for Private

Nonmedical Institutions Providing Residential Child Care Services. This amount shall be distributed by increasing the per diem rates set by the Department of Vermont Health Access, Division of Rate Setting for each Private Nonmedical Institution. The Division of Rate Setting shall increase the treatment and room and board portions of the final per diem rate for each Private Nonmedical Institution whose rate is set by the Division of Rate Setting by an amount sufficient to ensure the appropriation in this section is fully utilized from January 1, 2023 through June 30, 2023.

Sec. 56. DEPARTMENT FOR CHILDREN AND FAMILIES:  
REIMBURSEMENT RATES FOR PRIVATE NONMEDICAL  
INSTITUTIONS

(a) Of the amounts appropriated to the Department for Children and Families in fiscal year 2023, \$1,900,000 is for the purposes of increasing reimbursement rates for Private Nonmedical Institutions that have rates set according to the Department of Vermont Health Access, Division of Rate Setting's Methods, Standards and Principles for Establishing Payment Rates for Private Nonmedical Institutions Providing Residential Child Care Services. This amount shall be distributed by increasing the per diem rates set by the Department of Vermont Health Access, Division of Rate Setting for each Private Nonmedical Institution. The Division of Rate Setting shall increase the treatment and room and board portions of the final per diem rate for each Private Nonmedical Institution whose rate is set by the Division of Rate Setting by an amount sufficient to ensure the appropriation in this section is fully utilized from January 1, 2023 through June 30, 2023.

Sec. 57. ESSER: EDUCATION RECOVERY AND REVITALIZATION

(a) The Agency of Education may adjust any of the allocations concerning ESSER II and ARP ESSER state set aside funds made in 2021 Acts and Resolves Nos. 9, 67, 72, and 74 and 2022 Acts and Resolves Nos. 28, 83, 112, 166, and 185 during the final reconciliation process to ensure the entirety of the federal awards are expended. The Agency of Education shall provide a final reconciliation report to the Joint Fiscal Committee on the reallocation of these funds in October 2023 and October 2024.

Sec. 58. 2022 Acts and Resolves No. 185, Sec. E.514 is amended to read:

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~~ \$194,961,651 of which ~~\$187,273,782~~ \$188,073,782 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~~ \$34,842,965 is the "normal contribution," and ~~\$159,818,686~~ \$160,118,686 is the "accrued liability contribution."

Sec. 59. 1 V.S.A. § 317(c) is amended to read:

(c) The following public records are exempt from public inspection and copying:

\* \* \*

~~(21) Lists of names compiled or obtained by Vermont Life magazine for the purpose of developing and maintaining a subscription list, which list may be sold or rented in the sole discretion of Vermont Life magazine, provided that such discretion is exercised in furtherance of that magazine's continued financial viability and is exercised pursuant to specific guidelines adopted by the editor of the magazine [Repealed].~~

\* \* \*

Sec. 60. 3 V.S.A. § 2042 is amended to read:

#### § 2402. COMMERCE AND COMMUNITY DEVELOPMENT

(a) An Agency of Commerce and Community Development is created consisting of the following:

\* \* \*

~~(4) Vermont Life magazine [Repealed].~~

\* \* \*

#### Sec. 61. REPEAL OF VERMONT LIFE MAGAZINE

3 V.S.A. § 2473a (Vermont Life magazine) is repealed.

#### Sec. 62. CLOSURE OF VERMONT LIFE MAGAZINE FUND

The Vermont Life Magazine Fund (50400) is closed. Any residual balance remaining at or after the close of fiscal year 2023 shall also be transferred to the General Fund to bring the Vermont Life Magazine Fund to a \$0.00 balance for closure.

#### Sec. 63. FISCAL YEAR 2022 TRANSPORTATION FUND BUDGET STABILIZATION RESERVE

For the purpose of calculating the fiscal year 2022 Transportation Fund stabilization requirement of five percent of prior year appropriations,

reversions of \$1,360,563 are excluded from the fiscal year 2021 total appropriations amount.

Sec. 64. FISCAL YEAR 2023 TRANSPORTATION FUND  
BUDGET STABILIZATION RESERVE:

For the purpose of calculating the fiscal year 2023 Transportation Fund stabilization requirement of five percent of prior year appropriations, reversions of \$3,933,027 are excluded from fiscal year 2022 total appropriations.

Sec. 65. 2022 Acts and Resolves No. 185, Sec. G.300(c)(2) is amended to read:

(2) \$6,000,000 to the Department of Economic Development for the remediation and redevelopment of brownfield sites to be used in the same manner as the Brownfields Revitalization Fund established by 10 V.S.A. § 6654, except notwithstanding the grant limitations in 10 V.S.A. § 6654, projects supported by this appropriation shall not be limited to \$200,000 grants per parcel. The Agency of Commerce and Community Development shall award the amount of \$1,000,000.00 in fiscal year 2023 to regional planning commissions for the purposes of brownfields assessment. In awarding funds under this section, the Secretary, in consultation with Vermont Association of Planning and Development Agencies, shall select one regional planning commission to administer these funds. To ensure statewide availability, the selected regional planning commission shall subgrant to regional planning commissions with brownfield programs, with not more than 10 percent of the funds being used for administrative purposes.

Sec. 66. 2022 Acts and Resolves No. 185, Sec. G. 500(a) is amended to read:

(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~~ used to make grants through the Broadband Construction Grant Program. The Board may use monies appropriated in this subsection to fund any match requirements applicable to broadband grants funded by the federal ~~Infrastructure~~ Infrastructure Investment and Jobs Act.

Sec. 67. 2022 Acts and Resolves No. 185, Sec. G. 600(a)(2) is amended to read:

(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~~2026. Households approved for assistance in this section will also be offered services outlined in subdivision (4) of this subsection.

Sec. 68. 2022 Acts and Resolves No. 185, Sec. G. 800(a) is amended to read:

(a) The establishment of the following ~~23~~ 32 new classified limited-service positions is authorized in fiscal year 2023.

Sec. 69. 2021 Acts and Resolves No. 74, Sec. E.127.1(d) is amended to read:

(d) ~~To fund this work for fiscal year 2022 and fiscal year 2023, notwithstanding 32 V.S.A. § 706, at the close of fiscal year 2021, \$250,000.00 in carryforward from the legislative budget shall be transferred to the JFO [Repealed].~~

Sec. 70. 2021 Acts and Resolves No. 74, Sec. D.101, as amended by 2022 Acts and Resolves No. 83, Sec. 48 is further amended to read:

Sec. D.101 FUND TRANSFERS, REVERSIONS AND RESERVES

\* \* \*

(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:

\* \* \*

1225001000	Legislative IT	<del>\$60,000.00</del>	<u>\$120,000.00</u>
<u>1230001000</u>	<u>Sergeant-at-Arms</u>		<u>\$60,000.00</u>

\* \* \*

Sec. 71. 2021 Acts and Resolves No. 74, Sec. G.300, as amended by 2022 Acts and Resolves No. 83, Sec. 68 is further amended to read:

Sec. G.300 INVESTMENTS IN VERMONT'S ECONOMY,  
WORKFORCE, AND COMMUNITIES

\* \* \*

(28) ~~\$12,803,996~~ \$12,803,993 to the Department of Labor to cover pandemic related operating costs in the Unemployment system and other programs.

\* \* \*

Sec. 72. 2021 Acts and Resolves No. 74, Sec. G.600(a)(4) is amended to read:

(4) \$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~~ 2024.

Sec. 73. 2022 Acts and Resolves No. 83, Sec. 72 is amended to read:

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~~ For all eligible employers except for home health agencies, 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. For home health agencies, the total grant award amount for each eligible employer shall be calculated at a rate of \$3,000 per full-time equivalent employee (FTE) based on the number of FTEs identified by the eligible employer in its grant application.

\* \* \*

~~(4) Eligible employers shall distribute the full amount of their awards within 12 months following receipt of the grant funds.~~

\* \* \*

(f) Allocations.

(1) 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.

(2) Any remaining funds following a second round of funding may be used for one or more of the following workforce recruitment and retention purposes:

(A)(i) Incentive grants to nurses employed by health care employers in Vermont for serving as preceptors for nursing students enrolled in Vermont nursing schools. The Agency shall distribute all or a portion of the remaining funds to health care employers 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. The Agency shall prioritize funding for health care employers that provide matching funds for additional preceptor compensation or that commit to providing future compensation and support to expanding the number of preceptors.

(ii) If nurse preceptors receiving compensation pursuant to a grant awarded to a health care employer under this section are subject to a collective bargaining agreement, the use of the grant funds provided to the health care employer for the nurse preceptors shall be subject to bargaining between the health care employer and the collective bargaining representative of the nurses to the extent required by the collective bargaining agreement.

(B) 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; grants awarded to health care employers pursuant to 2022 Acts and Resolves No. 183, Sec. 22; and the health care employer's contributions, there will be no out-of-pocket costs toward tuition and fees incurred by the trainees. Trainees may also receive assistance in meeting their living costs, such as housing and child care, while attending the program as allocated funding allows.

Sec. 74. 2022 Acts and Resolves No. 183, Sec. 21 is amended to read:

Sec. 21. NURSE PRECEPTOR INCENTIVE GRANTS; HOSPITALS;  
WORKING GROUP; REPORT

(a)(1) In fiscal year 2023, the amount of \$400,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Agency of Human Services to provide incentive grants to nurses employed by critical access hospitals in Vermont for serving as preceptors for nursing students enrolled in Vermont nursing school programs. The Agency shall distribute the funds to critical access 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. The Agency shall prioritize funding for hospitals that provide matching funds for additional preceptor compensation or that commit to providing future compensation and support to expanding the number of preceptors. If funding is not fully obligated after offering an initial grant opportunity to critical access hospitals, the Agency may open the grant opportunity to other health care employers, including non-critical access hospitals, long-term care facilities, designated and specialized service agencies, federally qualified health centers, and other health care providers.

(2) If nurse preceptors receiving compensation pursuant to a grant awarded to a hospital or other health care employer under this section are subject to a collective bargaining agreement, the use of the grant funds provided to the hospital or other health care employer for the nurse preceptors shall be subject to impact bargaining between the hospital or other health care employer and the collective bargaining representative of the nurses to the extent required by the collective bargaining agreement.

Sec. 75. 2022 Acts and Resolves No. 182, Sec. 3 is amended to read:

Sec. 3. MANUFACTURED HOME IMPROVEMENT AND  
REPLACEMENT PROGRAM

Of the amounts available from ~~federal COVID-19 relief~~ the American Rescue Plan Act (ARPA) recovery funds, the following amounts are appropriated to the Department of Housing and Community Development for the purposes specified:

\* \* \*

Sec. 76. 2022 Acts and Resolves No. 182, Sec. 28 is amended to read:

Sec. 28. APPROPRIATION ALLOCATION

To the extent that increased funding is provided in fiscal year 2023 to the Municipal and Regional Planning Fund, \$650,000.00 shall be used for Municipal Bylaw Modernization Grants established in 24 V.S.A. § 4307. An amount not to exceed \$650,000 of Municipal and Regional Planning Funds, as appropriated to the Department of Housing and Community Development per 2022 Acts and Resolves No. 185, Sec. B.802, may be used to provide Municipal Bylaw Modernization Grants in accordance with 24 V.S.A § 4307.

Sec. 77. 2022 Acts and Resolves No. 178, Sec. 3 is amended to read:

Sec. 3. DISBURSEMENT PLAN; POLYCHLORINATED BIPHENYLS (PCBs); REMEDIATION; SIGNIFICANT HEALTH THREAT

\* \* \*

(c) Expenditures made pursuant to this section shall be authorized notwithstanding 16 V.S.A. § 4025(d).

Sec. 78. 2022 Acts and Resolves No. 183, Sec. 16(b)(1) is amended to read:

(1) ~~In Notwithstanding 16 V.S.A. § 4025(d);~~ 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

Sec. 79. 2022 Acts and Resolves No. 183, Sec. 25 is amended to read:

Sec. 25. VERMONT NURSING FORGIVABLE LOAN INCENTIVE PROGRAM; APPROPRIATION

(a) In fiscal year 2023, the amount of \$227,169.00 in Global Commitment funds is appropriated to the Department of Health for forgivable loans for nursing students under the Vermont Nursing Forgivable Loan Incentive Program established in 18 V.S.A. § 34 by Sec. 23 of this act.

(b) In fiscal year 2023, the amount of \$100,000.00 is appropriated from the General Fund to the Agency of Human Services, Global Commitment ~~appropriation~~ Program for the State match for the Vermont Nursing Forgivable Loan Incentive Program established in 18 V.S.A. § 34 by Sec. 23 of this act.

(c) In fiscal year 2023, \$127,169.00 in federal funds is appropriated to the Agency of Human Services, Global Commitment ~~appropriation~~ Program for the Vermont Nursing Forgivable Loan Incentive Program established in 18 V.S.A. § 34 by Sec. 23 of this act.

Sec. 80. 2022 Acts and Resolves No. 183, Sec. 47(d)(3) is amended to read:

(3) the amount of the cumulative decline in adjusted net operating income during the COVID-19 public health emergency in 2020 and 2021, or other appropriate basis of comparison used to determine eligibility under subdivision (c)(4) of this section.

Sec. 81. 2022 Acts and Resolves No. 183, Sec. 53(a) is amended to read:

(a) Reversion. In fiscal year ~~2022~~ 2023, 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, ~~\$25,500,000.00~~ \$25,042,000.00 shall revert to the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds.

Sec. 82. 2022 Acts and Resolves No. 183, Sec. 54 is amended to read:

Sec. 54. APPROPRIATION; DOWNTOWN AND VILLAGE CENTER TAX CREDIT PROGRAM: ONE-TIME SUPPLEMENTAL CAPACITY

~~There is appropriated the sum of \$2,450,000.00 from the General Fund to the Vermont Downtown and Village Center Tax Credit Program to be used in fiscal years 2023 and 2024. Notwithstanding 32 V.S.A. § 5930ee, the funds shall be used in the period from July 1, 2022 through June 30, 2024, the tax credit capacity for the Downtown and Village Center Tax Credit program shall be increased by a cumulative total of \$2,450,000 to increase the amount of tax credits that may be awarded to qualified projects. Of those the supplemental tax credits awarded in fiscal years 2023 and 2024, up to \$2,000,000.00 may be awarded to qualified projects located in designated neighborhood development areas.~~

Sec. 83. 2022 Acts and Resolves No. 184, Sec. 2(8)(C) and (D) are amended to read:

(C) Replace Your Ride Program. Sec. 5(c) of this act authorizes ~~\$3,000,000.00~~ \$2,900,000.00 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) eBike Incentives. Sec. 5(d) of this act authorizes ~~\$50,000.00~~ \$150,000.00 for eBike incentives and capped administrative costs.

Sec. 84. 2022 Acts and Resolves No. 184, Sec. 5(c) and (d) are amended to read:

(c) Replace Your Ride Program. The Agency is authorized to spend up to ~~\$3,000,000.00~~ \$2,900,000.00 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) eBike Incentives. The Agency is authorized to spend up to ~~\$50,000.00~~ \$150,000.00 as appropriated in the fiscal year 2023 budget on an eBike incentive program.

Sec. 85. 2022 Acts and Resolves No. 185, Sec. G.600(b) is amended to read:

(b) In fiscal year 2023, \$32,200,000 is appropriated from the General Fund and \$550,000 is appropriated from the Transportation Fund for electric vehicle charging infrastructure, electrification incentives and public transportation investments as follows:

\* \* \*

(5) ~~\$3,000,000.00~~ \$2,900,000.00 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 \$550,000 Transportation funds to the Agency of Transportation for the following:

\* \* \*

(C) \$50,000 Transportation funds and \$100,000 general funds to the Agency of Transportation for electric bicycle incentives.

Sec. 86. 2022 Acts and Resolves No. 186, Sec. 4(b) is amended to read:

(b) In fiscal year 2023, \$102,000.00 is ~~appropriated~~ allocated to the Department of Disabilities, Aging, and Independent Living from the Global Commitment Federal Medical Assistance Percentage (FMAP) home- and community-based services monies appropriated in 2022 Acts and Resolves No. 83, Sec. 72a, as amended by 2022 Acts and Resolves No. 185, Sec. 105, to fund the Residential Program Developer position established in subsection (a) of this section.

Sec. 87. 2022 Acts and Resolves No. 186, Sec. 5(b)(1) is amended to read:

(b)(1) In fiscal year 2023, \$500,000.00 is ~~appropriated~~ allocated to the Department of Disabilities, Aging, and Independent Living from the Global

Commitment Federal Medical Assistance Percentage (FMAP) home- and community-based services monies appropriated in 2022 Acts and Resolves No. 83, Sec. 72a, as amended by 2022 Acts and Resolves No. 185, Sec. 105, to develop housing and residential service pilot planning grants in at least three regions of the State, in partnership with designated and specialized service agencies, for individuals with developmental disabilities and their families. The Department shall issue a request for proposals seeking entities to develop regional pilot planning grants with not more than one grant per designated agency catchment area.

Sec. 88. 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)(i) 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; or

(ii) if the individual is an employee of a Vermont Head Start program that operates fewer than 48 weeks per year, work a minimum of nine months of the year, inclusive of any employer-approved time off; or

(B) receive an annual salary of not more than \$50,000.00 \$60,000.00 through the individual's work in regulated childcare; and

(C)(i) have earned an associate's, ~~or~~ bachelor's, or master's degree with a major or 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; or

(ii) have earned an associate's, bachelor's, or master's degree that contributes to an Early Childhood Career Ladder Certificate Level IIIB or higher through Northern Lights at the Community College of Vermont.

(3) To participate in the program set forth in this section, an eligible individual shall submit to the Department for Children and Families documentation expressing the individual's intent to work in a regulated, privately operated center-based child care program or family child care home for at least the 12 months following the annual loan repayment award notification. A participant may receive up to \$4,000.00 annually in student loan repayment assistance, which shall be distributed by the Department in

four allotments. The Department shall distribute at least one-quarter of the individual's total annual benefit after the individual has completed three months of employment in accordance with the program. The remainder of an individual's total annual benefit shall be distributed by the Department every three months after the initial payment.

Sec. 88a. RETROACTIVE STUDENT LOAN REPAYMENT ASSISTANCE

(a) In recognition that many long-serving child care providers had student loan debt that is now retired, the Department for Children and Families shall provide to an eligible applicant a one-time retroactive payment of up to \$4,000.00. An eligible applicant shall:

(1) have not previously received student loan repayment assistance pursuant to 33 V.S.A. section 3543;

(2) have met all eligibility requirements listed in 33 V.S.A. section 3543 within the 12 months preceding the date of application; and

Sec. 89. TRANSITION OF SCHOLARSHIPS FOR PROSPECTIVE EARLY CHILDHOOD PROVIDERS PROGRAM

(a) As a result of timing constraints on the American Rescue Plan Act–Child Care Development Block Grant funds (ARPA–CCDBG), utilization of the Scholarships for Prospective Early Childhood Providers program established in 33 V.S.A. § 3542 has been limited requiring funding and program transition.

(1) Notwithstanding subdivisions E.318.3(a)(1) and (2) of 2021 Acts and Resolves No. 74 or other ARPA–CCDBG funding allocations to the Prospective Early Childhood Providers established in 33 V.S.A. § 3542, the Department for Children and Families may allocate any unexpended and unobligated ARPA–CCDBG funding to any of the initiatives listed in 2021 Acts and Resolves No. 45 to the extent allowed by ARPA–CCDBG.

(2) Notwithstanding Sec. E.318.3(a)(1) and (2) of 2021 Acts and Resolves No. 74, the Department for Children and Families shall transition the program in coordination with the Vermont Student Assistance Corporation for the existing participants including the release of participants from work requirements. The Department for Children and Families shall fund any transition costs associated with the current participants enrolled in the Scholarships for Prospective Early Childhood Providers established in 33 V.S.A. § 3542 from the existing allocation of ARPA–CCDBG monies.

Sec. 90. 2020 Acts and Resolves No. 164, Sec. 6d. is amended to read:

Sec. 6d. AUDITOR OF ACCOUNTS REPORT

On or before November 15, ~~2023~~ 2025, the Auditor of Accounts shall report to the General Assembly regarding the organizational structure and membership of the Cannabis Control Board and whether the structure continues to be the most efficient for carrying out the statutory duties of the Board.

Sec. 91. 32 V.S.A. § 7811 is amended to read:

§ 7811. IMPOSITION OF TOBACCO PRODUCTS TAX

\* \* \*

(b) The tax established in this section shall not be imposed on:

(1) cannabis-related supplies sold by a dispensary registered under ~~18 V.S.A. chapter 86~~ 7 V.S.A. chapter 37 to registered patients and registered caregivers, as those terms are defined in ~~18 V.S.A. § 4472~~ 7 V.S.A. § 972;

(2) cannabis products, as defined in 7 V.S.A. § 831, that do not contain tobacco; or

(3) hemp or hemp products, as defined in 6 V.S.A. § 562, that do not contain tobacco.

\* \* \*

Sec. 92. REPEALS; MENTAL HEALTH RISK POOL

1998 Acts and Resolves No. 147, Sec. 138a is repealed.

Sec. 93. JUDICIARY NETWORK REPLACEMENT REVIEW

(a) On or before April 15, 2023, the Judiciary shall obtain an independent expert review for their proposed Network Replacement project. The review shall include:

(1) an acquisition cost assessment;

(2) a technology architecture and standards review;

(3) an implementation plan assessment, including a review of the staffing plan for the ongoing operation of the network;

(4) a cost analysis and a model for benefit analysis;

(5) an analysis of alternatives;

(6) an impact analysis on the Judiciary's net operating costs; and

(7) a security assessment.



(b) The Judiciary shall submit a copy of the review described in subsection (a) of this section to the House Committees on Appropriations and on Government Operations and Military Affairs and the Senate Committees on Appropriations and on Government Operations. No funds shall be appropriated for the Judiciary's Network Replacement project until the results of the review are assessed by the General Assembly.

(c) Any costs associated with the review described in subsection (a) of this section shall be paid for from the Judiciary's fiscal year 2023 operating budget.

Sec. 94. [DELETED].

Sec. 95. MUNICIPAL TECHNICAL ASSISTANCE TO ACCESS STATE  
AND FEDERAL FUNDING

(a) Expanding municipal access to State and federal funding. The Agency of Administration, consistent with the provisions of this section, shall design and implement a process to provide expanded technical and administrative assistance to municipalities with high need that may be eligible for State or federal funding for the following activities:

(1) Community needs assessment. Conducting a review of community assets and needs, strategic planning, and identifying potential eligible projects, including in the following categories:

(A) water supply and wastewater infrastructure;

(B) housing;

(C) community recovery, workforce development, and business support;

(D) climate change mitigation and resilience; and

(E) other community economic development projects identified by a municipality and approved by the Agency of Administration.

(2) Opportunity assessment. Assessing the technical assistance and funding available from State, federal, and private sources; evaluating eligibility and compliance requirements; and conducting a feasibility analysis of whether the municipality has, or can develop, the capacity to complete a project and meet applicable requirements.

(3) Application and permit assistance. Providing technical and administrative assistance with completing funding applications, permit applications, and satisfying initial regulatory requirements.

(4) Project management and implementation. Providing ongoing support to successful grant recipients with project management, funding program implementation, funding program compliance, and administrative and regulatory compliance through project completion.

(5) Other capacity-building activities. Providing additional assistance, subject to approval by the Agency, to advance priority projects identified by municipalities.

(b) Eligible service providers; service delivery.

(1) Eligibility.

(A) The Agency shall develop eligibility criteria, issue a request for proposals, and implement an approval process for service providers within each region to provide the technical assistance and services specified in subsection (a) of this section.

(B) The Agency may exercise its discretion in structuring the terms of service and payments, provided that the Agency shall adopt a set of minimum standards, duties, and performance requirements applicable to all service providers.

(2) Providers; mode of delivery. The Agency may:

(A) award a grant or contract for services to a regional planning commission, regional development corporation, or other similar instrumentality; to a private for-profit or nonprofit contractor; or to a combination of these;

(B) award funding to two or more municipalities to create a shared full-time, part-time, or limited-service position; or

(C) authorize an eligible municipality to directly contract for services from one or more providers approved by the Agency, subject to terms approved by the Agency.

(3) Regional collaboration. In approving service providers, the Agency shall give priority to applicants that demonstrate a commitment and ability to promote regional collaboration and maximize the efficient use of resources.

(c) Eligible municipalities; communities index.

(1) The Agency shall develop an index that ranks Vermont municipalities based on their relative administrative capacity to access and maximize the benefits of technical assistance and funding that is available from State, federal, and other sources.

(2) In developing the index, for each municipality in this State, the Agency shall consider its demographic profile, geographic location, and economic resources; the current size and administrative capacity of the municipal government; the availability of regional partners and supports; and other factors the Agency determines to be relevant in assessing the municipality's capacity to fully access available funding and related assistance.

(d) Eligible municipalities; priority.

(1) The Agency shall approve funding on a first-come, first-served basis to municipalities that rank in the top 25th percentile on the index developed pursuant to subsection (c) of this section.

(2) Notwithstanding subdivision (1) of this subsection, the Agency may adopt a process to consider and approve funding for a municipality that ranks below the top 25th percentile but demonstrates exceptional circumstances.

(3) If funds remain available after meeting the funding requirements of municipalities that qualify under subdivisions (1)–(2) of this subsection, the Agency may award funding to other municipalities according to index ranking.

(e) Outreach; implementation.

(1) The Agency, in coordination with the Vermont League of Cities and Towns, shall conduct a general public engagement campaign to make municipalities aware of the potential opportunity for services and funding pursuant to this section.

(2) The Agency, the Vermont League of Cities and Towns, and each regional planning commission and regional development corporation that serves a municipality that is eligible for funding priority under subdivision (d)(1) of this section shall work collaboratively to ensure that individual outreach to each eligible municipality occurs:

(A) to inform the municipality that it is eligible for funding for technical assistance and related services based on its index ranking;

(B) to educate the municipality on the process for identifying the types of services and assistance available, identifying eligible service providers, and accessing funding pursuant to this section; and

(C) to determine whether the municipality intends to further pursue funding for technical assistance and related services or waives its priority for funding.

(f) Reporting.

(1) The Agency shall report to the House and Senate Committees on Appropriations, the Senate Committee on Government Operations, the House

Committee on Government Operations and Military Affairs, the House Committee on Commerce and Economic Development, and the Senate Committee on Economic Development, Housing and General Affairs on or before the following dates:

(A) April 1, 2023;

(B) July 1, 2023; and

(C) January 15, 2024.

(2) The Agency shall address in its reports the design and implementation of the process for providing municipal technical assistance pursuant to this section, including information addressing:

(A) the activities specified in subsection (a) of this section for which the Agency provided funding and the type and amount of State, federal, or other funds that were leveraged for each activity;

(B) the eligibility criteria, request for proposals, and approval process for service providers; the standards, duties, and performance requirements applicable to service providers; and the identity and scope of services performed by approved service providers;

(C) the mode of delivery, amount, and purpose of funding awarded to municipalities;

(D) the design, methodology, and efficacy of the index; the effectiveness of the index in identifying relative priority and capacity of municipalities; and, if applicable, the basis of any funding awards made due to exceptional circumstances pursuant to subdivision (d)(3) of this section; and

(E) the design, implementation, and effectiveness of outreach efforts undertaken pursuant to subsection (e) of this section.

(g) Funding. The funding is provided in 2022 Acts and Resolves No. 185, Sec. B.1100 as amended by Sec. 45 of this act.

Sec. 96. 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) As used in this subchapter:

\* \* \*

(11) “Member” means any employee included in the membership of the Retirement System under section 457 of this title.

\* \* \*

(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~~ July 1, 2023, 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.

(12) “Membership service” ~~shall mean~~ means service rendered while a member of the Retirement System.

(13) “Normal retirement date” means:

\* \* \*

(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 the earlier of:

(I) attainment of 55 years of age and following completion of 20 years of creditable service; or

(II) 65 years of age and following completion of five years of creditable service.

\* \* \*

Sec. 97. 3 V.S.A. § 470 is amended to read:

§ 470. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT ALLOWANCES

\* \* \*

(b) 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:

\* \* \*

(E) For Group F and Group G 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.

\* \* \*

(c) 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:

\* \* \*

(2) In service on or before June 30, 2022. For all Group A, C, ~~and F,~~ and G 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.

\* \* \*

Sec. 98. 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.

\* \* \*

(2)(A) Group A members. Commencing on July 1, 2016, contributions shall be 6.55 percent of compensation for Group A members.

\* \* \*

(C) Group D members. Commencing on July 1, 2022, the contribution rate for Group D members shall be based on the highest 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:

\* \* \*

(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 combined hourly rate of pay of all Group F and 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 F and Group G 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 and Group G 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 and Group G 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



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75th percentile of Group F and Group G 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 combined hourly rate of pay of all Group F and 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 F and 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 F and 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 F and 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 F and 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.

Sec. 99. 3 V.S.A. § 500 is amended to read:

§ 500. DEFINED CONTRIBUTION RETIREMENT PLAN

\* \* \*

(b) Employees who are not members of the classified system who are first employed by the State on and after January 1, 1999, and would otherwise be members of Group A, B, C, D, ~~or~~ F, or G of the Vermont State Retirement System shall be eligible to participate in the Defined Contribution Retirement Plan.

\* \* \*

Sec. 100. 2022 Acts and Resolves No. 114, Sec. 14 is amended to read:

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.

\* \* \*

(c) In establishing any new ~~corrections~~ classified Department of Corrections or Department of Mental Health 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) of this section, or Group F.

\* \* \*

#### Sec. 101. OTHER POSTEMPLOYMENT BENEFITS; GOVERNANCE STRUCTURE; REPORT

(a) The Office of the State Treasurer, in consultation with the Vermont Pension Investment Commission and the Agency of Administration, shall produce a report that examines and makes recommendations on the governance structure of the two OPEB funds, other possible governance structures, and whether changes should be made to better align the governance structure with nature of the OPEB funds. In reviewing the governance structure, the report shall evaluate both the manner in which the funds are overseen as well as the underlying section 115 trusts in which they are held. Specifically, the report shall address the following:

- (1) the advantages and disadvantages of retaining the existing governance structure of the OPEB funds with the State Treasurer as sole trustee;
- (2) alternative governance structures for the OPEB funds, the advantages and disadvantages of each alternative examined, and the steps and timeline required to implement each alternative; and
- (3) to the extent possible, other issues relating to the OPEB funds identified as warranting study.

(b) Assistance. The Office of the State Treasurer shall have the administrative support of the Vermont Pension Investment Commission as well as the Agency of Administration in producing the report.

(c) Funding. \$100,000 is provided in 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by Sec. 45 of this act for the purpose of subsection (a) of this section.

(d) Report. On or before January 15, 2024, the Treasurer shall submit a written report to the General Assembly with findings and recommendations.

Sec. 102. 32 V.S.A. § 3102 is amended to read:

§ 3102. CONFIDENTIALITY OF TAX RECORDS

\* \* \*

(e) The Commissioner may, in the Commissioner's discretion and subject to such conditions and requirements as the Commissioner may provide, including any confidentiality requirements of the Internal Revenue Service, disclose a return or return information:

\* \* \*

(22) to the Agency of Natural Resources and the Department of Public Service, provided that the disclosure relates to the sales and use tax for aviation jet fuel and natural gas under chapter 233 of this title or to the fuel tax under 33 V.S.A. chapter 25 and is subject to any confidentiality requirements of the Internal Revenue Service and the disclosure exemption provisions of 1 V.S.A. § 317.

Sec. 103. DEPARTMENT OF TAXES; FORM OF RETURNS

(a) On or before July 1, 2023, the Commissioner of Taxes shall update the form of returns required by 32 V.S.A. § 9775, including the Sales and Use Tax Return for Aviation Jet Fuel and Natural Gas, known as Form SUT-458, and the Fuel Tax and Petroleum Distributor Licensing Fee Return, known as Form FGR-615, in consultation with the Secretary of Natural Resources to provide further information necessary to understand the volume of each fuel product type sold or consumed.

Sec. 104. 2022 Acts and Resolves No. 182, Sec. 11 is amended to read:

Sec. 11. MISSING MIDDLE-INCOME HOMEOWNERSHIP  
DEVELOPMENT PILOT PROGRAM

(a) The following amounts are appropriated from the ~~America Rescue Plan Act (ARPA) Coronavirus State Fiscal Recovery Funds~~ to the Department of Housing and Community Development to grant to the Vermont Housing

Finance Agency to establish the Missing Middle-Income Homeownership Development Pilot Program:

- (1) from the America Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds: \$5,000,000.00 in fiscal year 2022; and
- (2) from the America Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds: \$10,000,000.00 in fiscal year 2023; and
- (3) from the General Fund \$9,000,000 in fiscal year 2023.

\* \* \*

Sec. 105. SUPPLEMENTAL NON-EMERGENCY MEDICAID  
TRANSPORTATION FUNDING

It is the intent of the General Assembly that supplemental fiscal year 2023 Global Commitment funding of \$1,700,000 provided to DVHA for the Non-Emergency Medicaid Transportation program in this act be applied only prospectively as soon as reasonably possible to provide services to Vermont Medicaid members through the existing contract #41132 with the Vermont Public Transportation Association. The Association shall allocate the funds to address financial deficits incurred by its members in providing NEMT services.

Sec. 106. DEPARTMENT OF CORRECTIONS FISCAL YEAR 2022 OUT  
OF STATE BEDS CARRYFORWARD FUNDS AND JUSTICE  
REINVESTMENT II FUNDING

(a) Notwithstanding 2021 Acts and Resolves No. 74, Sec. E.335, as amended by 2022 Acts and Resolves No. 83, Sec. 62, and by 2022 Acts and Resolves No. 185, Sec. C.111, \$1,982,247 of Department of Corrections Out of State Bed General Fund appropriation carried forward from fiscal year 2022 shall revert to the General Fund in fiscal year 2023 for appropriation to Justice Reinvestment II in fiscal year 2023.

(b) \$290,000 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 are for the Department's Offender Management System (OMS) intelligence layer consistent with the actions of the Joint Legislative Justice Oversight Committee.

(c) \$350,000 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 shall be granted by the Department to VT Network Against Sexual Violence consistent with the actions of the Joint Legislative Justice Oversight Committee.

(d) \$342,247 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 for Community Justice Centers (CJCs) whose work is focused on services and programs that enhance community safety and include best-practice and cost-effective approaches to reducing recidivism.

(e) \$1,000,000 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 shall be left unallocated. Any allocation shall be subject to review by the House Committees on Judiciary and on Corrections and Institutions, Senate Committees on Judiciary and on Institutions and the Joint Legislative Justice Oversight Committee and approval by the General Assembly.

Sec. 106a. 2022 Acts and Resolves No. 185, Sec. E.134.2 is amended to read:

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~~ 522(i) of this title. Monies in the Fund shall be used to pay expenses associated with carrying out the Commission's duties.

\* \* \*

Sec. 106b. 2022 Acts and Resolves No. 185, Sec. E.134.3 is amended to read:

Sec. E.134.3 VERMONT RETIREMENT SYSTEMS AND 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)(a) 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 cover the operating costs of the State's pensions systems, including transferring funds from the State's pension systems to the Treasurers Retirement Admin Costs fund (21520) and to the Vermont Pension Investment Commission Special Fund (21521) to cover the portion of the Treasurer's budget attributable to the State's pension systems and the Vermont Pension Investment Commission's budget.

(1) Of the \$2,456,934 appropriated in Section B.133 of this act, \$1,580,466 constitutes the Vermont State Employees' Retirement System operating budget, and \$876,468 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to Vermont State Employees' Retirement System.

(2) Of the 1,420,006 appropriated in Section B.134 of this act, \$1,088,606 constitutes the Vermont Municipal Employees' Retirement System operating budget, and \$331,400 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to Vermont Municipal Employees' Retirement System.

(3) Of the 2,774,880 appropriated in Section B.514.1 of this act, \$1,846,063 constitutes the Vermont State Teachers' Retirement System operating budget, and \$928,817 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to Vermont State Teachers' Retirement System.

Sec. 107. [DELETED].

Sec. 108. [DELETED].

Sec. 109. 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, 2023 in the Executive Branch 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, 2023 in the Legislative and Judicial Branches shall be carried forward and shall be designated for expenditure.

Sec. 110. EFFECTIVE DATES

This act shall take effect upon passage except that, notwithstanding 1 V.S.A. § 214:

(1) Sec. 63 of this act (regarding the calculation of the fiscal year 2022 transportation fund stabilization reserve requirement) shall take effect retroactively on June 30, 2022;

(2) Sec. 70 of this act (amending 2021 Acts and Resolves No. 74, Sec. D.101(d)) shall take effect retroactively on June 30, 2022;

(3) Sec. 80 (amending 2022 Acts and Resolves No. 183, Sec. 47(d)(3)) shall take effect retroactively on July 1, 2022 and shall apply to applications received on or after that date; and

(4) Sec. 91 (amending 32 V.S.A. § 7811; imposition of tobacco products tax) shall take effect on July 1, 2023, except that 32 V.S.A. § 7811(b)(1) (exemption for cannabis sold by dispensaries) shall take effect retroactively on March 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.

*M. JANE KITCHEL  
ANDREW J. PERCHLIK  
RICHARD A. WESTMAN*

*Committee on the part of the Senate*

*DIANE LANPHER  
ROBIN SCHEU*

*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 bill was ordered delivered to the Governor forthwith.

#### **Message from the Senate No. 25**

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

Madam Speaker:

I am directed to inform the House that:

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

**H.C.R. 42.** House concurrent resolution honoring Laura and Lewis Sumner of Halifax for their exemplary municipal public service.

**H.C.R. 43.** House concurrent resolution honoring Ludlow Selectboard Chair Bruce Schmidt for his distinguished civic leadership.

**H.C.R. 44.** House concurrent resolution honoring Philip Carter for his exemplary community service in the Town of Ludlow.



**H.C.R. 45.** House concurrent resolution congratulating the Vermont medal winners at the 2022 National Senior Games and designating March 15, 2023 as Senior Physical Fitness Day at the State House.

**H.C.R. 46.** House concurrent resolution congratulating Tillie Walden of Norwich on her selection as the fifth Vermont Cartoonist Laureate.

**H.C.R. 47.** House concurrent resolution honoring Rotary International for its continuing good works and congratulating the Burlington, Bellows Falls, Montpelier, St. Johnsbury, and Windsor Rotary Clubs on their centennial.

### **Adjournment**

At eleven o'clock and forty-four minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, March 14, 2023, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 4.

### **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. 42**

House concurrent resolution honoring Laura and Lewis Sumner of Halifax for their exemplary municipal public service

#### **H.C.R. 43**

House concurrent resolution honoring Ludlow Selectboard Chair Bruce Schmidt for his distinguished civic leadership

#### **H.C.R. 44**

House concurrent resolution honoring Philip Carter for his exemplary community service in the Town of Ludlow

#### **H.C.R. 45**

House concurrent resolution congratulating the Vermont medal winners at the 2022 National Senior Games and designating March 15, 2023 as Senior Physical Fitness Day at the State House

#### **H.C.R. 46**

House concurrent resolution congratulating Tillie Walden of Norwich on her selection as the fifth Vermont Cartoonist Laureate

**H.C.R. 47**

House concurrent resolution honoring Rotary International for its continuing good works and congratulating the Burlington, Bellows Falls, Montpelier, St. Johnsbury, and Windsor Rotary Clubs on their centennial

[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 2023 Biennial Session.]

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**Tuesday, March 14, 2023**

Due to a power failure in the State House, the House was delayed in convening.

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

**Devotional Exercises**

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

**Pledge of Allegiance**

Page Gabrielle Bock of Northfield led the House in the Pledge of Allegiance.

**Message from the Senate No. 26**

A message was received from the Senate by Ms. Kucserik, 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. 5.** An act relating to affordably meeting the mandated greenhouse gas reductions for the thermal sector through efficiency, weatherization measures, electrification, and decarbonization.

**S. 9.** An act relating to the authority of the State Auditor to examine the books and records of State contractors.

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. 18.** Joint resolution relating to weekend adjournment.

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

### **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. 464**

By Reps. Burrows of West Windsor, Brumsted of Shelburne, and Sims of Craftsbury,

House bill, entitled

An act relating to health insurance financial assistance for Indigenous persons

To the Committee on Health Care.

#### **H. 465**

By the Committee on Government Operations and Military Affairs,

House bill, entitled

An act relating to regional emergency management committees' meeting quorum requirement

Pursuant to House Rule 48, placed on the Notice Calendar.

#### **H. 466**

By the Committee on Government Operations and Military Affairs,

House bill, entitled

An act relating to technical corrections for the 2023 legislative session

Pursuant to House Rule 48, placed on the Notice Calendar.

#### **H. 467**

By Reps. Taylor of Colchester, Torre of Moretown, Burrows of West Windsor, Hango of Berkshire, Hyman of South Burlington, Jerome of Brandon, Lipsky of Stowe, Priestley of Bradford, Sibia of Dover, Sims of Craftsbury, Templeman of Brownington, and Williams of Granby,

House bill, entitled

An act relating to outdoor recreation

To the Committee on Agriculture, Food Resiliency, and Forestry.

**H. 468**

By Rep. Austin of Colchester,

House bill, entitled

An act relating to language access

To the Committee on Government Operations and Military Affairs.

**H. 469**

By Rep. Wood of Waterbury,

House bill, entitled

An act relating to allowing remote witnesses and explainers for a Ulysses clause in an advance directive

To the Committee on Human Services.

**Bill Referred to Committee on Ways and Means****H. 55**

House bill, entitled

An act relating to miscellaneous unemployment insurance amendments

Appearing 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.

**Bill Referred to Committee on Appropriations****H. 206**

House bill, entitled

An act relating to miscellaneous changes affecting the duties of the Department of Vermont Health Access

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. 2**

Joint resolution urging Congress to admit Washington, DC, into the union as a state of the United States of America

Offered by: Representatives Satcowitz of Randolph, Anthony of Barre City, Berbeco of Winooski, Bos-Lun of Westminster, Carroll of Bennington, Chapin of East Montpelier, Chase of Colchester, Cina of Burlington, Cordes of Lincoln, Dodge of Essex, Farlice-Rubio of Barnet, Garofano of Essex, Graning of Jericho, Headrick of Burlington, Hooper of Burlington, Howard of Rutland City, Jerome of Brandon, Logan of Burlington, McCann of Montpelier, McGill of Bridport, Nicoll of Ludlow, Ode of Burlington, Patt of Worcester, Priestley of Bradford, Sibilia of Dover, Sims of Craftsbury, Stebbins of Burlington, Surprenant of Barnard, Templeman of Brownington, Waters Evans of Charlotte, White of Bethel, and Williams of Barre City

Whereas, the U.S. Constitution, as ratified following the Constitutional Convention of 1787, granted the right to vote for congressional representation to qualified voters in all the states, including those living in the sections of Maryland and Virginia that the “District of Columbia Organic Act of 1801” (the Act) designated as the nation’s capital, and

Whereas, the Act removed this territory from the states of Maryland and Virginia, disenfranchising the District of Columbia’s (the District) citizens from exercising the fundamental right to vote for public officials, and, for over a century, these American citizens could not participate in any local or federal election, and

Whereas, in 1961, the 23rd Amendment to the U.S. Constitution gave the District’s electorate the right to vote in presidential elections, and

Whereas, in 1970, Congress enacted 2 U.S.C. § 25a, authorizing the District’s voters to elect a nonvoting delegate to the U.S. House of Representatives, and

Whereas, the District of Columbia Self-Government and Governmental Reorganization Act of 1973, Pub. L. 93–198, established local mayoral and city council elections in the District, but Congress has repeatedly interfered in the local government’s decision-making process, especially on budgetary matters, and

Whereas, the residents of the District, also known as Washington, DC, pay federal income tax, but are denied the full congressional representation—a voting member of the U.S. House of Representatives and two United States Senators—that exists in each of the 50 states, and

Whereas, DC Delegate Eleanor Holmes Norton and U.S. Senator Tom Carper of Delaware have respectively introduced in the 118th Congress H.R.51 and S.51 to grant statehood to the District of Columbia, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly of the State of Vermont supports admitting Washington, DC, into the union as a state of the United States of America, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to President Joseph Biden, to the U.S. Senate Committee on Homeland Security and Governmental Affairs, to the U.S. House Committee on Oversight and Accountability, to U.S. Speaker of the House Kevin McCarthy, and to the Vermont Congressional Delegation.

Was read by title, treated as a bill, and referred to the Committee on Government Operations and Military Affairs pursuant to House Rule 52.

**Joint Resolution Placed on Calendar**

**J.R.H. 3**

Joint resolution authorizing the Green Mountain Boys State educational program to use the State House facilities on June 29, 2023

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, this special experience is a unique civic lesson of lasting value for the participants, now therefore be it

Resolved by the Senate and House of Representatives:

That subject to the determination of and limitations that the Sergeant at Arms may establish, the Green Mountain Boys State educational program is authorized to use the chambers and committee rooms of the State House on Thursday, June 29, 2023, 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 placed on the Action Calendar on the next legislative day pursuant to House Rule 52.

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**Third Reading; Resolution Adopted****H.R. 6**

House resolution, entitled

House resolution updating House Rules

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

**Committee Bill; Second Reading; Third Reading Ordered****H. 461**

**Rep. Conlon of Cornwall** spoke for the Committee on Education.

House bill, entitled

An act relating to making miscellaneous changes in education laws

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

**Legislative Committee on Judicial Rules Appointments**

Pursuant to 12 V.S.A. § 3, the Speaker appointed the following members to the Legislative Committee on Judicial Rules:

**Rep. LaLonde of South Burlington**

**Rep. Burditt of West Rutland**

**Rep. Rachelson of Burlington**

**Rep. Roberts of Halifax**

**Adjournment**

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

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**Wednesday, March 15, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by children from the Turtle Island Children's Center, Montpelier.

**Committee Bill Introduced****H. 470**

By the Committee on Government Operations and Military Affairs,  
House bill, entitled

An act relating to miscellaneous amendments to alcoholic beverage laws

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. 5**

Senate bill, entitled

An act relating to affordably meeting the mandated greenhouse gas reductions for the thermal sector through efficiency, weatherization measures, electrification, and decarbonization

To the Committee on Environment and Energy.

**S. 9**

Senate bill, entitled

An act relating to the authority of the State Auditor to examine the books and records of State contractors

To the Committee on Government Operations and Military Affairs.

**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. 66**

House bill, entitled

An act relating to paid family and medical leave insurance

**H. 205**

House bill, entitled

An act relating to establishing the Small Farm Diversification and Transition Program



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**Joint Resolution Adopted in Concurrence****J.R.S. 18**

By Senator Baruth,

**J.R.S. 18.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, March 17, 2023, it be to meet again no later than Tuesday, March 21, 2023.

Was taken up, read, and adopted in concurrence.

**Ceremonial Readings****H.C.R. 22**

House concurrent resolution recognizing July 2023 as Park and Recreation Month in Vermont and designating July 21, 2023 as Vermont Park and Recreation Professionals Day in Vermont

Offered by: Representatives Krasnow of South Burlington, LaLonde of South Burlington, Hyman of South Burlington, Minier of South Burlington, and Nugent of South Burlington

Whereas, Vermont's park and recreation programs are an integral part of our State and local communities, and

Whereas, their presence in a community promotes an active life style, offers environmental protection, and serves as an economic resource, and

Whereas, park and recreation programs support the effectiveness of therapeutic recreational services for persons with disabilities, and

Whereas, in 1985, the National Recreation and Park Association established July as Park and Recreation Month, and, in 2009, the U.S. House of Representatives adopted a resolution endorsing this national celebration of our nation's parks, now therefore be it

**Resolved by the Senate and House of Representatives:**

That the General Assembly recognizes July 2023 as Park and Recreation Month in Vermont and designates July 21, 2023 as Vermont Park and Recreation Professionals Day, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Recreation and Parks Association.

Having been adopted in concurrence on Friday, February 3, 2023 in accord with Joint Rule 16b, was read.

**H.C.R. 45**

House concurrent resolution congratulating the Vermont medal winners at the 2022 National Senior Games and designating March 15, 2023 as Senior Physical Fitness Day at the State House

Offered by: Representatives Brumsted of Shelburne, Harrison of Chittenden, Austin of Colchester, Black of Essex, Brown of Richmond, Burditt of West Rutland, Conlon of Cornwall, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Donahue of Northfield, Garofano of Essex, Goldman of Rockingham, Gregoire of Fairfield, Holcombe of Norwich, Hooper of Burlington, Krasnow of South Burlington, Lalley of Shelburne, Mattos of Milton, Mihaly of Calais, Minier of South Burlington, Morgan of Milton, Morrissey of Bennington, Noyes of Wolcott, Pajala of Londonderry, Priestley of Bradford, Scheu of Middlebury, Sheldon of Middlebury, Squirrell of Underhill, Taylor of Milton, Torre of Moretown, Whitman of Bennington, and Wood of Waterbury

Whereas, annually, the Vermont Senior Games Association (VSGA) organizes the Vermont Senior Games, the qualifying event for Vermonters who desire to participate in the challenging National Senior Games, a biennial event held in Fort Lauderdale, Florida, and in 2022, 80 Vermont athletes traveled there, participated in 11 sports, and won 21 gold, 10 silver, and 14 bronze medals, making an impressive total of 45, and

Whereas, Vermonters especially noteworthy were Flo Meiler of Shelburne, 87 years of age, the National Senior Games top winner, with five gold and ten overall in track and field; Bob Willey of Essex, 89 years of age, a bronze medalist in basketball; and Donna Smyers of Adamant, in the 60–64 age group, with two golds, one in cycling and one in the triathlon, and

Whereas, the Vermonters who won one or more medals were Karen Andresen, Lee Ann Banks, Annie Besette, John Bolton, Sarah Bombardier, Linda Bracken, Eric Brigham, Anne Campbell, David Chesley, Mary Clifton, Brian Conchieri, Jim Flint, Margaret Gibson, Don Gilman, Matt Guild, Kristen Hartley, Kate Herbert, Tim Hogeboom, Jeanne Hulsen, Helga Immerfall, Todd Keller, Gurudharm Khalsa, Deborah Larkin, Victoria Luksch, Susan Madrigan, Elizabeth McCarthy, Flo Meiler, Mark Mulder, Loren Palmer, Sani Pasagic, John Prentice, Bill Romond, Zane Rodriguez, Marc Sacco, Patty Sacco, Jeff Schuman, David Shiman, Pam Sills, Donna Smyers, John Tashiro, Sandra Wall, Joan Weir, Stan Wilbur, and Bob Willey, and

Whereas, today, March 15, 2023, representatives of the VSGA and the Governor’s Council on Physical Fitness are at the State House to explain the importance for seniors to remain athletically active, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the Vermont medal winners at the 2022 National Senior Games and designates March 15, 2023 as Senior Physical Fitness Day at the State House, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to each athlete honored in this resolution, to the VSGA, to and the Governor's Council on Physical Fitness.

Having been adopted in concurrence on Friday, March 3, 2023 in accord with Joint Rule 16b, was read.

**Third Reading; Bill Passed**

**H. 461**

House bill, entitled

An act relating to making miscellaneous changes in education laws

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

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 175**

**Rep. Christie of Hartford**, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to modernizing the Children and Family Council for Prevention Programs

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

Sec. 1. 33 V.S.A. chapter 33 is amended to read:

§ 3301. DEFINITIONS

As used in this chapter:

(1) "Council" means the ~~Children and Family Council for Prevention Programs~~ Council for Equitable Youth Justice.

(2) "~~Primary prevention~~" means ~~efforts to reduce the likelihood of juvenile delinquency, truancy, substance abuse, child abuse, and other socially destructive behaviors before intervention by authorities~~ "DCF" means the Vermont Department for Children and Families.

(3) "JJRA" means the federal Juvenile Justice and Delinquency Prevention Act of 1973 as reauthorized and as amended by the Juvenile Justice Reform Act of 2018, 34 U.S.C. § 11133.

(4) “OJJDP” means the Office of Juvenile Justice and Delinquency Prevention within the U.S. Department of Justice.

§ 3302. CHILDREN AND FAMILY COUNCIL FOR PREVENTION

PROGRAMS COUNCIL FOR EQUITABLE YOUTH JUSTICE

~~(a) A Children and Family Council for Prevention Programs is established. The Council shall consist of 21 members who shall be appointed by the Governor with the advice and consent of the Senate for three-year terms. In the appointment of the members, consideration shall be given to the selection of persons who will adequately represent the interests of the beneficiaries of the primary prevention programs.~~ Creation. There is created the Council for Equitable Youth Justice to serve as the State advisory group for Vermont pursuant to 34 U.S.C. § 11133. The Council supports compliance with the core requirements of the JJRA and promotes an effective Vermont juvenile justice system consistent with the legislative findings under 33 V.S.A. § 5101a.

~~(b) The Council shall elect a chairperson, vice chairperson, and clerk from its members who shall serve for one year or until their successors are elected.~~ Membership.

(1) The Council shall consist of up to 25 members who shall be appointed by the Governor with the advice and consent of the Senate for three-year terms.

(2) In appointing members, consideration shall be given to the selection of persons who adequately represent the interests of youth who are in the juvenile justice system and their families.

(3) Membership shall be consistent with the federal requirements for State advisory groups pursuant to 34 U.S.C. § 11133(a)(3).

(4) A majority of the members, including the Chair, shall not be full-time employees of federal, State, or local government.

~~(c) A majority of the members of the Council shall constitute a quorum. The Council shall act only by vote of a majority of its members present and voting at a meeting at which a quorum is in attendance.~~ Officers. The Council shall elect a chair, vice chair, and secretary or treasurer, or both, from its members who shall serve for one year or until their successors are elected.

(d) Vacancy. In the event a vacancy occurs on the Council, the vacancy shall be filled in the same manner as provided in subsection (a) subdivision (b)(1) of this section. The term of a person appointed to fill a vacancy shall terminate on the date on which the original appointment would have terminated if the vacancy had not occurred.

(e) Compensation. Council members are authorized to receive per diem compensation from federal funds as specified in 32 V.S.A. § 1010(b).

(f) Quorum. A majority of the members of the Council shall constitute a quorum. The Council shall act only by vote of a majority of its members and voting at a meeting at which a quorum is in attendance.

§ 3303. COUNCIL; DUTIES COUNCIL DUTIES AND

RESPONSIBILITIES

(a) ~~The Council shall assist State agencies and the departments in the development, improvement, and coordination of primary prevention programs and activities at the State and local levels. In providing this service, the Council shall~~ Subject to the provisions of 32 V.S.A. § 3309, the Council shall support monitoring and reporting compliance with the core requirements of the JJRA, including:

(1) ~~acquire and provide pertinent research data and technical assistance related to the development and practice of primary prevention programs~~ the deinstitutionalization of status offenders;

(2) ~~develop a State primary prevention plan that coordinates and consolidates the primary prevention planning efforts of the State agencies and departments specified in section 3305 of this title~~ the separation of juveniles from incarcerated adults;

(3) ~~evaluate and prepare recommendations on the prevention policies and programs developed and implemented under section 3305 of this title and submit the recommendations on or before January 1 to the Governor, the House Committees on Human Services and on Appropriations, and the Senate Committees on Health and Welfare and on Appropriations~~ the removal of juveniles from adult jails and lockups; and

(4) the reduction of racial and ethnic disparities in Vermont's juvenile justice system.

(b) [Repealed.]

(c) ~~Subject to the provisions of 32 V.S.A. § 5, the Council may apply for and receive federal or private funds, or any combination thereof in order to accomplish the purposes of this chapter. To the extent that funding under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, permits, the Council may award grants to State and local organizations for primary prevention activities in accordance with the provisions of that act~~ Subject to the provisions of 32 V.S.A. § 5, the Council may apply for and receive federal funds for activities consistent with the legislative findings

pursuant to 33 V.S.A. § 5101a and the requirements of the JJRA. The Council may obtain grants for activities pursuant to 34 U.S.C. § 11133(a)(9).

(d) The Council shall be attached for administrative purposes to the Agency of Human Services On December 1, 2024, and every three years thereafter, the Council shall, in coordination with DCF, develop a State juvenile justice plan designed to promote an effective juvenile justice system. The plan shall be consistent with the requirements of the JJRA and the legislative findings pursuant to 33 V.S.A. § 5101a.

(e) On January 15, 2025, and every two years thereafter, the Council shall submit a written report to the Governor, the Joint Legislative Justice Oversight Committee, and DCF describing the efforts it has made to comply with the requirements of the JJRA, including the reduction of racial disparities and improving Vermont's juvenile justice system. The report shall include an overview of federal funds received and expended to address these purposes and recommendations to improve the juvenile justice system.

(f) In carrying out its duties and responsibilities, the Council shall rely on all available data related to the State's juvenile justice system and shall make efforts to include youth and family voices, particularly the voices of youth and members of their families who have been impacted by the system.

#### § 3304. STATE PRIMARY PREVENTION PLAN

~~(a) The State Primary Prevention Plan shall provide for the use of State resources in ways that will strengthen the commitment of local communities to altering conditions that contribute to delinquency or other problem behaviors so that the burden of State-funded treatment and crisis-oriented service programs will be reduced. The Plan shall set forth specific goals, objectives, and key result areas and shall include proposals to integrate and build upon successful methods of primary prevention.~~

~~(b) By July 1 of each even-numbered year, the Council shall revise the State Primary Prevention Plan, which shall be submitted to the Governor, the House Committee on Human Services, the House Committee on Appropriations, the Senate Committee on Health and Welfare, and the Senate Committee on Appropriations. [Repealed.]~~

#### § 3305. IMPLEMENTATION AND EVALUATION OF PRIMARY PREVENTION PLAN

~~Primary prevention policies and implementation practices shall be targeted to specific goals, objectives, and key result areas and shall be consistent with the State Primary Prevention Plan. The following departments and agencies shall formulate the policies and practices:~~

- ~~(1) the Agency of Education;~~
- ~~(2) the Agency of Human Services, including all departments;~~
- ~~(3) the Department of Motor Vehicles;~~
- ~~(4) the Office of the Attorney General;~~
- ~~(5) the Agency of Commerce and Community Development;~~
- ~~(6) the Department of Labor;~~
- ~~(7) the Department of Public Safety; and~~
- ~~(8) the Department of Forests, Parks and Recreation. [Repealed.]~~

\* \* \*

## Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

**Rep. Masland of Thetford**, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Judiciary.

**Rep. Squirrell of Underhill**, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended 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 ordered.

## Joint Resolution Adopted

### J.R.H. 3

Joint resolution, entitled

Joint resolution authorizing the Green Mountain Boys State educational program to use the State House facilities on June 29, 2023

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

## Adjournment

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

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**Thursday, March 16, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rep. Josie Leavitt of Grand Isle.

**Committee Bill Introduced****H. 471**

By the Committee on Ways and Means,  
House bill, entitled

An act relating to technical and administrative changes to Vermont's tax laws

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

**Committee Bill Introduced;  
Referred to Committee on Ways and Means****H. 472**

By the Committee on Agriculture, Food Resiliency, and Forestry,  
House bill, entitled

An act relating to miscellaneous agricultural subjects

Was read the first time and pursuant to House Rule 35(a), affecting the revenue of the State, referred to the Committee on Ways and Means.

**Bill Referred to Committee on Appropriations****H. 127**

House bill, entitled

An act relating to sports wagering

Appearing on the Notice Calendar, 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**

House bills of the following titles, appearing on the Notice Calendar, affecting the revenue of the State, under House Rule 35(a), were referred to the Committee on Ways and Means:



**H. 178**

House bill, entitled

An act relating to commissioning Department of Corrections personnel as notaries public

**H. 270**

House bill, entitled

An act relating to miscellaneous amendments to the adult-use and medical cannabis programs

**Bills Referred Pending Entry on the Notice Calendar****H. 10**

House bill, entitled

An act relating to amending the Vermont Employment Growth Incentive Program

Pending entry 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.

**H. 165**

House bill, entitled

An act relating to school food programs and universal school meals

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

**Ceremonial Reading****H.C.R. 38**

House concurrent resolution congratulating the 2023 Hartford High School Hurricanes Division II championship boys' indoor track team

Offered by: Representatives Cole of Hartford and Christie of Hartford

Offered by: Senator White

Whereas, despite its numerous athletic achievements in various sports, prior to 2023, the Hartford High School Hurricanes had never earned a boys' indoor track title, and

Whereas, the 2023 indoor track championship, held at the University of Vermont, marked an historic occasion for the Hurricanes as the team's first place victories in the 300-meter run and the long jump, combined with second place finishes in the 4x400 and 4x800 relays, culminated in a 101–82.5 Division II victory over second place Fair Haven Union High School, and

Whereas, the elated Hurricanes were Sawyer Albrecht, AJ Aldrich, John Cassell, Rocco Clough, Gavin Farnsworth, Nolan McMahon, Gavin Provost, Everett Winslow, Payton Bessette, Jordan Davis, Jack Fournier-Stephens, Gabe Guillette, Joey Knapp, Maxwell Portnoy, Alex Smith, Conner Beland, Brandon Driver, Ayodele Lowe, Bennett Moreno, Nolan Pichtel, Hugh Wendling, Ermek Baker-Nifka, and Jason Kelly, and Head Coach Mike Perry and Assistant Coach Fatimah Shabazz were proud of the team, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the 2023 Hartford High School Hurricanes Division II championship boys' indoor track team, and be it further

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

Having been adopted in concurrence on Friday, February 24, 2023 in accord with Joint Rule 16b, was read.

### **Third Reading; Bill Passed**

#### **H. 175**

House bill, entitled

An act relating to modernizing the Children and Family Council for Prevention Programs

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

### **Committee Bill; Second Reading; Third Reading Ordered**

#### **H. 465**

**Rep. Morgan of Milton** spoke for the Committee on Government Operations and Military Affairs.

House bill, entitled

An act relating to regional emergency management committees' meeting quorum requirement

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; Third Reading Ordered****H. 466**

**Rep. Higley of Lowell** spoke for the Committee on Government Operations and Military Affairs.

House bill, entitled

An act relating to technical corrections for the 2023 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.

**Second Reading; Bill Amended; Third Reading Ordered****H. 62**

**Rep. Berbeco of Winooski**, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to the interstate Counseling Compact

Reported in favor of its passage when amended as follows:

First: By inserting after Sec. 1, 26 V.S.A. chapter 65, a new Sec. 2 to read as follows:

Sec. 2. 3 V.S.A. § 123(j)(1) is amended to read:

(j)(1) The Office may inquire into the criminal background histories of applicants for initial licensure and for license renewal of any Office-issued credential, including a license, certification, registration, or specialty designation for the following professions:

(A) licensed nursing assistants, licensed practical nurses, registered nurses, and advanced practice registered nurses licensed under 26 V.S.A. chapter 28;

(B) private investigators, security guards, and other persons licensed under 26 V.S.A. chapter 59;

(C) real estate appraisers and other persons or business entities licensed under 26 V.S.A. chapter 69; ~~and~~

(D) osteopathic physicians licensed under 26 V.S.A. chapter 33;

(E) licensed clinical mental health counselors licensed under 26 V.S.A. chapter 65;

(F) licensed marriage and family therapists licensed under 26 V.S.A. chapter 76; and

(G) individuals registered on the roster of psychotherapists who are nonlicensed and noncertified.

and by renumbering the remaining section to be numerically correct.

Second: By striking out the newly renumbered Sec. 3, effective date, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. EFFECTIVE DATES

This section and Sec. 2 (3 V.S.A. § 123(j)(1)) shall take effect on July 1, 2023. Sec. 1 (clinical mental health counselors) shall take effect on July 1, 2024.

**Rep. Andrews of Westford**, 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: By inserting a new Sec. 3 after Sec. 2, 3 V.S.A. § 123(j)(1), to read as follows:

Sec. 3. 26 V.S.A. § 3270a is amended to read:

§ 3270a. FEES

(a) Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for licensure \$150.00

(2) Biennial renewal \$200.00

(b) A licensee of a remote state under the Counseling Compact established in subchapter 2 of this chapter shall pay a biennial \$50.00 privilege to practice fee.

and by renumbering the remaining section to be numerically correct.

Second: By deleting the newly renumbered Sec. 4, effective dates, and inserting a new Sec. 4 to read as follows:

Sec. 4. EFFECTIVE DATES

This section and Sec. 2 (3 V.S.A. § 123(j)(1)) shall take effect on July 1, 2023. Sec. 1 (clinical mental health counselors) and Sec. 3 (fees) shall take effect on July 1, 2024.

**Rep. Toleno of Brattleboro**, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Health Care, and when further amended as recommended by 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 Health Care was agreed to. Thereafter, the report of the Committee on Ways and Means was agreed to and third reading ordered.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 77**

**Rep. Peterson of Clarendon**, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to Vermont's adoption of the Physical Therapy Licensure Compact

Reported in favor of its passage when amended as follows:

First: In Sec. 1, 26 V.S.A. chapter 38, subchapter 5, in section 2133, in subdivision (1), following "10 U.S.C.", by striking out "§" and inserting in lieu thereof "chapters".

Second: In Sec. 1, 26 V.S.A. chapter 38, subchapter 5, following section 2143 (construction and severability), by adding a new section 2144 to read as follows:

§ 2144. STATE ADMINISTRATION OF THE COMPACT

(a) The Office of Professional Regulation shall have the power to oversee the administration and enforcement of the Compact within the State of Vermont subject to the provisions and rules of the Compact.

(b) The Director of the Office of Professional Regulation shall designate the one delegate of the Compact for the State of Vermont pursuant to subsection 2138(b) of this subchapter.

Third: After Sec. 1, 26 V.S.A. chapter 38, subchapter 5, by adding a new Sec. 2 to read as follows:

Sec. 2. 3 V.S.A. § 123(j)(1) is amended to read:

(j)(1) The Office may inquire into the criminal background histories of applicants for initial licensure and for license renewal of any Office-issued credential, including a license, certification, registration, or specialty designation for the following professions:

(A) licensed nursing assistants, licensed practical nurses, registered nurses, and advanced practice registered nurses licensed under 26 V.S.A. chapter 28;

(B) private investigators, security guards, and other persons licensed under 26 V.S.A. chapter 59;

(C) real estate appraisers and other persons or business entities licensed under 26 V.S.A. chapter 69; and

(D) osteopathic physicians licensed under 26 V.S.A. chapter 33; and

(E) physical therapists licensed under 26 V.S.A. chapter 38.

and by renumbering the remaining section to be numerically correct.

Fourth: By striking out the newly renumbered Sec. 3, effective date, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

#### Sec. 3. EFFECTIVE DATES

This section and Sec. 2 (3 V.S.A. § 123(j)(1)) shall take effect on July 1, 2023. Sec. 1 (physical therapists) shall take effect on July 1, 2024.

**Rep. Andrews of Westford**, 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:

By striking out Sec. 3, effective dates, its entirety and inserting in lieu thereof new a Sec. 3 and Sec. 4 to read as follows:

Sec. 3. 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:

\* \* \*

(4) Biennial renewal, \$240.00, except biennial renewal for:

\* \* \*

(C) Physical therapists and assistants, \$150.00, except that a licensee of a remote state under the Physical Therapy Licensure Compact established in 26 V.S.A. chapter 38, subchapter 5 shall pay a biennial \$50.00 privilege to practice fee.

\* \* \*

#### Sec. 4. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that Sec. 1 (physical therapist licensure compact) and Sec. 3 (fees) shall take effect on July 1, 2024.

**Rep. Toleno of Brattleboro**, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Health Care, and when further amended as recommended by 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 Health Care was agreed to. Thereafter, the report of the Committee on Ways and Means was agreed to and third reading ordered.

### **Second Reading; Bill Amended; Third Reading Ordered**

#### **H. 86**

**Rep. Farlice-Rubio of Barnet**, for the Committee on Health Care, to which had been referred House bill, entitled

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

Reported in favor of its passage when amended as follows:

First: After Sec. 3, 26 V.S.A. chapter 67, subchapter 5, by adding a new Sec. 4 to read as follows:

Sec. 4. 3 V.S.A. § 123(j)(1) is amended to read:

(j)(1) The Office may inquire into the criminal background histories of applicants for initial licensure and for license renewal of any Office-issued credential, including a license, certification, registration, or specialty designation for the following professions:

(A) licensed nursing assistants, licensed practical nurses, registered nurses, and advanced practice registered nurses licensed under 26 V.S.A. chapter 28;

(B) private investigators, security guards, and other persons licensed under 26 V.S.A. chapter 59;

(C) real estate appraisers and other persons or business entities licensed under 26 V.S.A. chapter 69; ~~and~~

(D) osteopathic physicians licensed under 26 V.S.A. chapter 33;

(E) audiologists licensed under 26 V.S.A. chapter 67; and

(F) speech-language pathologists licensed under 26 V.S.A. chapter

87.

and by renumbering the remaining section to be numerically correct.

Second: After Sec. 4, 3 V.S.A. § 123(j)(1), by adding a new Sec. 5 to read as follows:

Sec. 5. 26 V.S.A. § 3290 is amended as follows:

§ 3290. ELIGIBILITY FOR AUDIOLOGIST LICENSE

To be eligible for licensure as an audiologist, an applicant shall have:

(1) Either:

(A) A a master's degree or equivalent in audiology or speech-language pathology from an educational institution approved by the Director, with course work completed in areas specified by rule; or

(B) a doctoral degree in audiology, or an equivalent doctoral degree regardless of name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization.

\* \* \*

and by renumbering the remaining section to be numerically correct.

Third: By striking out the newly renumbered Sec. 6, effective date, in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. EFFECTIVE DATES

This section, Sec. 4 (3 V.S.A. § 123(j)(1)), and Sec. 5 (26 V.S.A. § 3290) shall take effect on July 1, 2023. Secs. 1–3 (audiologists and speech-language pathologists compact) shall take effect on July 1, 2024.

**Rep. Andrews of Westford**, 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:

By striking out Sec. 6, effective dates, in its entirety and inserting in lieu thereof a new Sec. 6 and a Sec. 7 to read as follows:

Sec. 6. 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:



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\* \* \*

(4) Biennial renewal, \$240.00, except biennial renewal for:

\* \* \*

(T) A licensee of a remote state under the Audiology and Speech-Language Pathology Interstate Compact established in 26 V.S.A. chapter 87, subchapter 2 shall pay a biennial \$50.00 privilege to practice fee.

#### Sec. 7. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that Secs. 1-3 (audiologists and speech-language pathologists interstate compact) and Sec. 6 (fees) shall take effect on July 1, 2024.

**Rep. Toleno of Brattleboro**, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Health Care, and when further amended as recommended by 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 Health Care was agreed to. Thereafter, the report of the Committee on Ways and Means was agreed to and third reading ordered.

#### **Message from the Senate No. 27**

A message was received from the Senate by Ms. Kucserik, 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. 14.** An act relating to a report on criminal justice-related investments and trends.

**S. 95.** An act relating to banking and insurance.

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

#### **Adjournment**

At two o'clock and twenty-eight 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.

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**Friday, March 17, 2023**

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. Conor Casey of Montpelier.

**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:

Rep. Peter Joseph Brady of Bennington	Member of the House, Sessions 1995-1998
Rep. Sarah Edwards of Brattleboro	Member of the House, Sessions 2003-2012

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

**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. 473**

By the Committee on Health Care,  
House bill, entitled  
An act relating to radiologist assistants  
Pursuant to House Rule 48, placed on the Notice Calendar.

**H. 474**

By Reps. Mulvaney-Stanak of Burlington, Bluemle of Burlington, Cina of Burlington, Headrick of Burlington, Hooper of Burlington, Logan of Burlington, Ode of Burlington, Rachelson of Burlington, and Stone of Burlington,

House bill, entitled

An act relating to approval of amendments to the charter of the City of Burlington

To the Committee on Government Operations and Military Affairs.

**H. 475**

By Reps. Christie of Hartford, Casey of Montpelier, Burrows of West Windsor, LaBounty of Lyndon, LaMont of Morristown, Lipsky of Stowe, McGill of Bridport, Mulvaney-Stanak of Burlington, Small of Winooski, Templeman of Brownington, and Williams of Granby,

House bill, entitled

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

To the Committee on Judiciary.

**H. 476**

By the Committee on Government Operations and Military Affairs,

House bill, entitled

An act relating to miscellaneous changes to law enforcement officer training laws

Pursuant to House Rule 48, placed on the Notice Calendar.

**H. 477**

By the Committee on Judiciary,

House bill, entitled

An act relating to marriage license fees

Pursuant to House Rule 35(a), affecting the revenue of the State, 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. 14**

Senate bill, entitled

An act relating to a report on criminal justice-related investments and trends

To the Committee on Judiciary.

**S. 95**

Senate bill, entitled

An act relating to banking and insurance

To the Committee on Commerce and Economic Development.

**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, under House Rule 35(a), were referred to the Committee on Ways and Means:

**H. 102**

House bill, entitled

An act relating to the Art in State Buildings Program

**H. 125**

House bill, entitled

An act relating to boards and commissions

**Bill Referred to Committee on Appropriations****H. 291**

House bill, entitled

An act relating to the creation of the Cybersecurity Advisory Council

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

**Remarks Journalized**

On motion of **Rep. Coffey of Guilford**, the following remarks by **Rep. Toleno of Brattleboro** were ordered printed in the Journal:

“Madam Speaker:

This morning we read the name of Sarah Edwards, a member of this body for ten years and my immediate predecessor in Brattleboro’s 3rd district. Because of the incredible turnover of the last few bienniums, many of you did not know Sarah. I had a special relationship with Sarah and want to share just a few brief thoughts.

Sarah came into my life when I was four years old and was my stepmother for my entire childhood. Her two children are my youngest siblings: my brother, Yves and my only sister, Elizabeth. In our wonderful and eccentric way, we stayed a family even when she and my father divorced and found new partners. Sarah’s husband Blake is dear to me and an anchor for my siblings - Sarah was the love of his life. They did amazing things together - including for those of you who knew about it, the island project in Belize. Sarah was a champion for the environment and also for the needs of everyday Vermonters. She will be missed by many. I’ve borrowed and rearranged some of John O’ Donoghue’s words as a way to close.

May the nourishment of the earth be hers,  
may the clarity of light be hers,  
may the fluency of the ocean be hers,  
may the protection of the ancestors be hers.

May there come across the waters  
a path of yellow moonlight  
to bring her safely home.”

On motion of **Rep. Coffey of Guilford**, the following remarks by  
**Rep. Burke of Brattleboro** were ordered printed in the Journal:

“Madam Speaker:

We have just honored the memory of our former colleague, Representative Sarah Edwards of Brattleboro.

Representative Edwards was a strong and effective legislator, and a passionate advocate for renewable energy and environmental issues. She is remembered fondly by those who knew her here. She is also the reason I am here. Fifteen years ago, she recruited me to run for the House.

During our years here together, she was my Montpelier housemate, carpool companion, legislative mentor, and especially a trusted friend. It is so fitting that we remember her in our chamber.”

### **Third Reading; Bills Passed**

House bills of the following titles were severally taken up, read the third time, and passed:

#### **H. 62**

House bill, entitled

An act relating to the interstate Counseling Compact

#### **H. 77**

House bill, entitled

An act relating to Vermont’s adoption of the Physical Therapy Licensure Compact

#### **H. 86**

House bill, entitled

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

**H. 465**

House bill, entitled

An act relating to regional emergency management committees' meeting quorum requirement

**H. 466**

House bill, entitled

An act relating to technical corrections for the 2023 legislative session

**Committee Bill; Second Reading; Third Reading Ordered**

**H. 470**

**Rep. Birong of Vergennes** spoke for the Committee on Government Operations and Military Affairs.

House bill, entitled

An act relating to miscellaneous amendments to alcoholic beverage laws

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

**Communication from the Governor**

“March 17, 2023

The Honorable Jill Krowinski  
Speaker of the House  
115 State Street, Drawer 33  
Montpelier, Vermont 05633-2301

Dear Speaker Krowinski:

I have the honor to inform you that I have appointed Melanie Carpenter of Hyde Park, Vermont to serve in the General Assembly representing House District Lamoille-2.

Sincerely,

/s/Philip B. Scott

Governor

PBS/te

CC: Sarah Copeland-Hanzas, Secretary of State  
BetsyAnn Wrask, Clerk of the House”

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**Message from the Senate No. 28**

A message was received from the Senate by Ms. Kucserik, 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. 17.** Joint resolution urging U.S. Citizenship and Immigration Services to comply with the expedited asylum hearing provisions of the Afghan Supplemental Appropriations Act of 2022.

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. 48.** House concurrent resolution commemorating the 25th anniversary of the Good Friday Agreement on the observance of St Patrick's Day 2023.

**H.C.R. 49.** House concurrent resolution congratulating Westford Elementary School's robotics teams for their award-winning performances at the FIRST LEGO League State Championship.

**H.C.R. 50.** House concurrent resolution congratulating the Governor's Institutes of Vermont on their 40th anniversary.

**H.C.R. 51.** House concurrent resolution commemorating the 25th anniversary of the establishment of the Vermont Downtown Program and designating March 22, 2023 as Downtown Day at the State House.

**H.C.R. 52.** House concurrent resolution designating March 22, 2023 as Vermont Tourism Day at the State House.

**H.C.R. 53.** House concurrent resolution recognizing the week of May 14–20 as National Skilled Nursing Care Week and the week of September 10–16 as National Assisted Living Week in Vermont.

**H.C.R. 54.** House concurrent resolution honoring Bruce Sklar, Harwood Union Middle and High School jazz teacher extraordinaire.

**H.C.R. 55.** House concurrent resolution honoring Chris Rivers on his transformative career as Harwood Union Middle and High School Music Department Chair.

**H.C.R. 56.** House concurrent resolution recognizing March 12–18 as AmeriCorps Week in Vermont.

**Adjournment**

At ten o'clock and seventeen minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, March 21, 2023, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 18.

**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. 48**

House concurrent resolution commemorating the 25th anniversary of the Good Friday Agreement on the observance of St Patrick's Day 2023

**H.C.R. 49**

House concurrent resolution congratulating Westford Elementary School's robotics teams for their award-winning performances at the FIRST LEGO League State Championship

**H.C.R. 50**

House concurrent resolution congratulating the Governor's Institutes of Vermont on their 40th anniversary

**H.C.R. 51**

House concurrent resolution commemorating the 25th anniversary of the establishment of the Vermont Downtown Program and designating March 22, 2023 as Downtown Day at the State House

**H.C.R. 52**

House concurrent resolution designating March 22, 2023 as Vermont Tourism Day at the State House

**H.C.R. 53**

House concurrent resolution recognizing the week of May 14–20 as National Skilled Nursing Care Week and the week of September 10–16 as National Assisted Living Week in Vermont

**H.C.R. 54**

House concurrent resolution honoring Bruce Sklar, Harwood Union Middle and High School jazz teacher extraordinaire



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**H.C.R. 55**

House concurrent resolution honoring Chris Rivers on his transformative career as Harwood Union Middle and High School Music Department Chair

**H.C.R. 56**

House concurrent resolution recognizing March 12–18 as AmeriCorps Week 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 2023 Biennial Session.]

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**Tuesday, March 21, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rep. Peter Anthony of Barre.

**Pledge of Allegiance**

Page Olivia Badger of Barre Town 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 20th day of March 2023, *he allowed to become law without his signature a bill* originating in the House of the following title:

**H. 145 An act relating to fiscal year 2023 budget adjustments**

“March 20, 2023

The Honorable BetsyAnn Wrask  
Clerk of the Vermont House of Representatives  
115 State Street  
Montpelier, VT 05633

Re: H.145, AN ACT RELATING TO FISCAL YEAR 2023 BUDGET  
ADJUSTMENTS

Dear Ms. Wrask:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, H.145, *An act relating to fiscal year 2023 budget adjustments*, will become law without my signature for the reasons stated herein.

While I appreciate the General Assembly including nearly all the initiatives I asked for in budget adjustment, including additional housing, healthcare stabilization, home heating assistance, and more, I’m deeply concerned with the Legislature’s changes that overspent my proposal by over \$50 million.

As I have previously shared in letters to Committee Chairs and in testimony given by my Administration, this will leave us with significantly less to put towards critical investments in the FY24 budget.

While some of the Legislature’s additional spending may be worthy of consideration, there was no opportunity to weigh their merit against all other investments in the FY24 budget. Spending this much money so early in the session, without looking at everything in the aggregate means we can’t be sure we’re getting the most out of the historic one-time opportunity for Vermonters.

It’s imperative the Legislature invest revenue surplus with more discipline and clarity. Failing to do so will squander the historic and transformative opportunity we find ourselves in.

Unfortunately, the Legislature’s changes to the budget adjustment suggests a willingness to fall back into a spending, instead of investing, strategy, and I firmly believe we must not allow this to happen in the FY24 budget.

Instead, I ask we take a well-coordinated and strategic approach, in line with what I’ve recommended, to fund all the tangible and transformative community infrastructure projects, affordability and workforce initiatives and more, to get real and lasting results for every county and every community.

Sincerely,  
Philip B. Scott  
Governor”

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**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 March 2023, he signed a bill originating in the House of the following title:

**H. 46 An act relating to approval of the dissolution of Colchester Fire District No. 3**

**New Member Announced and Appointed to Committee**

**Rep. Carpenter of Hyde Park**, who was recently appointed by the Governor to fill the vacancy in Lamoille-2, 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 Health Care.

**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. 478**

By Rep. Graning of Jericho,

House bill, entitled

An act relating to an independent school becoming a public school

To the Committee on Education.

**H. 479**

By the Committee on Transportation,

House bill, entitled

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation

Pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

**H. 480**

By the Committee on Ways and Means,

House bill, entitled

An act relating to property valuation and reappraisals

Pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

**H. 481**

By the Committee on Health Care,

House bill, entitled

An act relating to public health initiatives to address death by suicide

Pursuant to House Rule 48, placed on the Notice Calendar.

**H. 482**

By the Committee on Government Operations and Military Affairs,

House bill, entitled

An act relating to Vermont Criminal Justice Council recommendations for law enforcement officer training

Pursuant to House Rule 48, placed on the Notice Calendar.

**H. 483**

By the Committee on Education,

House bill, entitled

An act relating to the accountability and oversight of approved independent schools that are eligible to receive public tuition

Pursuant to House Rule 48, placed on the Notice Calendar.

**H. 484**

By the Committee on Commerce and Economic Development,

House bill, entitled

An act relating to enhancing workforce and economic development opportunities

Pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

**H. 485**

By Reps. Bos-Lun of Westminster and Satcowitz of Randolph,

House bill, entitled

An act relating to the use of leghold traps

To the Committee on Environment and Energy.

**H. 486**

By the Committee on Education,

House bill, entitled

An act relating to school construction

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 Referred to Committee****J.R.S. 17**

By Senators Harrison, Baruth, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Hashim, Ingalls, Lyons, MacDonald, Mazza, McCormack, Ram Hinsdale, Starr, Vyhovsky, Watson, Weeks, White, and Williams,

**J.R.S. 17.** Joint resolution urging U.S. Citizenship and Immigration Services to comply with the expedited asylum hearing provisions of the Afghan Supplemental Appropriations Act of 2022.

*Whereas*, the final departure of American military personnel from Afghanistan in August 2021 meant that the Taliban would assume complete control of the Afghan government and society, greatly endangering Afghans and members of their families who worked for or were otherwise associated with the United States government, and

*Whereas*, recognizing that this imminent departure would pose an immediate threat, the United States Department of Homeland Security established an evacuation and resettlement program known as Operation Allies Welcome that paroled certain Afghan nationals into the United States for a two-year period, and

*Whereas*, despite the activation of Operation Allies Welcome, in the tumult of the Americans' departure, many Afghans, including Hazaras, human rights activists, journalists, members of the LGBTQI community, Shias, and others who are associated with the U.S. government, were unable to depart, and

*Whereas*, Congress also responded to this dire situation and adopted the Afghan Supplemental Appropriations Act of 2022 (the Act), Pub. L. 117–43, Division C, and

*Whereas*, as provided in Sec. 2502 (a) of the Act, “a citizen or national of Afghanistan (or a person with no nationality who last habitually resided in Afghanistan)” is entitled, per section 2502(c), to an expedited U.S. Citizenship and Immigration Services (USCIS) asylum review process directing that the initial interview on the asylum application be conducted not later than 45 days after the application’s filing date, and that, “in the absence of exceptional circumstances, [USCIS shall] issue a final administrative adjudication on the asylum application within 150 days after the date the application is filed,” and

*Whereas*, USCIS has not been observing the 150-day asylum decision deadline, even when the application does not present extraordinary circumstances, and

*Whereas*, lawyers from the Association of Africans Living in Vermont and the U.S. Committee for Refugees and Immigrants Vermont have filed more than 40 Afghan asylum applications for which no federal government response has been received for a period of longer than 150 days, and

*Whereas*, Afghans living in the United States on parole status must have their own asylum application approved before petitioning for relatives who remain in Afghanistan or who have fled to Pakistan to be admitted into the United States, and

*Whereas*, for Afghan asylum applicants residing in Vermont, this bureaucratic delay is preventing them from building new lives, but it is life-threatening for their family members who remain in Afghanistan or are living as refugees in a third country, *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That the General Assembly urges USCIS to comply fully with the accelerated asylum hearing provisions of the Afghan Supplemental Appropriations Act of 2022, *and be it further*

***Resolved:*** That the Secretary of State be directed to send a copy of this resolution to USCIS Director Ur M. Jaddou and to the Vermont Congressional Delegation.

Was read by title, treated as a bill, and referred to the Committee on General and Housing pursuant to House Rule 52.

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**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, under House Rule 35(a), were referred to the Committee on Ways and Means:

**H. 31**

House bill, entitled

An act relating to aquatic nuisance control

**H. 222**

House bill, entitled

An act relating to reducing overdoses

**H. 276**

House bill, entitled

An act relating to creating a rental housing registry

**H. 282**

House bill, entitled

An act relating to the Psychology Interjurisdictional Compact

**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. 102**

House bill, entitled

An act relating to the Art in State Buildings Program

**H. 125**

House bill, entitled

An act relating to boards and commissions

**H. 158**

House bill, entitled

An act relating to the beverage container redemption system

**H. 213**

House bill, entitled

An act relating to creating a study committee on mobile homes and mobile home parks

**H. 270**

House bill, entitled

An act relating to miscellaneous amendments to the adult-use and medical cannabis programs

**H. 414**

House bill, entitled

An act relating to establishing an unused drug repository for Vermont

**H. 472**

House bill, entitled

An act relating to miscellaneous agricultural subjects

**Ceremonial Readings****H.C.R. 50**

House concurrent resolution congratulating the Governor's Institutes of Vermont on their 40th anniversary

Offered by: Representatives Bos-Lun of Westminster, Andrews of Westford, Anthony of Barre City, Boyden of Cambridge, Brumsted of Shelburne, Burke of Brattleboro, Buss of Woodstock, Chapin of East Montpelier, Coffey of Guilford, Cordes of Lincoln, Dodge of Essex, Dolan of Essex Junction, Farlice-Rubio of Barnet, Goldman of Rockingham, Goslant of Northfield, Graning of Jericho, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Howard of Rutland City, Jerome of Brandon, Leavitt of Grand Isle, Masland of Thetford, McCann of Montpelier, Mihaly of Calais, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Pajala of Londonderry, Rachelson of Burlington, Stevens of Waterbury, Stone of Burlington, Torre of Moretown, and Troiano of Stannard

Whereas, the catalyst for the formation of the Governor's Institutes of Vermont (GIV) occurred in 1982, when the Commissioner of Education and the Director of the Vermont Arts Council identified a serious deficiency in arts education that resulted in the 1983 launch of the Governor's Institute on the Arts, with a large and enthusiastic student response, and



Whereas, the mission of GIV “is to help Vermont create productive, empowered, and engaged young adults by reaching out to diverse learners with high-impact, world-class learning opportunities,” and

Whereas, since 1983, numerous and academically diverse institutes have been established and housed on college campuses, and, in 2023, the institutes will focus on the Arts, Engineering, Entrepreneurship, Environmental Science & Technology, Global Issues & Youth Action, Health & Medicine, Mathematical Sciences, and Technology & Design, and

Whereas, the institutes are geographically and economically, racially and ethnically, and gender- and identity-inclusive, as well as physically accessible, and students pay a sliding scale tuition, ensuring affordability, and

Whereas, in addition to the summer college residency programs, GIV has conducted winter weekends, one-day Artshops, and, in response to the restrictions of COVID-19, online summer immersions were developed, and

Whereas, Christine Graham, David Gibson, Jean Olson, Karen Taylor Mitchell, and, since 2021, Elizabeth Frascoia have each served as an outstanding GIV Executive Director, and over 12,000 Vermont youths have enriched their lives by attending a GIV institute, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the Governor’s Institutes of Vermont on their 40th anniversary, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to GIV Executive Director Elizabeth Frascoia.

Having been adopted in concurrence on Friday, March 17, 2023 in accord with Joint Rule 16b, was read.

### **H.C.R. 31**

House concurrent resolution in memory of Marshall Webb

Offered by: All Members of the House

Offered by: All Members of the Senate

Whereas, the educational, agricultural, and cultural resource jewel, Shelburne Farms, owes much of its success to the continuing devotion of its nonprofit organization’s cofounder, Marshall Webb, and

Whereas, his life’s journey as a passionate environmental advocate and educator began with his birth on April 22, 1948, the annual date that, since 1970, has been designated as Earth Day, and

Whereas, a graduate of the Groton School, Marshall Webb attended Wesleyan University, and he is a University of Vermont alum, and

Whereas, he interrupted his college studies to work with his family on the future of their nationally significant property on the shores of Lake Champlain, a collaborative discussion that, in 1972, resulted in his cofounding of the Shelburne Farms nonprofit organization, and

Whereas, Shelburne Farms is now a leading Vermont center for education for sustainability and welcomes Vermonters and visitors to enjoy its working farm landscape and natural beauty, and

Whereas, Marshall Webb treasured outdoor pursuits such as walking along the shoreline or in the forest, skiing, and documenting the four-season beauty of Shelburne Farms in a collection of stunning photographs, and

Whereas, most recently, Marshall Webb had served as Shelburne Farms' Carbon Drawdown Fund Coordinator, and his untimely death on August 11, 2022, while swimming in Lake Champlain, left his wife, former Representative Kate Webb, children, and grandchildren, as well as his broad circle of friends and colleagues, deeply saddened, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses appreciation and recognition for the life of Marshall Webb and his significant contributions to our Vermont community, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the family of Marshall Webb and to Shelburne Farms.

Having been adopted in concurrence on Friday, February 17, 2023 in accord with Joint Rule 16b, was read.

### **Remarks Journalized**

On motion of **Rep. McCoy of Poultney**, the following remarks by **Rep. Brumsted of Shelburne** were ordered printed in the Journal:

“Thank you, Madam Speaker.

You all heard the reading of the resolution we just passed in honor of Marshall Webb – so elegantly composed about a person who led such a beautiful, profound, and nurturing life. But as we all know, it is almost impossible to capture the depth, breadth, and influence of anyone’s life in a resolution or even in a short speech. The sheer force and passion of Marshall’s life, lived daily with love and care and vision, showered our community, our state – even the world – with the beliefs that each of us could make our world a better place, that each of us could make our planet a more sustainable place,

that each of us could live more meaningful lives – and Marshall gave us those beliefs by living a life of example and a life of teaching, always conveyed with patience and love.

The accolades from around the world bestowed on Marshall since his untimely passing in August of last year are so very well-deserved – and really, SO amazing – and I want to add a couple of my own to this special person who has meant so very much to our town of Shelburne, to the people who live there, and to so many other Vermonters who access Shelburne Farms.

The creation and formation of Shelburne Farms by Marshall and his siblings is not simply a bit of preserved land. It is a sanctuary of peace, relaxation, renewal, daydreaming, sometimes challenge, and brings home the joy of living – with those you are with, with those you meet along the way, and with nature. It a place of refuge and harmony. It is an island of reprieve in our hectic, chaotic world.

As a Shelburne resident, I am forever grateful to Marshall for this great legacy. I am also grateful to Kate, our former beloved colleague, who not only represented Vermonters well here in the House of Representatives but most important she stood at Marshall’s side as he lived out the magic of who he was – Kate was his partner, his champion, his collaborator, his sounding board, and his companion in each of his endeavors through the years of their lives together. Their love for each other was surpassed only by the love they shared with all the members of their blended family.

I am honored to have Marshall’s wife, Kate, two of his daughters, Lila and Sara, his brother Alec, who is President of Shelburne Farms, his sister, Lisa with her husband John Roberts, his niece Heidi Webb and many of his beautiful grandchildren and many members as my guests with us here today to honor Marshall.

Madam Speaker, on behalf of the other member from Shelburne and myself, I present to you and through you, Kate Webb and her family. Please join me in welcoming them to our House of Representatives.”

### **Third Reading; Bill Passed**

#### **H. 470**

House bill, entitled

An act relating to miscellaneous amendments to alcoholic beverage laws

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

**Committee Bill; Second Reading; Third Reading Ordered****H. 471**

**Rep. Branagan of Georgia** 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 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. 55**

**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 miscellaneous unemployment insurance amendments

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

Sec. 1. 21 V.S.A. § 1301 is amended to read:

§ 1301. DEFINITIONS

~~The following words and phrases, as As used in this chapter, shall have the following meanings unless the context clearly requires otherwise:~~

\* \* \*

(25) "Son," "daughter," and "child" include an individual's biological child, foster child, adoptive child, stepchild, a child for whom the individual is listed as a parent on the child's birth certificate, a legal ward of the individual, a child of the individual's spouse, or a child that the individual has day-to-day responsibilities to care for and financially support.

(26) "Spouse" includes an individual's domestic partner or civil union partner.

Sec. 2. 21 V.S.A. § 1301 is amended to read:

As used in this chapter:

\* \* \*

(5) "Employer" includes:

(A) Any employing unit ~~which, after December 31, 1971~~ that in any calendar quarter in either the current or preceding calendar year paid for service in employment, as ~~hereinafter~~ pursuant to subdivision (6) of this section, wages of \$1,500.00 or more, or for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, had in employment, ~~as hereinafter defined~~, at least one individual (irrespective of whether the same individual was in employment in each such day). When an employing unit described in either this subdivision or subdivision (5)(B) of this section, becomes an employer within any calendar year, it shall be subject to this chapter for the whole of ~~such~~ the calendar year.

(B)(i) Any employing unit for which service in employment for a religious, charitable, educational, or other organization as defined in subdivision (6)(A)(ix) of this section is performed after December 31, 1971, ~~;~~ except as provided in subdivision (5)(C) of this section.

\* \* \*

(6)(A)(i) "Employment," subject to the other provisions of this subdivision (6), means service within the jurisdiction of this State, ~~performed prior to January 1, 1978, which was employment as defined in this subdivision prior to such date and, subject to the other provisions of this subdivision, service performed after December 31, 1977, performed~~ performed by an employee, as defined in subsections 3306(i) and (o) of the Federal Unemployment Tax Act, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, expressed or implied. Services partly within and partly ~~without~~ outside this State may by election as ~~hereinbefore~~ provided in subdivision (5)(E)(i) of this section be treated as if wholly within the jurisdiction of this State. ~~And whenever~~ If an employing unit ~~shall have~~ has elected to come under the provisions of a similar act of a state where a part of the services of an employee are performed, the Commissioner, upon ~~his or her~~ approval of said approving the election as to ~~any such~~ the employee, may treat the services covered by ~~said approved~~ the election as having been performed wholly ~~without~~ outside the jurisdiction of this State.

\* \* \*

(ix) The term "employment" shall also include service for any employing unit ~~which is performed after December 31, 1971~~ by an individual in the employ of a religious, charitable, educational, or other organization ~~but only if:~~

~~(F) the service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of section subdivision 3306(c)(8) of that act; and~~

~~(H) the organization had four or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.~~

Sec. 3. 21 V.S.A. § 1321 is amended to read:

§ 1321. CONTRIBUTIONS; TAXABLE WAGE BASE CHANGES

\* \* \*

(c)(1) Financing benefits paid to employees of nonprofit organizations.

(A) Benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this subsection ~~(c)~~.

~~(B) For the purposes of As used in this subsection (c), a "nonprofit organization" is means an organization (, or group of organizations), described in Section 501(c)(3) of the U.S. Internal Revenue Code which that is exempt from income tax under Section 501(a) of such the Internal Revenue Code.~~

(2) Liability for contributions and election of reimbursement. Any nonprofit organization ~~which that~~, pursuant to subdivision 1301(5)(B)(i) of this title chapter, is, or becomes, subject to this chapter ~~on or after January 1, 1972~~ shall pay contributions under the provisions of this section, unless it elects, in accordance with this subsection, to pay to the Commissioner, for the Unemployment Insurance Trust Fund, an amount equal to the amount of regular benefits and of one-half of the extended benefits paid, that is attributable to service in the employ of ~~such the~~ nonprofit organization, to individuals for weeks of unemployment ~~which that~~ begin during the effective period of ~~such the~~ election.

~~(A) Any nonprofit organization which is, or becomes, subject to this chapter on January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than one calendar year beginning with January 1, 1972 provided it files with the Commissioner a written notice of its election within the 30-day period immediately following such date or within a like period immediately following April 16, 1971, whichever occurs later. [Repealed.]~~

(B) Any nonprofit organization ~~which that~~ becomes subject to this chapter ~~after January 1, 1972~~ may elect to become liable for payments in lieu of contributions for a period of not less than 12 months ~~beginning with the~~

~~date on which such subjectivity begins~~ by filing a written notice of its election with the Commissioner not later than 30 days immediately following the date of the determination ~~of such subjectivity~~ that the organization is subject to this chapter.

(C) Any nonprofit organization ~~which~~ that makes an election in accordance with ~~subdivisions (c)(2)(A) and subdivision (B) of this section will subdivision (c)(2) shall~~ continue to be liable for payments in lieu of contributions until it files with the Commissioner a written notice terminating its election not later than 30 days prior to the beginning of the calendar year for which ~~sueh~~ the termination shall first be effective.

(D) Any nonprofit organization ~~which~~ that has been paying contributions under this chapter ~~for a period subsequent to January 1, 1972 may change to a reimbursable basis~~ elect to become liable for payments in lieu of contributions by filing with the Commissioner not later than 30 days prior to the beginning of any calendar year a written notice of election to become liable for payments in lieu of contributions. ~~Sueh~~ An election under this subdivision (c)(2)(D) shall not be terminable by the organization for that year and the next year.

(E) The Commissioner may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive ~~but not any earlier than with respect to benefits paid after December 31, 1969.~~

(F) The Commissioner, in accordance with ~~sueh~~ any applicable rules as adopted by the Board ~~may prescribe,~~ shall notify each nonprofit organization of any determination ~~which he or she may make of that the Commissioner makes with regard to~~ its status as an employer and ~~of the effective date of any election which it that the organization makes and of any termination of sueh an election. Sueh~~ The determinations shall be subject to reconsideration and to appeal and review in accordance with the provisions of section 1337a of this title.

(3) Reimbursement payments. Payments in lieu of contributions shall be made in accordance with the provisions of this subdivision, including either subdivision (A) or ~~subdivision (B).~~

(A) At the end of each calendar quarter, or at the end of any other period as determined by the Commissioner, the Commissioner shall bill each nonprofit organization, or group of ~~sueh~~ nonprofit organizations, ~~which that~~ has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one-half of the amount of extended

benefits paid during ~~such~~ the quarter or other prescribed period that is attributable to service in the employ of ~~such~~ the organization.

(B)(i) Each nonprofit organization that has elected payments in lieu of contributions may request permission to make ~~such~~ payments as provided in this subdivision (c)(3)(B). ~~Such method of payment~~ Payment pursuant to the provisions of this subdivision (c)(3)(B) shall become effective upon approval of the Commissioner.

(ii) At the end of each calendar quarter, the Commissioner shall bill each nonprofit organization approved to make payments pursuant to the provisions of this subdivision (c)(3)(B) for an amount representing ~~one of the following:~~

~~(I) For 1972, two-tenths of one percent of its total payroll for 1971.~~

~~(II) For years after 1972, such a percentage of its total payroll for the immediately preceding calendar year as that the Commissioner shall determine. The determination shall be determines to be appropriate based each year on the average benefit costs attributable to service in the employ of nonprofit organizations during the preceding calendar year.~~

~~(III) For The Commissioner may determine a different rate for any organization which that did not pay wages throughout the four calendar quarters of the preceding calendar year, such percentage of its payroll during that year as the Commissioner shall determine.~~

(iii) At the end of each calendar year, the Commissioner may modify the quarterly percentage of payroll thereafter payable by the nonprofit organization in order to minimize excess or insufficient payments.

(iv) At the end of each calendar year, the Commissioner shall determine whether the total of payments for ~~such~~ the year made by a nonprofit organization is less than, or in excess of, the total amount of regular benefits plus one-half of the amount of extended benefits paid to individuals during ~~such~~ the taxable year based on wages attributable to service in the employ of ~~such~~ the organization. Each nonprofit organization whose total payments for ~~such~~ the year are less than the amount so determined shall be liable for payment of the unpaid balance to the Trust Fund in accordance with subdivision (3)(C) of this subsection (c). If the total payments exceed the amount so determined for the taxable year, all or a part of the excess shall, at the election of the nonprofit organization, be refunded from the Trust Fund or retained in the Trust Fund as part of the payments ~~which~~ that may be required for the next calendar year.



(C) Payment of any bill rendered under subdivision (2) or ~~subdivision~~ (3) of this subsection (c) shall be made not later than 30 days after the bill is mailed to the last known address of the nonprofit organization or is otherwise delivered to it, unless there has been an application for redetermination by the Commissioner or a petition for hearing before a referee in accordance with subdivision (3)(E) of this subsection (c).

(D) Payments made by any nonprofit ~~corporation~~ organization under the provisions of this section shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization.

(E)(i) The amount due specified in any bill from the Commissioner shall be conclusive on the organization unless, not later than 30 days after the date of the bill, the organization files an application for reconsideration by the Commissioner, or a petition for a hearing before a referee, setting forth the grounds for ~~sueh~~ the application or petition.

(ii) The Commissioner shall promptly review and reconsider the amount due specified in the bill and shall thereafter issue a redetermination in any case in which ~~sueh~~ an application for redetermination has been filed. Any such redetermination shall be conclusive on the organization unless, not later than 30 days after the date of the redetermination, the organization files a petition for a hearing before a referee, setting forth the grounds for the petition.

(iii) Proceedings on the petition for a hearing before a referee on the amount of a bill rendered under this section or a redetermination of ~~sueh~~ the amount shall be in accordance with the provisions of section 1331 of this title, and the decision of the referee shall be subject to the provisions of that section. Review of the decision of the referee by the Employment Security Board shall be in accordance with, and its decision shall be subject to, the provisions of section 1332 of this title.

(F) Any employer, including the State of Vermont ~~which,~~ that makes payments in lieu of contributions under this section shall be subject to the provisions of sections 1314, 1322, 1328, 1329, 1334, and 1336 of this title as follows:

(i) ~~that~~ The employer shall be liable for any reports as required by the Commissioner ~~may require~~ pursuant to sections 1314 and 1322 of this title;

(ii) ~~that~~ The employer shall be liable for any penalty imposed pursuant to sections 1314 and 1328 of this title;

(iii) ~~that~~ The employer shall be liable for the same interest on past due payments pursuant to subsection 1329(a) of this title;.

(iv) ~~that~~ The employer shall be subject to a civil action for the collection of past due payments as if those payments were contributions pursuant to subsections 1329(b) and 1334(a) of this title; ~~and~~.

(v) ~~that~~ The employer shall be subject to ~~those~~ actions for the collection of past due payments as if those payments were contributions pursuant to subsections 1329(c) and (d), and 1334(b) and (c), and section 1336 of this title; however, those provisions shall not apply to the State of Vermont.

(4) Authority to terminate elections. If any nonprofit organization is delinquent in making payments in lieu of contributions as required under this subsection, the Commissioner may terminate ~~such~~ the organization's election to make payments in lieu of contributions as of the beginning of the next taxable year, and the termination shall be effective for that and the next taxable year.

(5) Allocation of benefit costs.

(A) Each employer that is liable for payments in lieu of contributions shall pay to the Commissioner for the Trust Fund the amount of regular benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of ~~such~~ the employer.

(B) If benefits paid to an individual are based on wages paid by more than one employer and one or more of ~~such~~ the employers are liable for payments in lieu of contributions, the amount payable to the Trust Fund by each employer that is liable for such payments in lieu of contributions shall be ~~determined in accordance with subdivisions (5)(A) and (B) of this subsection (e):~~

~~(A) Proportionate allocation when fewer than all base-period employers are liable for reimbursement. If benefits paid to an individual are based on wages paid by one or more employers that are liable for payments in lieu of contributions and on wages paid by one or more employers who are liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which that bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by ~~such~~ the employer bear to the total base-period wages paid to the individual by all of ~~his or her~~ the individual's base-period employers.~~

~~(B) Proportionate allocation when all base-period employers are liable for reimbursement. If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of~~

~~contributions, the amount of benefits payable by each employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by the employer bear to the total base-period wages paid to the individual by all of his or her base-period employers.~~

(6) Group accounts. Two or more employers that have become liable for payments in lieu of contributions, in accordance with the provisions of this section and section 1380 of this title, may file a joint application to the Commissioner for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of ~~sueh~~ the employers. Each application shall identify and authorize a group representative to act as the group's agent for the purpose of this section. Upon ~~his or her~~ approval of the application, the Commissioner shall establish a group account for ~~sueh~~ the employers effective as of the beginning of the calendar quarter in which ~~he or she~~ the Commissioner receives the application and shall notify the group's representative of the effective date of the account. The account shall remain in effect for not less than two years and thereafter until terminated at the discretion of the Commissioner or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in ~~sueh~~ the quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by ~~sueh~~ the member in ~~sueh~~ the quarter bear to the total wages paid during ~~sueh~~ the quarter for service performed in the employ of all members of the group. The Board shall ~~prescribe regulations~~ adopt rules as it deems necessary with respect to applications for establishment, maintenance, and termination of group accounts that are authorized by this subdivision, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this ~~section~~ subsection by members of the group and the time and manner of ~~sueh~~ the payments.

(7) ~~Notwithstanding any of the foregoing provisions of this section, any nonprofit organization that prior to January 1, 1969, paid contributions required by this section, and, pursuant to subsection (c) of this section, elects within 30 days after January 1, 1972, to make payments in lieu of contributions, shall not be required to make any such payment on account of any regular or extended benefits paid, on the basis of wages paid by such organization to individuals for weeks of unemployment which begin on and after the effective date of the election until the total amount of benefits equals the amount (1) by which the contributions paid by the organization with respect to the two-year period before the effective date of the election under~~

~~subsection (b) of this section exceed (2) the total amount of unemployment benefits paid for the same period that were attributable to service performed in the employ of the organization and were charged to the experience rating record of the organization. [Repealed.]~~

\* \* \*

(f) Any employer who makes payments in lieu of contributions under the provisions of this section is considered to be self-insuring and shall pay to the Commissioner for the Unemployment Compensation Trust Fund ~~such~~ any amounts as the Commissioner finds to be due under this chapter, including benefits paid but denied on appeal or benefits paid in error ~~which that~~ cannot be properly charged either against another employer who makes payments in lieu of contributions or against the experience-rating record of another employer who pays contributions. Benefits improperly paid where repayment by the claimant is ordered pursuant to subsection 1347(a) or (b) of this title will be credited to the employer's account when repayment from the claimant is actually received by the Commissioner.

Sec. 4. NONPROFIT AND MUNICIPAL REIMBURSABLE EMPLOYERS;  
EDUCATION; OUTREACH

(a) On or before October 1, 2023, the Commissioner of Labor, in consultation with the Vermont League of Cities and Towns, Common Good Vermont, United Way of Northwest Vermont, and other interested stakeholders, shall develop information and education materials for nonprofit and municipal employers regarding the unemployment insurance system. At a minimum, the materials shall:

(1) explain the options available to nonprofit and municipal employers, including paying regular unemployment insurance contributions, reimbursing the Unemployment Insurance Trust Fund for attributable unemployment insurance costs, and, with respect to nonprofit employers, quarterly payments of estimated unemployment insurance costs;

(2) identify the potential benefits and drawbacks of each of the options identified in subdivision (1) of this subsection;

(3) provide information on how a nonprofit or municipal employer can evaluate its potential liability under each of the options identified in subdivision (1) of this subsection;

(4) provide information developed by the Vermont League of Cities and Towns, Common Good Vermont, United Way of Northwest Vermont, and other interested stakeholders regarding how a nonprofit or municipal employer

can plan and budget for the potential expenses associated with each of the options identified in subdivision (1) of this subsection; and

(5) provide additional information regarding the Unemployment Insurance program and related laws that the Commissioner determines, in consultation with the Vermont League of Cities and Towns, Common Good Vermont, United Way of Northwest Vermont, and other interested stakeholders, to be helpful or necessary for nonprofit and municipal employers.

(b)(1) The informational and educational materials developed pursuant to subsection (a) of this section shall be made available on the Department's website and shall, in coordination with the Secretary of State, Common Good Vermont, United Way of Northwest Vermont, the Vermont League of Cities and Towns, and other interested stakeholders, be shared directly with Vermont nonprofit and municipal employers to the extent practicable.

(2) The Secretary of State shall assist the Commissioner of Labor in identifying and contacting all active Vermont nonprofit employers. The Office of the Secretary of State shall also make available on its website a link to the information and educational materials provided on the Department of Labor's website pursuant to this section.

(c) The Department of Labor, in collaboration with the Vermont League of Cities and Towns, Common Good Vermont, United Way of Northwest Vermont, and other interested stakeholders, shall hold one or more informational sessions to present the materials and information developed pursuant to subsection (a) of this section to nonprofit employers and municipal employers. At least one session shall be held on or before November 1, 2023. Each session shall allow for both in-person and remote participation and shall be recorded. Recordings shall be made available to the public and to stakeholder organizations for distribution to their members.

Sec. 5. 2021 Acts and Resolves No. 183, Sec. 59(b)(6) is amended to read:

(6) Sec. 52g (prospective repeal of unemployment insurance benefit increase) shall take effect upon the payment of a when the cumulative total amount of additional benefits paid pursuant to 21 V.S.A. § 1338(e) when, compared to the rate at which benefits would have been paid under the formula set forth in 21 V.S.A. § 1338(e) on June 30, 2025 equal to \$92,000,000.00, plus the difference between \$8,000,000.00 and the amount of additional benefits paid out pursuant to section 52b, if any, compared to the amount that would have been paid pursuant to the provisions of 21 V.S.A. § 1338(f)(1) on June 30, 2022, equals \$100,000,000.00 and shall apply to benefit weeks beginning after that date.

Sec. 6. UNEMPLOYMENT DUE TO URGENT, COMPELLING, OR  
NECESSITOUS CIRCUMSTANCES; COVERAGE; IMPACT;  
REPORT

(a) On or before January 15, 2024, the Commissioner of Labor shall submit a written report prepared in consultation with the Joint Fiscal Office to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs regarding the potential impact of extending eligibility for unemployment insurance benefits to individuals who separate from employment due to urgent, compelling, or necessitous circumstances, including the individual's injury or illness, to obtain or recover from medical treatment, to escape domestic or sexual violence, to care for a child following an unexpected loss of child care, or to care for an ill or injured family member.

(b) The report shall include:

(1) a list of states in which individuals who separate from employment due to circumstances similar to those described in subsection (a) of this section are eligible for unemployment insurance and shall identify the specific circumstances for separation from employment in each identified state for which there is no waiting period or period of disqualification related to the circumstance;

(2) information, to the extent it is available, regarding the number of approved claims in the states identified pursuant to subdivision (1) of this subsection where the individual separated from employment due to circumstances similar to those described in subsection (a) of this section;

(3) an estimate of the projected range of additional approved claims per year in Vermont if individuals who separate from employment due to circumstances similar to those described in subsection (a) of this section are made eligible for unemployment insurance;

(4) an estimate of the range of potential impacts on the Unemployment Insurance Trust Fund of making individuals who separate from employment due to circumstances similar to those described in subsection (a) of this section eligible for unemployment insurance; and

(5) any recommendations for legislative action.

## Sec. 7. DOMESTIC AND SEXUAL VIOLENCE SURVIVORS'

TRANSITIONAL EMPLOYMENT PROGRAM; UTILIZATION;  
REPORT

On or before January 15, 2024, the Commissioner of Labor shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs regarding the utilization of the Domestic and Sexual Violence Survivors' Transitional Employment Program. The report shall include information regarding the utilization of the Program during the past 10 years, a summary of the Department's efforts to make members of the public aware of the Program and improve access to it, how the identified changes have impacted utilization of the Program in comparison to prior years, any potential ways to further increase awareness and utilization of the Program, and any suggestions for legislative action to improve awareness or utilization of the Program.

Sec. 8. 21 V.S.A. § 1256 is added to read:

§ 1256. NOTIFICATION TO THE PUBLIC

The Department shall take reasonable measures to provide information to the public about the Program, including publishing information on the Department's website and providing timely materials related to the Program to public agencies of the State and organizations that work with domestic and sexual violence survivors, including law enforcement, State's Attorneys, community justice centers, the Center for Crime Victim Services, the Vermont Network Against Domestic and Sexual Violence (the Network), and any others deemed appropriate by the Commissioner in consultation with the Network.

## Sec. 9. EFFECTIVE DATES

(a) This section and Secs. 1, 3, 4, 5, 6, 7, and 8 shall take effect on July 1, 2023.

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

**Rep. Anthony of Barre City**, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Commerce and Economic Development.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Commerce and Economic Development agreed to, and third reading ordered.

**Second Reading; Bill Amended; Third Reading Ordered****H. 171**

**Rep. Noyes of Wolcott**, for the Committee on Human Services, to which had been referred House bill, entitled

An act relating to adult protective services

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

Sec. 1. 33 V.S.A. chapter 69, subchapter 1 is amended to read:

Subchapter 1. Reports of Abuse of Vulnerable Adults

§ 6901. PURPOSE

(a) The purpose of this chapter is to:

(1) ~~protect vulnerable adults whose health and welfare may be adversely affected through abuse, neglect, or exploitation; provide a temporary or permanent nurturing and safe environment for vulnerable adults when necessary; and for these purposes to require the reporting of suspected abuse, neglect, and exploitation of vulnerable adults and the investigation of such reports and provision of services, when needed; and to intervene in the family or substitute care situation only when necessary to ensure proper care and protection of a vulnerable adult or to carry out other statutory responsibilities~~

(2) recognize and accommodate the barriers for vulnerable adults that may impair both their response to maltreatment and the ability to substantiate allegations of maltreatment; and

(3) require the reporting of suspected abuse, neglect, and exploitation of vulnerable adults, the investigation of such reports, and the establishment of protective services, when needed.

(b) The provision of protective services under this chapter shall not cause undue harm or violate the individual's autonomy and shall provide opportunities for the vulnerable adult's preferences to be considered.

§ 6902. DEFINITIONS

As used in this chapter:

(1) "Abuse" means:

(A) Any medical treatment of a vulnerable adult that places life, health, or welfare in jeopardy or is likely to result in impairment of health that purposely, knowingly, recklessly, or negligently places the life, health, or



welfare of a vulnerable adult in jeopardy or is likely to result in impairment of health to the vulnerable adult.

(B) ~~Any conduct committed with an intent or reckless disregard that such conduct purposely, knowingly, or recklessly that~~ is likely to cause unnecessary harm, unnecessary pain, or unnecessary suffering to a vulnerable adult or places the life, health, or welfare of a vulnerable adult in jeopardy or is likely to result in impairment of health to the vulnerable adult.

(C) ~~Unnecessary or unlawful confinement or unnecessary or unlawful restraint of a vulnerable adult~~ Confinement, seclusion, restraint, or interference with the freedom of movement of a vulnerable adult, unless necessary to ensure the health and safety of the vulnerable adults or others.

(D)(i) Any sexual activity or acts of a sexual nature with a vulnerable adult by a caregiver ~~who volunteers for or is paid by a caregiving facility or program.~~ This definition shall not apply to a consensual relationship between a vulnerable adult and a spouse or household member as defined in 15 V.S.A. § 1101, ~~nor~~ or to a consensual relationship between a vulnerable adult and a caregiver hired, supervised, and directed by the vulnerable adult.

(ii) ~~Any sexual activity or acts of a sexual nature such as fondling, exposure of genitals, and lewd and lascivious conduct with a vulnerable adult when the vulnerable adult does not consent or when the individual knows or should know that the vulnerable adult is incapable of resisting or consenting to the sexual activity due to age, disability, or fear of retribution or hardship, regardless of whether the individual has actual knowledge of the adult's status as a vulnerable adult.~~

(E) ~~Intentionally subjecting a vulnerable adult to behavior that should reasonably be expected to result in intimidation, fear, humiliation, degradation, agitation, disorientation, or other forms of serious emotional distress~~ Purposely or recklessly subjecting a vulnerable adult to behavior that a reasonable person would expect to result in serious emotional or psychological distress, including intimidation, fear, humiliation, degradation, agitation, or disorientation.

(F) ~~Administration, or threatened administration, of a drug, or substance, or preparation to a vulnerable adult for a purpose other than legitimate and lawful medical or therapeutic treatment.~~

(G) Wrongful denial or withholding of necessary medication, care, durable medical equipment, or treatment.

(H) Use of deception, force, threat, undue influence, harassment, duress, or fraud to induce a vulnerable adult to request or consent to receive or refuse treatment.

(2) “Activities of daily living” means dressing and undressing, bathing, personal hygiene, bed mobility, toilet use, transferring, mobility in and around the home, communication, and eating.

(3) “Acts of a sexual nature” means fondling, exposure of genitals, and lewd and lascivious conduct.

(4) “Adult” means any individual who is 18 years of age or older.

(5) “Alleged perpetrator” means the individual alleged to have abused, neglected, or exploited the alleged victim.

(6) “Alleged victim” means the individual who is alleged to have been abused, neglected, or exploited by the alleged perpetrator.

(7) “Assessment” means a process by which Adult Protective Services gathers additional information to determine if an investigation should be opened.

(8) “Care” means subsistence, medical services, personal care services, mental health services, or rehabilitative services and includes assistance with activities of daily living or instrumental activities of daily living.

(9) “Caregiver” means:

(A) a person, agency, facility, or other organization with a designated responsibility for providing subsistence or medical or other care to an adult who is an elder or has a disability, who has assumed the responsibility voluntarily, by contract, or by an order of the court; or a person providing care, including medical care, custodial care, personal care, mental health services, rehabilitative services, or any other kind of care provided that is required because of another’s age or disability care to another;

(B) a worker or employee in a facility or program that provides care to an adult who is an elder or has a disability and who has assumed the responsibility voluntarily, by contract, or by an order of the court; or

(C) a person providing care to a person that is required because of the person’s age or disability.

(3)(10) “Commissioner” means the Commissioner of Disabilities, Aging, and Independent Living.

(4)(11) “Department” means the Department of Disabilities, Aging, and Independent Living.

(5)(12) “Employer” means a person or organization who employs or contracts with one or more individuals to care for vulnerable adults, on either a paid or volunteer basis.

~~(6)~~(13) “Exploitation” means:

(A) willfully or knowingly using, withholding, transferring, or disposing of funds or property of a vulnerable adult without or in excess of legal authority ~~for the wrongful profit or advantage of another~~ to the detriment of a vulnerable adult;

(B) purposeful unauthorized access, sharing, or use of identifying information, image or likeness, personal accounts, or documents of a vulnerable adult without or in excess of legal authority to the detriment of the vulnerable adult or for the wrongful profit or advantage of another;

(C) breach of duty by a guardian, agent, or other fiduciary to the detriment of a vulnerable adult;

(D) acquiring or attempting to acquire possession or control of or an interest in funds or property of a vulnerable adult through the use of deception, force, threat, undue influence, harassment, duress, or fraud;

~~(C)~~(E) the act of forcing or compelling a vulnerable adult against his or her will to perform services for the profit or advantage of another refusing to return or surrender possession or control of an interest in funds or property of a vulnerable adult upon the request of a vulnerable adult or the vulnerable adult’s representative;

~~(D)~~(F) any sexual activity with a vulnerable adult when the vulnerable adult does not consent or when the actor knows or should know that the vulnerable adult is incapable of resisting or declining consent to the sexual activity due to age or disability or due to fear of retribution or hardship, whether or not the actor has actual knowledge of vulnerable status knowingly failing to use a vulnerable adult’s income and assets for the necessities required for that vulnerable adult’s support and maintenance;

(G) influencing or persuading a vulnerable adult to perform services with substandard compensation for the profit or advantage of another.

(14) “Expungement” means the removal of an individual’s name and associated identifying information from the Adult Abuse Registry.

(15) “Instrumental activities of daily living” means meal preparation, medication management, phone use, money management, household maintenance, housekeeping, laundry, shopping, transportation, and care of adaptive equipment.

(16) “Interested person” means a representative of the vulnerable adult; Adult Protective Services staff; the Commissioner of Disabilities, Aging, and Independent Living; or the Commissioner’s designee.

(17) “Investigative summary report” means the document that summarizes the investigation conducted by Adult Protective Services and includes a recommendation to substantiate or unsubstantiate the investigated allegations against the alleged perpetrator.

(18) “Lewd or lascivious conduct” has the same meaning as in 13 V.S.A. § 1375.

(19) “Maltreatment” means abuse, neglect, or exploitation as defined in this section. “Maltreatment” does not include self-neglect.

(20) “Mandatory reporter” means an individual with an obligation to report allegations of maltreatment of vulnerable adults pursuant to 6903 of this title.

~~(7)~~(21)(A) “Neglect” means purposeful or, knowing, reckless, or negligent failure or omission by a caregiver that has resulted in, or could be expected to result in, physical or psychological harm, including a failure or omission to:

(i) provide care or arrange for goods or services necessary to maintain the health or safety of a vulnerable adult, including food, clothing, medicine, shelter, supervision, and medical services, unless the caregiver is acting pursuant to the wishes of the vulnerable adult or ~~his or her~~ the vulnerable adult’s representative, or an advance directive, as defined in 18 V.S.A. § 9701;

(ii) make a reasonable effort, in accordance with the authority granted the caregiver, to protect a vulnerable adult from abuse, neglect, or exploitation by others;

(iii) carry out a plan of care for a vulnerable adult ~~when such failure results in or could reasonably be expected to result in physical or psychological harm or a substantial risk of death to the vulnerable adult,~~ unless the caregiver is acting pursuant to the wishes of the vulnerable adult or ~~his or her~~ the vulnerable adult’s representative, or an advance directive, as defined in 18 V.S.A. § 9701; or

(iv) report significant changes in the health status of a vulnerable adult to a physician, nurse, or immediate supervisor, when the caregiver is employed by an organization that offers, provides, or arranges for personal care.

(B) ~~Neglect may be repeated conduct or a single incident that has resulted in or could be expected to result in physical or psychological harm, as a result of subdivision (A)(i), (ii), or (iii) of this subdivision (7) does not include self-neglect.~~

~~(8)~~(22) “Plan of care” includes a duty means a medically approved plan of treatment, protocol, individual care plan, rehabilitative plan, plan to address activities of daily living, or similar procedure describing the care, treatment, or services to be provided to address a vulnerable adult’s physical, psychological, or rehabilitative needs.

~~(9)~~(23) “Protective services” means services, actions, measures, or intervention interventions that will, are intended, through voluntary agreement or through appropriate court action, to prevent further neglect, abuse, or exploitation of a vulnerable adult. Such services may include supervision, guidance, counseling, referrals, petitioning for relief from abuse, or petitioning for the appointment of a guardian, and, when necessary, assistance in the securing of safe and sanitary living accommodations. However, nothing in this chapter gives the Commissioner authority to place the vulnerable adult in a State school or hospital, except pursuant to 18 V.S.A. chapter 181 or 206.

(24) “Provider” means an individual, organization, or entity that provides care to adults known to be vulnerable.

(25) “Recommendation for substantiation” means that an investigation has been conducted and the Adult Protective Services investigator has concluded that the preponderance of the evidence discovered in the course of the investigation would lead a reasonable person to believe that the alleged perpetrator abused, neglected, or exploited the vulnerable adult.

(26) “Report” means the statements provided to Adult Protective Services from a reporter alleging that a vulnerable adult has been abused, neglected, or exploited.

(27) “Reporter” means the person who has submitted a report to Adult Protective Services.

~~(10)~~(28) “Representative” means a court-appointed guardian, or an agent acting under an advance directive executed pursuant to 18 V.S.A. chapter 231, or an agent under a power of attorney, unless otherwise specified in the terms of the advance directive power of attorney.

(29)(A) “Self-neglect” means an adult’s inability, due to physical or mental impairment or diminished capacity, to perform essential self-care tasks including:

- (i) obtaining essential food, clothing, shelter, and medical care;
- (ii) obtaining goods and services necessary to maintain physical health, mental health, or general safety; or
- (iii) managing one’s own financial affairs.

(B) The term “self-neglect,” which is not maltreatment by another and is distinct from the definition of “neglect,” excludes individuals who make a conscious and voluntary choice not to provide for certain basic needs as a matter of lifestyle, personal preference, or religious belief and who understand the consequences of their decision.

~~(11)~~(30) “Sexual activity” means a sexual act as defined in 13 V.S.A. § 3251, other than appropriate medical care or personal hygiene, ~~or lewd and lascivious conduct.~~

~~(12)~~(31) “Substantiated ~~report~~” means that the Commissioner or the Commissioner’s designee has determined, after the investigation, that a report is based upon accurate and reliable information that would lead a reasonable person to believe demonstrates, by a preponderance of the evidence, that the vulnerable adult has been abused, neglected, or exploited by the alleged perpetrator.

(32) “Unsubstantiated” means that an investigation has been conducted without a recommendation of substantiation. “Unsubstantiated” does not imply that maltreatment of a vulnerable adult by an alleged perpetrator did or did not occur. Reasons for unsubstantiation include:

(A) the Adult Protective Services investigator’s conclusion that the preponderance of the evidence would not lead a reasonable person to believe that the alleged perpetrator had abused, neglected, or exploited the vulnerable adult;

(B) evidence that the alleged victim is not vulnerable;

(C) evidence that maltreatment did not occur; or

(D) a lack of sufficient evidence to demonstrate that the alleged victim meets the definition of a vulnerable adult or that maltreatment occurred.

~~(13)~~(33) “Volunteer” means an individual who, without compensation, provides services through a private or public organization.

~~(14)~~(34) “Vulnerable adult” means any person 18 years of age or older who:

(A)(i) is a resident of a facility required to be licensed under chapter 71 of this title;

~~(B)~~(ii) is a resident of a psychiatric hospital or a psychiatric unit of a hospital;

~~(C)(B)~~ has been was receiving assistance with personal care services for more than one month from a designated home health agency certified by the Vermont Department of Health or from a person or organization that offers, provides, or arranges for personal care; or

~~(D)(C)~~ regardless of residence or whether any type of service is received, is impaired due to has a physical, mental, or developmental disability; infirmities as a result of brain damage, or a mental condition; infirmities of aging, mental condition, or physical, psychiatric, or developmental disability; or is determined to be clinically eligible to receive Long-Term Care Medicaid waiver services resulting in:

(i) that results in some impairment of the individual's ability to provide for his or her own care without assistance, including the provision of food, shelter, clothing, health care, supervision, or management of finances independently engage in activities of daily living or instrumental activities of daily living or to provide for some aspect of the adult's own personal care without assistance; or

(ii) because of the disability or infirmity, the individual has an impaired some impairment of the adult's ability to protect himself or herself the adult from abuse, neglect, or exploitation.

#### § 6903. REPORTING SUSPECTED ABUSE, NEGLECT, AND

##### EXPLOITATION OF VULNERABLE ADULTS

(a) Any of the following, other than a crisis worker acting pursuant to 12 V.S.A. § 1614 and the State Long-Term Care Ombudsman or a representative of the Office, as defined in section 7501 of this title, who knows of or has received information of abuse, neglect, or exploitation of a vulnerable adult or who has reason to suspect that any vulnerable adult has been abused, neglected, or exploited shall report or cause a report to be made in accordance with the provisions of section 6904 of this title within 48 hours: All employees, contractors, volunteers, or grantees who directly provide health care, law enforcement, caregiving, counseling, education, or social services to adults, other than a crisis worker acting pursuant to 12 V.S.A. § 1614 and the State Long-Term Care Ombudsman or a designee of the Office, as defined in section 7501 of this title, who know of information of abuse, neglect, or exploitation of a vulnerable adult or who have reason to suspect that any vulnerable adult has been abused, neglected, or exploited shall report in accordance with the provisions of section 6904 of this title within two business days.

(1) all employees, contractors, and grantees of the Agency of Human Services who are involved in caregiving; If an individual listed in this subsection is a direct witness to evidence of abuse, neglect, or exploitation, the

individual shall report or be party to a report that is made on behalf of multiple mandatory reporters.

~~(2) a physician, osteopath, chiropractor, physician assistant, nurse, medical examiner, licensed nursing assistant, emergency medical services personnel, dentist, or psychologist; If an individual listed in this subsection knows of abuse, neglect, or exploitation of a vulnerable adult or has actual knowledge that any vulnerable adult has been abused, neglected, or exploited, the individual shall report unless the individual has reason to believe that the evidence of abuse, neglect, or exploitation has already been reported.~~

~~(3) a school teacher, school librarian, school administrator, school guidance counselor, school aide, school bus driver, or school employee or school contractor who works regularly with students; Except as provided in subdivision (4) of this subsection (a), an individual listed in this subsection (a) shall not refuse to make a report required by this section on the grounds that making the report would violate a privilege or disclose a confidential communication.~~

~~(4) A crisis worker acting pursuant to 12 V.S.A. § 1614 and the State Long-Term Care Ombudsman or a designee of the Office, as defined in section 7501 of this title, shall not be required to make a report under this subsection (a) if the report would be based upon information received in a communication that is:~~

~~(i) made to a crisis worker or State Long-Term Care Ombudsman or a designee of the Office acting in the individual's professional capacity; and~~

~~(ii) intended by the parties to be confidential at the time the communication is made.~~

~~(4) a mental health professional, social worker, person or organization that offers, provides, or arranges for personal care for vulnerable adults; caregiver employed by a vulnerable adult; employee of or contractor involved in caregiving for a community mental health center; law enforcement officer; or individual who works regularly with vulnerable adults and who is an employee of an adult day care center, area agency on aging, senior center, or meal program designed primarily to serve vulnerable adults;~~

~~(5) a hospital, nursing home, residential care home, home health agency, or any entity providing nursing or nursing-related services for remuneration; intermediate care facility for adults with developmental disabilities; therapeutic community residence, group home, developmental home, school or contractor involved in caregiving; or an operator or employee of any of these facilities or agencies.~~



(b) Any other concerned person not listed in subsection (a) of this section who knows of or has received a complaint of abuse, neglect, or exploitation of a vulnerable adult or who has reason to suspect that any vulnerable adult has been abused, neglected, or exploited may report or cause a report to be made in accordance with the provisions of section 6904 of this title.

(c) The identity of a person who makes a report under this section shall be kept confidential unless:

(1) the person making the report consents to disclosure;

(2) a judicial proceeding results from the report; or

(3) a court, after a hearing, finds probable cause to believe the report was not made in good faith and orders the Department to disclose the person's identity; or

(4) the reporter is listed in subdivision (a)(1) of this section, in which case the reporter's information may be shared with other investigative bodies as necessary to conduct the investigation.

#### § 6904. NATURE AND CONTENT OF REPORT; TO WHOM MADE

A report shall be made ~~orally or in writing~~ to the Commissioner or the Commissioner's designee as soon as possible, but in no event later than 48 hours thereafter. The report may also be made to a law enforcement officer. ~~If an oral report is made by telephone or otherwise, the Commissioner or designee shall request that it be followed within one week by a report in writing. Reports shall contain~~ To be considered a report to the Commissioner or designee, it shall contain the name and address of the reporter as well as the names and addresses of the vulnerable adult and persons responsible for ~~his or her~~ the vulnerable adult's care, if known; the age of the vulnerable adult; the nature of ~~his or her~~ the vulnerable adult's disability; the nature and extent of the vulnerable adult's abuse, neglect, or exploitation together with any evidence of previous abuse, neglect, or exploitation of the vulnerable adult; and any other information that the reporter believes might be helpful in establishing the cause of any injuries or reasons for the abuse, neglect, or exploitation as well as in protecting the vulnerable adult. If the reporter is in possession of documentation that establishes the alleged victim's conditions, needs, or services, that shall be included in the report. Any evidence of maltreatment shall also be cited in the report. If a report of abuse, neglect, or exploitation involves the acts or omissions of the Commissioner or employees of ~~that~~ the Department, then such reports shall be directed to the Secretary of ~~the~~ Human Services, who shall cause the report to be investigated by appropriate staff other than staff of the Department.

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§ 6906. ASSESSMENT AND INVESTIGATION

(a) Report of maltreatment.

~~(1) The Commissioner shall cause an investigation to commence within 48 hours after receipt of a report made pursuant to section 6904 of this title. Upon receipt of a report of maltreatment, the Department shall determine whether the report constitutes an allegation of abuse, neglect, or exploitation as defined in section 6902 of this title. The Department shall respond to reports of alleged abuse, neglect, or exploitation that occurred in Vermont and to out-of-State conduct when the vulnerable adult is a resident of Vermont.~~

~~(2) The Commissioner shall keep the reporter and the alleged victim informed during all stages of the investigation, and shall:~~

~~(A) Notify the reporter, the victim, and the victim's legal representative, if any, in writing if Adult Protective Services or the Division of Licensing and Protection decides not to investigate the report. The notification shall be provided within five business days after the decision is made and shall inform the reporter that he or she may ask the Commissioner to review the decision.~~

~~(B) Notify the reporter, the victim, and the victim's legal representative, if any, in writing if Adult Protective Services or the Division of Licensing and Protection refers the report to another agency. The notification shall be provided within five business days after the referral is made.~~

~~(C) Notify the reporter, the victim, and the victim's legal representative, if any, in writing of the outcome of the investigation. The notification shall be provided within five business days after the decision is made and shall inform the reporter that he or she may ask the Commissioner to review the decision. The Department shall determine whether to conduct an assessment or an investigation, as provided for in this section, or whether to screen out the report. An assessment may be used to determine whether an investigation is necessary. The Department shall begin either an assessment or an investigation within one business day in all cases in which the alleged victim has experienced a life-threatening or severe injury; requires hospitalization as a result of maltreatment; was the alleged victim of sexual abuse; or is experiencing ongoing harm. The Department shall initiate an assessment or an investigation within two business days after the day of the receipt of all other accepted reports made pursuant to section 6904 of this title. The Department shall collect the following demographic information about the alleged victim and alleged perpetrator, if available, if an assessment or investigation is opened: gender, race, age, ethnicity, sexual orientation, gender identity, and disability status.~~

(3) The decision to conduct an assessment shall include consideration of the following factors:

(A) the severity of any alleged maltreatment and any injuries;

(B) the relationship between the alleged victim and alleged perpetrator;

(C) the known history of the report; and

(D) the detail and specificity of information provided in the report regarding the alleged victim's vulnerability and the alleged maltreatment.

(4) The Department shall investigate when an accepted report involves allegations indicating serious maltreatment or ongoing risk of harm to the alleged victim. The Department may investigate any report of maltreatment Adult Protective Services receives.

(5) The Department shall begin an immediate investigation if, at any time during an assessment, it appears that an investigation is appropriate.

(6) To the extent permitted by law, the Department may collaborate with law enforcement, health care and service providers, and other departments and agencies in Vermont and other jurisdictions to evaluate the risk to the vulnerable adult and may enter into reciprocal agreements with law enforcement, other departments and agencies, and other jurisdictions to further the purposes of this section. In no event shall the Department disclose information to other divisions, departments, or agencies unless such a disclosure is necessary to further the express purpose of this section.

~~(b) Assessment. The investigation shall include, except where inclusion would jeopardize the health, welfare, or safety of the vulnerable adult:~~

~~(1) a visit to the reported victim's place of residence or place of custody and to the location of the reported abuse, neglect, or exploitation;~~

~~(2) interviews with any available witnesses to the alleged abuse, neglect, or exploitation; An assessment, to the extent that is reasonable under the facts and circumstances provided in a report, shall include the following:~~

~~(3)(A) an interview with the reporter of the alleged abuse, neglect, or exploitation and the alleged victim, which shall focus on ensuring the immediate safety of the alleged victim and mitigating the future risk of harm to the alleged victim in the current environment;~~

~~(4) an interview with the reported victim, which interview may take place without the approval of the vulnerable adult's parents, guardian, or caregiver, but cannot take place over the objection of the reported victim; and~~

~~(5) an opportunity for the person who allegedly abused, neglected, or exploited to be interviewed.~~

(B) a determination as to whether the alleged victim meets the definition of a vulnerable adult and whether the allegations, if true, meet the statutory definition of abuse, neglect, or exploitation, or any combination thereof; and

(C) in collaboration with the alleged victim, the identification of resources and protective service needs that reduce the risk of future abuse, neglect, or exploitation and improve or restore the care and safety of the alleged victim.

(2) Services offered during or at the conclusion of an assessment can only be implemented through voluntary agreement or court action.

(3) If the assessment is closed without resulting in an investigation, there shall be no finding of abuse, neglect, or exploitation. However, the Department shall document the outcome of the assessment.

(4) The Department shall provide written notice to the victim, and the victim's representative who is not the subject of the assessment, of the outcome of the assessment.

~~(c) Investigation. Upon completion of the investigation, a written report describing all evidence obtained and recommending a finding of substantiated or unsubstantiated shall be submitted to the Commissioner or designee for final resolution. If the recommendation is for a finding of substantiated the person shall be given notice of the recommendation, and the evidence that forms the basis of the recommendation, and shall be notified of how a substantiated report might be used. The person shall be offered an opportunity to dispute the recommendation and may, within 15 days of notification, request an administrative hearing in front of the Commissioner or designee. Following the hearing, or if no hearing is requested within 15 days of notification, the Commissioner or designee shall make a finding of substantiated or unsubstantiated, and notify the person of the decision and of the right to appeal.~~

~~(d) Within 30 days of notification that a report has been substantiated, a person against whom a complaint has been lodged may apply to the Human Services Board for relief on the grounds that it is unsubstantiated. The Board shall hold a fair hearing under 3 V.S.A. § 3091. Unless the Commissioner agrees otherwise, the fair hearing shall be given priority by the Board and an expedited hearing shall be provided, with a decision issued promptly thereafter.~~

~~(e) If a report is found to be unsubstantiated, the records shall be retained as part of the confidential records of the Department of Disabilities, Aging, and Independent Living. If no court proceeding is brought pursuant to subdivision 6903(e)(3) of this title within six years of the date of the notice to the person against whom the complaint was lodged, the records relating to the unsubstantiated report shall be destroyed after notice to such person, unless he or she requests that the records not be destroyed.~~

~~(f) If an appeal is filed pursuant to subsection (d) of this section or to a court, the name of the individual shall not be added to the Registry until a substantiated finding of abuse, neglect, or exploitation becomes final.~~

(1) The Department shall:

(A) Notify the reporter in writing if Adult Protective Services decides not to investigate or to conduct an assessment of the report. The notification shall be provided within five business days after the decision is made and shall inform the reporter that the reporter may ask the Commissioner to review the decision.

(B) Notify the alleged victim, and the alleged victim's representative, if any, in writing of the outcome of the investigation. The notification shall be provided within five business days after the decision has been made and shall inform the alleged victim or the alleged victim's representative that the alleged victim or the alleged victim's representative may ask the Commissioner to review the decision.

(2) The investigation shall include, except where inclusion would jeopardize the health, welfare, or safety of the vulnerable adult:

(A) An interview with the alleged victim, which may take place without the approval of the alleged victim's parents, guardian, or caregiver, but cannot take place over the objection of the alleged victim.

(B) An opportunity for the person who allegedly abused, neglected, or exploited the alleged victim to be interviewed. If the person declines to be interviewed, either through given notice or failure to respond, the alleged perpetrator shall be notified that the alleged perpetrator's declination may be noted in the investigation and may be taken into account in any potential appeal process.

(3) Upon completion of the investigation, the investigative summary describing pertinent evidence obtained during the course of the investigation and recommending a substantiation or unsubstantiation shall be submitted to the Commissioner or designee. Prior to substantiation, the Department shall interview the alleged perpetrator unless the alleged perpetrator declines. The investigative summary shall include a recommendation of whether placement

on the Registry is appropriate. If the recommendation is for substantiation, the alleged perpetrator shall be given written notice by certified mail of the recommendation and a summary of the evidence that forms the basis of the recommendation and shall be notified of any remedial options that may exist and how a substantiated report might be used. The alleged perpetrator may seek an administrative review of the Department's intention to place the alleged perpetrator's name on the Registry by notifying the Department within 14 calendar days after the date listed on the Department's notice of the right to an administrative review. The Commissioner may grant an extension past the 14-day period for good cause, not to exceed 28 calendar days after the date listed on the Department's notice.

(4) The administrative review of the Department's intention to substantiate may be stayed if there is a related case pending in the Criminal or Family Division of the Superior Court that arose out of the same incident of abuse, neglect, or exploitation that resulted in the recommendation for substantiation. During the period the administrative review is stayed, if the Department's intent is to place the alleged perpetrator's name on the Registry, it shall add the alleged perpetrator's name to the Registry with a notation that the case is pending. Upon resolution of the Superior Court criminal or family case, the alleged perpetrator may exercise the alleged perpetrator's right to review under this section by notifying the Department in writing within 28 calendar days after the related court case, including any appeals, has been fully adjudicated. If the alleged perpetrator fails to notify the Department within 28 calendar days, the Department's decision shall become final, and no further review under this subsection is required.

(A) The Department shall hold an administrative review within 28 calendar days after receipt of the request for review. At least 14 calendar days prior to the administrative review, the Department shall provide to the alleged perpetrator requesting an administrative review the following: the redacted investigation file, which means only the portion of the investigation file relevant to an Adult Protective Services recommendation, redacted as necessary to minimize disclosure of any confidential information; notice of time and place of the administrative review; and administrative review procedures, including information that may be submitted and mechanisms for providing information.

(B) At the administrative review, the alleged perpetrator who requested the review shall be provided with the opportunity to present documentary evidence or other information that supports the alleged perpetrator's position and provides information to the reviewer in making the most accurate decision regarding the allegation. In determining the weight to be given any such evidence or information, the administrative reviewer shall

consider whether the alleged perpetrator had an opportunity to present the evidence or information to the investigator during the investigation and, if so, the reasons for the failure to present the evidence or information at that time. The Department shall have the burden of proving that, based upon a preponderance of evidence, it concluded that a reasonable person would believe that the vulnerable adult has been abused, neglected, or exploited by that alleged perpetrator. The administrative review may be held remotely by telephone or through electronic means by mutual agreement of the parties.

(C) The Department shall establish an administrative case review unit within the Department and may contract for the services of administrative reviewers. An administrative reviewer shall be a neutral and independent arbiter who has no prior involvement in the original investigation of the allegation.

(5) Within seven calendar days after the completed review, the administrative reviewer shall:

(A) reject the Department's recommendation of substantiation;

(B) accept the Department's recommendation of substantiation; or

(C) defer any recommendation and direct the Department to further investigate upon the recommendation of the administrative reviewer.

(6) If the administrative reviewer accepts the Department's recommendation of substantiation, a Registry record shall be made within two business days. If the administrative reviewer rejects the Department's recommendation of substantiation, no Registry record shall be made.

(7) Within seven calendar days of the decision to reject or accept the recommendation of substantiation or to defer the substantiation in accordance with subdivision (5) of this subsection, the administrative reviewer shall provide notice to the alleged perpetrator of the administrative reviewer's decision. If the administrative reviewer accepts the Department's recommendation of substantiation, the notice shall advise the alleged perpetrator of the right to appeal the administrative reviewer's decision to the Human Services Board.

(8)(A) If no administrative review is requested, the Department's recommendation in the case shall be final, and the alleged perpetrator shall have no further right of review under this section.

(B) The Commissioner may grant an exception and permit such an administrative review upon good cause shown. Good cause may include an acquittal or dismissal of a criminal charge arising from the incident of abuse, neglect, or exploitation.

(9) In exceptional circumstances, the Commissioner, in the Commissioner's sole and nondelegable discretion, may reconsider any decision made by an administrative reviewer. A Commissioner's decision that imposes a penalty or creates a Registry record may be appealed to the Human Services Board.

(10) Within 30 calendar days after the date of the notice advising that a report has been substantiated, an alleged perpetrator against whom a complaint has been lodged may apply to the Human Services Board for relief on the grounds that it is unsubstantiated. The Human Services Board shall hold a fair hearing under 3 V.S.A. § 3091. Unless the Commissioner agrees otherwise, the hearing shall be given priority by the Human Services Board, and an expedited hearing shall be provided, not later than 30 calendar days after the date of the notice advising that a report has been substantiated, and a decision shall be issued within seven calendar days after the hearing.

(11) If a report is found to be unsubstantiated, the records shall be retained as part of the confidential records of the Department. If no court proceeding is brought pursuant to section 6903 of this title within six years following the date of the notice to the alleged perpetrator against whom the complaint was lodged, the records relating to the unsubstantiated report may be destroyed.

~~(g)~~(12) If the Human Services Board ~~or a court~~ reverses a substantiated finding, the Commissioner shall remove all information ~~in accordance with subsection (e) of this section~~ from the Registry.

~~(h)~~(13)(A) When a final determination has been made, the Commissioner shall inform the vulnerable adult or ~~his or her~~ the vulnerable adult's representative, ~~the reporter, and, if the report is substantiated, the current employer of the individual, of the outcome of the investigation and any subsequent proceedings~~ in writing.

(B) When a final determination of substantiation has been made, the Department shall also inform the perpetrator's current employer, if known, in writing of the outcome of the investigation and any subsequent proceedings.

#### § 6907. REMEDIAL ACTION

~~(a) Coordinated treatment plan~~ Protective services. If the investigation produces evidence that the vulnerable adult has been abused, neglected, or exploited, ~~the Commissioner shall arrange for the provision of protective services in accordance with a written coordinated treatment plan and protective services are not in place, the Department shall pursue available protective services.~~



(b) Consent to services.

(1) Protective services shall be provided only with the consent of the vulnerable adult, ~~his or her~~; the vulnerable adult's guardian, agent under power of attorney, or agent under advance directive; or through appropriate court action. If the vulnerable adult does not consent, protective services shall not be provided, unless provision of protective services is ~~court-ordered~~ court ordered.

(2)(A) In the event that the vulnerable adult's guardian is the person responsible for the abuse, neglect, or exploitation, and the guardian does not consent to the investigation or receipt of protective services, the Commissioner may petition for removal of the guardian refuses consent to the investigation or the alleged victim's protective services, the investigator may seek review of the guardian's refusal by filing a motion with the Probate Division of the Superior Court pursuant 14 V.S.A. § 3062(c).

(B) In the event that the vulnerable adult's agent under power of attorney is the person responsible for the abuse, neglect, or exploitation, and the agent refuses to consent to the investigation or the alleged victim's protective services, the investigator may seek review of the agent's refusal by filing a petition in Superior Court pursuant to 14 V.S.A. § 3510(b).

(C) In the event that the vulnerable adult's agent under advance directive is the person responsible for the abuse, neglect, or exploitation, and the agent does not consent to the investigation or the receipt of protective services, the investigator may file a petition in Probate Court pursuant to 18 V.S.A. § 9718 to seek review under subdivision (b)(3) of that section as to whether the refusal is consistent with the authority granted to the agent in the advance directive.

(3) Failure to consent to protective services, either by the vulnerable adult or the vulnerable adult's guardian, agent under power of attorney, or agent under advance directive shall not automatically end an investigation of an alleged perpetrator.

\* \* \*

§ 6909. RETALIATORY ACTION BY EMPLOYER PROHIBITED

No employer or supervisor may discharge; demote; transfer; reduce pay, benefits, or work privileges; prepare a negative work performance evaluation; or take any other action detrimental to any employee who files a good faith report in accordance with the provisions of this chapter, by reason of the report. Any person making a report under this chapter shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of the

reporting party by reason of his or her making a report. Nothing in this section grants immunity to a person reporting the person's own perpetration of maltreatment.

§ 6910. INTERFERENCE BY CAREGIVER

If consent to receive protective services has been obtained in accordance with section 6907 of this title and the Commissioner has reasonable cause to believe that the caregiver is interfering with the provision of those protective services, the ~~Commissioner~~ Department may petition the Superior Court for an order enjoining the caregiver from interfering with the provision of protective services. The petition shall present facts to show that the vulnerable adult is in need of protective services, that ~~he or she or his or her guardian~~ the vulnerable adult or the vulnerable adult's representative consents to the receipt of protective services, and that the caregiver has interfered with the provision of protective services. If the court, after hearing, finds that the vulnerable adult requires and consents to protective services, and has been prevented by ~~his or her~~ the vulnerable adult's caregiver from receiving protective services, the court may issue an order enjoining the caregiver from further interference. ~~The court may modify the terms of the coordinated treatment plan.~~

§ 6911. RECORDS OF ABUSE, NEGLECT, AND EXPLOITATION

(a) Access to records.

(1) ~~Information obtained through reports and investigations, including the identity of the reporter, shall remain confidential and shall not be released absent a court order, except as follows: Subject to confidentiality or privilege protections, the Department's Adult Protective Services shall have access to any records or documents, including client-identifying information, financial records, and medical and psychological records, necessary to the performance of the Department's duties under this chapter. The duties include the investigation of abuse, neglect, or exploitation or the provision of protective services to a vulnerable adult. A person, agency, or institution that has a record or document that the Department needs to perform its duties under this chapter shall, without unnecessary delay, make the record or document available to the Department. Providing access to records relevant to an investigation by the Department or law enforcement under this provision shall not be deemed a violation of any confidential communication privilege. Access to any records that would violate attorney-client privilege shall not be provided without a court order. For the purposes of this subsection, "financial records" does not include records developed or maintained by the Department of Financial Regulation.~~

(2) The Department is exempt from the payment of a fee otherwise required or authorized by law to obtain a financial record from a person, agency, or institution or a medical record, including a mental health record, from a hospital or health care provider if the request for a record is made in the course of an investigation by the Department.

(3) If the Department cannot obtain access to a record or document that is necessary to properly investigate or to perform another duty under this chapter, the Department may petition the Superior Court for access to the record or document.

(4) On good cause shown, the court shall order the person, agency, or institution in possession or control of a record or document to allow the Department to have access to that record or document under the terms and conditions prescribed by the court.

(5) A person, agency, or institution in possession or control of a requested record or document is entitled to notice and a hearing on a petition filed under this section.

(6) Access to a confidential record under this section does not constitute a waiver of confidentiality.

(7) A person shall not be held criminally or civilly liable for disclosing or providing information or records to the Department pursuant to this subsection. A person who in good faith makes an alleged victim's information or a copy of the information available to an investigator in accordance with this section shall be immune from civil or criminal liability for disclosure of the information unless the person's actions constitute negligence, recklessness, or intentional misconduct. Nothing in this section shall be construed to provide civil or criminal immunity to a person suspected of having abused, neglected, or exploited a vulnerable adult.

(b) Confidentiality of reports and documents.

(1)(A)(i) The investigative report Information obtained through reports to and assessments and investigations conducted by the Department, including the identity of the reporter, shall be confidential and shall not be released absent a court order, except the final investigative summary report shall be disclosed only to:

(H)(i) the Commissioner or person designated to receive such records;

(H)(ii) persons assigned by the Commissioner to investigate reports;

~~(III)(iii)~~ the person reported to have abused, neglected, or exploited a vulnerable adult alleged perpetrator;

~~(IV)(iv)~~ the vulnerable adult or ~~his or her~~ the vulnerable adult's representative;

~~(V)(v)~~ the Office of Professional Regulation when deemed appropriate by the Commissioner;

~~(VI)(vi)~~ the Secretary of Education when deemed appropriate by the Commissioner;

~~(VII)(vii)~~ the Commissioner for Children and Families or designee for purposes of review of expungement petitions filed pursuant to section 4916c of this title;

~~(VIII)(viii)~~ the Commissioner of Financial Regulation when deemed appropriate by the Commissioner for an investigation related to financial exploitation;

~~(IX)(ix)~~ a law enforcement agency; and

~~(X)(x)~~ the State's Attorney, or the Office of the Attorney General, when the Department believes there may be grounds for criminal prosecution or civil enforcement action, or in the course of a criminal or a civil investigation.

~~(ii)(B)~~ When disclosing information pursuant to this subdivision (1), reasonable efforts shall be made to limit the information to the minimum necessary to accomplish the intended purpose of the disclosure, and no other information, including the identity of the reporter, shall be released absent a court order.

~~(B)(2)~~ Relevant information may be disclosed to the Secretary of Human Services, or the Secretary's designee, for the purpose of remediating or preventing abuse, neglect, or exploitation; to assist the Agency in its monitoring and oversight responsibilities; and in the course of a relief from abuse proceeding, guardianship proceeding, or any other court proceeding when the Commissioner deems it necessary to protect the victim, and the victim or ~~his or her~~ the victim's representative consents to the disclosure. When disclosing information pursuant to this subdivision, reasonable efforts shall be made to limit the information to the minimum necessary to accomplish the intended purpose of the disclosure, and no other information, including the identity of the reporter, shall be released absent a court order. Disclosures necessary to conduct Adult Protective Services investigations or to make referrals to law enforcement agencies, or to divisions or grantees of the Department, shall be permitted, but reasonable efforts shall be made to limit

the information to the minimum necessary to accomplish the intended purpose of the disclosure.

(3) Notwithstanding subdivision (a)(1) of this section, financial information made available to an adult protective services investigator pursuant to this section may be used only in a judicial or administrative proceeding or investigation directly related to a report required or authorized under this chapter. Relevant information may be disclosed to the Secretary of Human Services, pursuant to subdivision (2) of this subsection.

~~(C) Relevant information may be disclosed to a Family Division of the Superior Court, upon the request of that court, in any proceeding in which:~~

~~(i) a parent of a child challenges a presumption of parentage under 15C V.S.A. § 402(b)(3); or~~

~~(ii) a parent of a child contests an allegation that he or she fostered or supported a bonded and dependent relationship between the child and a person seeking to be adjudicated a de facto parent under 15C V.S.A. § 501(a)(2).~~

~~(2) Notwithstanding subdivision (1)(A) of this subsection, financial information made available to an adult protective services investigator pursuant to section 6915 of this title may be used only in a judicial or administrative proceeding or investigation directly related to a report required or authorized under this chapter. Relevant information may be disclosed to the Secretary of Human Services pursuant to subdivision (1)(B) of this subsection, and may also be disclosed to the Commissioner of Financial Regulation when the investigation relates to financial exploitation of a vulnerable adult~~

~~(b)(c) The Commissioner Department shall maintain a registry of substantiated caregivers that shall contain the following information:~~

~~(1) the names of all the individuals found on the basis of a substantiated report to have abused, neglected, or exploited a vulnerable adult; the date of the finding; and the nature of the finding. In addition, the Commissioner shall require that, aside from a person's name, at least one other personal identifier is listed in the Registry to prevent the possibility of misidentification the date and nature of the finding;~~

~~(2) the names of individuals convicted of a crime pursuant to 13 V.S.A. § 1383; and~~

~~(3) in addition, aside from a caregiver's name, at least one other personal identifier to prevent the possibility of misidentification.~~

(e)(d) Disclosure of Registry information.

(1) The Commissioner or designee may disclose Registry information only to:

(1)(A) The State's Attorney or the Attorney General.

(2)(B) The public as required by the Nursing Home Reform Act of 1986 and regulations promulgated under the Act.

(3)(C) An employer if such information is used to determine whether to hire or retain a specific individual providing care, custody, treatment, transportation, or supervision of children or vulnerable adults. ~~“Employer,”~~ Notwithstanding section 6902 of this chapter, “employer,” as used in this section, means a person or organization who employs or contracts with one or more individuals to care for or provide transportation services to children or vulnerable adults, on either a paid or volunteer basis. The employer may submit a request concerning a current employee, volunteer, grantee, or contractor or an individual to whom the employer has given a conditional offer of a contract, volunteer position, or employment. ~~The request shall be accompanied by a release signed by the current or prospective employee, volunteer, grantee, or contractor.~~ If that individual has a record of a substantiated report, the Commissioner Department shall provide the Registry information to the employer.

(4)(D) An individual seeking to determine if the individual's own name is on the Registry.

(E) A person or organization serving vulnerable adults by assisting with employer functions; offering, providing, or arranging for home sharing; or providing personal care services, developmental services, or mental health services for vulnerable adults. The person or organization may submit a request concerning an individual who has applied to provide such services or an individual who is already so engaged. ~~The request shall be in writing and shall be accompanied by a release from the person applying for or already providing such services.~~ If the person has a record of a substantiated report, the Commissioner shall provide the Registry information.

(5)(F) The Commissioner for Children and Families or designee for purposes related to:

(A)(i) the licensing or registration of facilities and individuals regulated by the Department for Children and Families; and

(B)(ii) the Department's child protection obligations under chapters 49–59 of this title.

~~(6)~~(G) The Commissioner of Health or the Commissioner's designee for purposes related to oversight and monitoring of persons who are served by or compensated with funds provided by the Department of Health, including persons to whom a conditional offer of employment has been made.

~~(7)~~(H) Upon request or when relevant to other states' adult protective services offices.

~~(8)~~(I) The Board of Medical Practice for the purpose of evaluating an applicant, licensee, or holder of certification pursuant to 26 V.S.A. § 1353.

~~(9)~~(J) The Secretary of Education or the Secretary's designee, for purposes related to the licensing of professional educators pursuant to 16 V.S.A. chapter 5, subchapter 4 and chapter 51.

~~(10)~~(K) The Office of Professional Regulation for the purpose of evaluating an applicant, licensee, holder of a certification, or registrant for possible unprofessional conduct, where appropriate.

~~(11)~~(L) A Family Division of the Superior Court upon request of that court if it is involved in any proceeding in which:

~~(A)~~(i) a parent of a child challenges a presumption of parentage under 15C V.S.A. § 402(b)(3); or

~~(B)~~(ii) a parent of a child contests an allegation that ~~he or she~~ the parent fostered or supported a bonded and dependent relationship between the child and a person seeking to be adjudicated a de facto parent under 15C V.S.A. § 501(a)(2).

(2) The request for disclosure of Registry information pursuant to subdivisions (1)(C), (1)(E)–(G), and (1)(I)–(K) of this subsection shall be in writing and accompanied by a release from the person applying for or already providing services to children or vulnerable adults.

~~(d)~~(e) An employer providing transportation services to children or vulnerable adults may disclose Registry records obtained pursuant to subdivision ~~(e)(3)(d)(1)(C)~~ of this section to the Agency of Human Services or its designee for the sole purpose of auditing the records to ensure compliance with this chapter. An employer shall provide such records at the request of the Agency or its designee. Only Registry records regarding individuals who provide direct transportation services or otherwise have direct contact with children or vulnerable adults may be disclosed.

~~(e)~~(f) A person may, at any time, apply to the Human Services Board for relief if ~~he or she~~ the person has reasonable cause to believe that the contents of the Registry or investigative records are being misused.

~~(f)~~(g) A person may at any time apply to the Department for expungement of ~~his or her~~ the person's name from the Registry. ~~The petitioner person shall have the burden of showing why his or her the person's name should be expunged from the Registry.~~ The Department shall consider the person's completion of a restorative justice process reparation and rehabilitation in determining whether the person's name should be expunged from the Registry.

~~(g) Any person who violates this section shall be fined not more than \$500.00.~~

~~(h) Volunteers shall be considered employees for purposes of this section.~~

\* \* \*

#### § 6913. PENALTIES; ABUSE; NEGLECT; EXPLOITATION;

##### MANDATORY REPORTER'S FAILURE TO REPORT

(a) Whenever the ~~Commissioner~~ Department finds, after notice and hearing, that a person has committed sexual abuse as defined in subdivision 6902(1)(D) of this title, ~~sexual exploitation as defined in subdivision 6902(6)(D);~~ exploitation as defined in subdivision 6902(6)(A) ~~or (B)~~ 6902(13) of this title in an amount in excess of \$500.00, abuse that causes grievous injury to or the death of a vulnerable adult, or neglect that causes grievous injury to or the death of a vulnerable adult, the ~~Commissioner~~ Department may impose an administrative penalty of not more than ~~\$10,000.00~~ \$25,000.00 for each violation. The ~~Commissioner~~ Department shall notify the Office of Professional Regulation, or any other professional licensing board applicable to the violator, of any decision made pursuant to this subsection.

(b) The Department shall investigate allegations that a mandated reporter has failed to make a required report when it appears that an investigation is appropriate. Whenever the ~~Commissioner~~ Department finds, after notice and hearing, that a mandatory reporter, as defined in ~~subdivisions 6903(a)(1), (2), (3), (4), and (5)~~ subsection 6903(a) of this title, has willfully violated the provisions of ~~subsection~~ subdivision 6903(a)(1), the ~~Commissioner~~ Department may impose an administrative penalty not to exceed ~~\$500.00~~ \$1,000.00 per violation. For purposes of this subsection, every 24 hours that a report is not made beyond the period for reporting required by ~~subsection~~ section 6903(a) shall constitute a new and separate violation, and a mandatory reporter shall be liable for an administrative penalty of not more than ~~\$500.00~~ \$1,000.00 for each 24-hour period, not to exceed a maximum penalty of ~~\$5,000.00~~ \$25,000.00 per reportable incident.



(c) Whenever the Department finds that a mandatory reporter willfully or knowingly withheld information, or provided false or inaccurate information, the Department may impose an administrative penalty not to exceed \$1,000.00 per violation.

(d) A person who is aggrieved by a decision under subsection (a) or (b), or (c) of this section may appeal that decision to the Superior Court, where either party may request trial by jury.

#### § 6914. ACCESS TO CRIMINAL RECORDS

~~(a) The Commissioner may obtain from the Vermont Crime Information Center the record of convictions of any person to the extent that the Commissioner has determined by rule that such information is necessary to protect vulnerable adults.~~ The Commissioner may obtain from the Vermont Crime Information Center the record of convictions of any person to the extent that the Commissioner has determined that such information is necessary to protect vulnerable adults.

~~(b) An employer may ask the Commissioner to obtain from the Vermont Crime Information Center the record of convictions of a person who is a current employee, volunteer, or contractor, or a person to whom the employer has given a conditional offer of a contract, volunteer position, or employment. The request shall be in writing and shall be accompanied by a release by the current or prospective contractor or employee. If the person has a record of convictions, the Commissioner shall inform the employer of the date and type of conviction.~~

~~(c) A person or organization serving vulnerable adults by assisting with employer functions, offering, providing, or arranging for home sharing, personal care services, developmental services, or mental health services for vulnerable adults, may submit a request to the Commissioner concerning an individual who has applied to provide such services or an individual who is already so engaged. The request shall be in writing, and shall be accompanied by a release from the individual applying for or already providing such services. If the individual has a record of convictions, the Commissioner shall inform the person or organization submitting the request of the date and type of conviction.~~

~~(d) The Commissioners of Disabilities, Aging, and Independent Living, of Health, and of Mental Health or their designees may, for the protection of vulnerable adults or for purposes related to oversight and monitoring of persons who are served by or compensated with funds provided by the Departments of Disabilities, Aging, and Independent Living, of Health, and of Mental Health, ask the Vermont Crime Information Center for the record of~~

convictions of a person who is a current employee, volunteer, or contractor, or a person to whom the employer has given a conditional offer of a contract, volunteer position, or employment. If the individual has a record of convictions, the Vermont Crime Information Center shall inform the appropriate ~~Commissioner, or the Commissioner's designee,~~ department of the date and type of conviction.

~~(e)(c)~~ Information released to an employer under this section shall not be released or disclosed by the employer to any person. Any person who violates this subsection shall be fined not more than \$500.00.

~~(f) Volunteers shall be considered employees for purposes of this section.~~

~~(g) [Repealed.]~~

#### § 6915. ACCESS TO FINANCIAL INFORMATION

(a) As used in this chapter:

(1) "A person having custody or control of the financial information" means:

(A) a bank as defined in 8 V.S.A. § 11101;

(B) a credit union as defined in 8 V.S.A. § 30101;

(C) a broker-dealer or investment advisor, as those terms are defined in 9 V.S.A. § 5102; or

(D) a mutual fund as defined in 8 V.S.A. § 3461.

(2) "Capacity" means an individual's ability to make and communicate a decision regarding the issue that needs to be decided.

(3) "Financial information" means an original or copy of, or information derived from:

(A) a document that grants signature authority over an account held at a financial institution;

(B) a statement, ledger card, or other record of an account held at a financial institution that shows transactions in or with respect to that account;

(C) a check, clear draft, or money order that is drawn on a financial institution or issued and payable by or through a financial institution;

(D) any item, other than an institutional or periodic charge, that is made under an agreement between a financial institution and another person's account held at a financial institution;

(E) any information that relates to a loan account or an application for a loan;

(F) information pertaining to an insurance or endowment policy, annuity contract, contributory or noncontributory pension fund, mutual fund, or security, as defined in 9 V.S.A. § 5102; or

(G) evidence of a transaction conducted directly or by electronic or telephonic means, including surveillance video, access logs, IP addresses, and any other digital logs, documents, and metadata.

(4) “Financial institution” means any financial services provider licensed, registered, or otherwise authorized to do business in Vermont, including a bank, credit union, broker-dealer, investment advisor, mutual fund, or investment company.

~~(b)(1)~~ A person having custody or control of the financial information of a vulnerable adult shall make the information or a copy of the information available to an Adult Protective Services investigator upon receipt of ~~a court order or receipt of~~ the investigator’s written request or, in the instances described in subsections (d) and (e) of this section, upon receipt of a court order.

~~(1)(2)~~ The request shall include a statement signed by the account holder, if ~~he or she~~ the account holder has capacity, or the account holder’s guardian with financial powers or agent under a power of attorney consenting to the release of the information to the investigator.

~~(2)(c)~~ If the vulnerable adult lacks capacity and does not have a guardian or agent, or if the vulnerable adult lacks capacity and ~~his or her~~ the vulnerable adult’s guardian or agent is the alleged perpetrator, the request shall include a statement signed by the investigator asserting that all of the following conditions exist:

~~(A)(1)~~ The account holder is an alleged victim of abuse, neglect, or financial exploitation.

~~(B)(2)~~ The alleged victim lacks the capacity to consent to the release of the financial information.

~~(C)(3)~~ Law enforcement is not involved in the investigation or has not requested a subpoena for the information.

~~(D)(4)~~ The alleged victim will suffer imminent harm if the investigation is delayed while the investigator obtains a court order authorizing the release of the information.

~~(E)(5)~~ Immediate enforcement activity that depends on the information would be materially and adversely affected by waiting until the alleged victim regains capacity.

~~(F)(6)~~ The Commissioner of Disabilities, Aging, and Independent Living has personally reviewed the request and confirmed that the conditions set forth in subdivisions (A) through (E) of this subdivision (2) this subsection have been met and that disclosure of the information is necessary to protect the alleged victim from abuse, neglect, or financial exploitation.

~~(e)(d)~~ If a guardian refuses to consent to the release of the alleged victim's financial information, the investigator may seek review of the guardian's refusal by filing a motion with the Probate Division of the Superior Court pursuant to 14 V.S.A. § 3062(c).

~~(d)(e)~~ If an agent under a power of attorney refuses to consent to the release of the alleged victim's financial information, the investigator may file a petition in Superior Court pursuant to 14 V.S.A. § 3510(b) to compel the agent to consent to the release of the alleged victim's financial information.

~~(e)(f)~~ The investigator shall include a copy of the written request in the alleged victim's case file.

~~(f)(g)~~ The person having custody or control of the financial information shall not require the investigator to provide details of the investigation to support the request for production of the information.

~~(g)(h)~~ The information requested and released shall be used only to investigate the allegation of abuse, neglect, or financial exploitation or for the purposes set forth in subdivision ~~6911(a)(1)(B)~~ 6911(b)(3) of this title and shall not be used against the alleged victim.

~~(h)(i)~~ The person having custody or control of the financial information shall provide the information to the investigator as soon as possible but, absent extraordinary circumstances, ~~no~~ not later than 10 business days following receipt of the investigator's written request or receipt of a court order or subpoena requiring disclosure of the information.

~~(i)(j)~~ A person who in good faith makes an alleged victim's financial information or a copy of the information available to an investigator in accordance with this section shall be immune from civil or criminal liability for disclosure of the information unless the person's actions constitute gross negligence, recklessness, or intentional misconduct. Nothing in this section shall be construed to provide civil or criminal immunity to a person suspected of having abused, neglected, or exploited a vulnerable adult.

~~(j)~~ The person having custody or control of the financial information of an alleged victim may charge the Department of Disabilities, Aging, and Independent Living no more than the actual cost of providing the information to the investigator and shall not refuse to provide the information until payment is received. A financial institution shall not charge the Department

~~for the information if the financial institution would not charge if the request for the information had been made directly by the account holder.~~

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§ 6917. WRITTEN COMMUNICATIONS

Any written communications from the Department, an administrative reviewer, or the Human Services Board to the alleged victim or to the alleged perpetrator shall use plain language.

§ 6918. RULEMAKING

The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 to implement this subchapter, including:

(1) conducting referrals on intakes, including:

(A) required referrals; and

(B) referrals on intake reports not accepted for assessment or investigation;

(2) conducting assessments, including:

(A) the components of an assessment;

(B) the determinations of an assessment; and

(C) timelines required for the assessment; and

(3) conducting investigations, including:

(A) the components of an investigation;

(B) the determinations of an investigation; and

(C) timelines required for the investigation.

Sec. 2. 33 V.S.A. chapter 69, subchapter 2 is amended to read:

Subchapter 2. Abuse Maltreatment Prevention for Vulnerable Adults

\* \* \*

§ 6932. JURISDICTION AND VENUE

(a) The Family Division of the Superior Court shall have jurisdiction over proceedings under this subchapter.

(b) Emergency orders under section 6936 of this title may be issued by a judge of the Criminal, Civil, or Family Division of the Superior Court.

(c) Proceedings under this subchapter may be commenced in the county in which the ~~plaintiff~~ vulnerable adult resides. If the vulnerable adult has left the residence to avoid abuse, neglect, or exploitation, the ~~plaintiff~~ vulnerable adult shall have the option to bring an action in the county of the previous residence or the county of the new residence.

§ 6933. REQUEST FOR RELIEF

(a) A vulnerable adult, Adult Protective Services staff, or an interested person on behalf of a vulnerable adult may seek relief from abuse, neglect, or exploitation by filing a petition requesting one or ~~both~~ more of the following orders:

(1) an order that the defendant refrain from abusing, neglecting, or exploiting the vulnerable adult;

(2) an order that the defendant immediately vacate the household;

(3) an order that the defendant shall not contact or communicate with the vulnerable adult either directly or through a third party;

(4) an order that the defendant shall not come within a fixed distance from the vulnerable adult;

(5) an order that the defendant shall not follow or stalk, as defined in 12 V.S.A. § 5131, the vulnerable adult;

(6) an order to deliver care plans, medicines, physicians' orders, and medical records to the vulnerable adult or the vulnerable adult's representative;

(7) an order to cooperate in the transfer of the vulnerable adult's care to ensure the vulnerable adult's safety and well-being;

(8) an order to immediately return any cash, checks, money, or property belonging to the vulnerable adult in the defendant's possession;

(9) an order to immediately return any personal documentation regarding the vulnerable adult, including identification documents, insurance information, financial records, and immigration documentation;

(10) an order that the defendant shall not access, dispose of, take, or transfer funds, accounts, or property from the vulnerable adult or any account in the name of the vulnerable adult;

(11) an order to cease any access, sharing, or use of identifying information, image, or likeness of the vulnerable adult;

(12) an order regarding possession, care, and control of any animal owned, possessed, leased, kept, or held as a pet by the vulnerable adult; and

(13) such other orders as deemed necessary to protect the vulnerable adult.

(b) No filing fee shall be required.

§ 6934. NOTICE

Except as provided in section 6936 of this title, the court shall grant relief only after notice to the defendant and a hearing. If the petition is made by an interested person, notice shall be provided to the vulnerable adult and the court shall determine whether the vulnerable adult is capable of expressing ~~his or her~~ the vulnerable adult's wishes with respect to the petition and, if so, whether the vulnerable adult wishes to pursue the petition. If the court determines that the vulnerable adult is capable of expressing ~~his or her~~ the vulnerable adult's opinion and does not wish to pursue the petition, the court shall dismiss the petition.

\* \* \*

Sec. 3. 18 V.S.A. § 9718 is amended to read:

§ 9718. PETITION FOR REVIEW BY THE PROBATE DIVISION OF THE  
SUPERIOR COURT

(a) A petition may be filed in the Probate Division of the Superior Court under this section by:

(1) a principal, guardian, agent, ombudsman, a mental health patient representative, or interested individual other than one identified in an advance directive, pursuant to subdivision 9702(a)(10) of this title, as not authorized to bring an action under this section;

(2) a social worker or health care provider employed by or directly associated with the health care provider, health care facility, or residential care facility providing care to the principal;

(3) the Defender General if the principal is in the custody of the Department of Corrections;

(4) a representative of the State-designated protection and advocacy system if the principal is in the custody of the Department of Mental Health; ~~or~~

(5) an individual or entity identified in an advance directive, pursuant to subdivision 9702(a)(10) of this title, as authorized to bring an action under this section; or

(6) Adult Protective Services, for the purposes of reviewing the authority of the agent under 33 V.S.A. § 6907(b)(3) to refuse protective services under 33 V.S.A. § 6907(b)(2)(C).

\* \* \*

## Sec. 4. ADULT PROTECTIVE SERVICES; FINANCIAL PROTECTIONS

On or before November 1, 2023, the Department of Disabilities, Aging, and Independent Living, in collaboration with the Department of Financial Regulation and representatives of financial institutions as defined in 33 V.S.A. § 6915, shall submit a report to House Committee on Human Services and to the Senate Committee on Health and Welfare providing proposed legislative changes to protect vulnerable adults from financial abuse, neglect, and exploitation.

## Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

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 Human Services?, **Rep. Noyes of Wolcott** moved that the report of the Committee on Human Services be amended as follows:

First: In Sec. 1, 33 V.S.A. chapter 69, subchapter 1, in section 6902, in subsection (a), in subdivision (1)(D)(ii), by removing the phrase “~~such as fondling, exposure of genitals, and lewd and lascivious conduct~~”

Second: In Sec. 1, 33 V.S.A. chapter 69, subchapter 1, in section 6903, in subsection (a), by removing the phrase “~~other than a crisis worker acting pursuant to 12 V.S.A. § 1614 and the State Long-Term Ombudsman or a designee of the Office, as defined in section 7501 of this title,~~”

Third: In Sec. 1, 33 V.S.A. chapter 69, subchapter 1, in section 6911, in subdivision (a)(1), by removing the sentence: “~~Providing access to records relevant to an investigation by the Department or law enforcement under this provision shall not be deemed a violation of any confidential communication privilege. Access to any records that would violate attorney-client privilege shall not be provided without a court order.~~”

Fourth: In Sec. 1, 33 V.S.A. chapter 69, subchapter 1, in section 6911, in subdivision (a)(7), by removing the sentence: “~~A person shall not be held criminally or civilly liable for disclosing or providing information or records to the Department pursuant to this subsection.~~”

Fifth: In Sec. 1, 33 V.S.A. chapter 69, subchapter 1, in section 6911, in subsection (g), in the third sentence, by removing the phrase “~~a restorative justice process~~”



Sixth: In Sec. 1, 33 V.S.A. chapter 69, subchapter 1, in section 6933, in subdivision (a)(5), by removing the phrase “follow or”

Which was agreed to. Thereupon, the report of the Committee on Human Services, as amended, was agreed to, and third reading ordered.

**Favorable Report; Second Reading; Third Reading Ordered**

**H. 110**

**Rep. Patt of Worcester**, for the Committee on Environment and Energy, to which had been referred House bill, entitled

An act relating to extending the sunset under 30 V.S.A. § 248a

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.

**Message from the Senate No. 29**

A message was received from the Senate by Ms. Kucserik, 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. 37.** An act relating to access to legally protected health care activity and regulation of health care providers.

**S. 48.** An act relating to regulating the sale of catalytic converters.

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

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. 20.** Joint resolution relating to weekend adjournment.

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

**Adjournment**

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

---

**Wednesday, March 22, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Kerrin McCadden, Poet, South Burlington.

**Senate Bills Referred**

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

**S. 37**

Senate bill, entitled

An act relating to access to legally protected health care activity and regulation of health care providers

To the Committee on Health Care.

**S. 48**

Senate bill, entitled

An act relating to regulating the sale of catalytic converters

To the Committee on Commerce and Economic Development.

**S. 94**

Senate bill, entitled

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

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. 31**

House bill, entitled

An act relating to aquatic nuisance control

**H. 484**

House bill, entitled

An act relating to enhancing workforce and economic development opportunities

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

**H. 222**

House bill, entitled

An act relating to reducing overdoses

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. 20**

By Senator Baruth,

**J.R.S. 20.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, March 24, 2023, it be to meet again no later than Tuesday, March 28, 2023.

Was taken up, read, and adopted in concurrence.

**Ceremonial Readings**

**H.C.R. 27**

House concurrent resolution honoring Edwin G. Camp of Derby for his outstanding 58-year career in the Vermont insurance industry

Offered by: Representatives Page of Newport City, Smith of Derby, Bluemle of Burlington, Brennan of Colchester, Canfield of Fair Haven, Clifford of Rutland City, Demar of Enosburgh, Dickinson of St. Albans Town, Dolan of Waitsfield, Galfetti of Barre Town, Goslant of Northfield, Gregoire of Fairfield, Harrison of Chittenden, Higley of Lowell, Holcombe of Norwich, Labor of Morgan, Marcotte of Coventry, McFaun of Barre Town, Mihaly of Calais, Morrissey of Bennington, Shaw of Pittsford, Squirrell of Underhill, and Wilson of Lyndon

Whereas, at 92 years of age, Edwin Camp's remarkable longevity as a Vermont Property & Casualty licensee is a tribute to his professional dedication and optimistic outlook, and

Whereas, a 1948 graduate of the former Newport High School, he excelled in many of his school's athletic activities, and

Whereas, following two years as a University of Vermont student, Ed Camp joined the U.S. Navy, served on the U.S.S. Midway, was discharged in 1954, and soon returned to Newport, and

Whereas, in 1965, Ed Camp made a decisive career step, qualifying for his Vermont Property & Casualty insurance license and entering a professional partnership with Roland Royer, and

Whereas, aside from his insurance work, Ed was a cofounder of the Chamberlin Birch ski area in Newport, served on the Newport Elementary School Board, and as a volunteer for the Vermont youth hockey leagues, and

Whereas, 2023 marks the 58th anniversary of Ed Camp's professional insurance licensure, which is longer than any of his currently licensed colleagues, a distinction of which he can be extremely proud, and

Whereas, in 2022, he and his wife, Joan, celebrated their sixtieth wedding anniversary, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors Edwin G. Camp for his outstanding 58-year career in the Vermont insurance industry, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Ed Camp.

Having been adopted in concurrence on Friday, March 10, 2023 in accord with Joint Rule 16b, was read.

**H.C.R. 49**

House concurrent resolution congratulating Westford Elementary School's robotics teams for their award-winning performances at the FIRST LEGO League State Championship

Offered by: Representative Andrews of Westford

Whereas, the FIRST LEGO League State Championship, held on January 28, 2023, at Norwich University, posed dual technological challenges to student competitors: the first, to design, construct, and code autonomous robots capable of completing designated tasks; and the second, known as the Innovation Project, to identify a real-world energy-related problem and create a prototype solution in collaboration with experts and consumers, and

Whereas, four teams of students representing Westford Elementary School won Innovation Project-associated recognition, half of the event's prizes, and

Whereas, the Pickle Pandas (Drew Ainsworth, Brooke Danaher, Dylan Henry, Aiden Menut, Anna Minor, Amelia Moreland, and Grace Raymond) earned the Engineering Excellence Award for designing a device that detects and deters squirrels from disturbing the electric power grid; the Interplanetary Pizza Pandas (Oliver Cady, Keith Collins, David McElvany, Toby Jeans, Maeve LaBossiere, Inez Medick, and Owen Mellion) won the Motivate Award for designing an on-demand and preplanned microtransit system for Westford and other small rural communities; the Muddy Pandas (Dominic Delisle, Harrison Frennier, Maisy Drapa, Jackson Frederick, and Andrew Stockwell) secured the Rising All-Star Award for developing a method to reduce energy consumption with improved translations of raw data from smart meters into actionable and motivational text messages; and Panda-Monium! (Izzy Cady, Sophia Frederick, Ethan Jeans, Ava Menut, Mary Stockwell, and Ryder White) garnered the Innovation Project Award for envisioning an expandable community solar project with battery backup for Westford; and Mark Drapa served as a superb faculty mentor, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates Westford Elementary School's robotics teams for their award-winning performances at the FIRST LEGO League State Championship, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Westford Elementary School.

Having been adopted in concurrence on Friday, March 17, 2023 in accord with Joint Rule 16b, was read.

**H.C.R. 51**

House concurrent resolution commemorating the 25th anniversary of the establishment of the Vermont Downtown Program and designating March 22, 2023 as Downtown Day at the State House

Offered by: Representatives Wood of Waterbury, Coffey of Guilford, Dolan of Waitsfield, Donahue of Northfield, Garofano of Essex, Gregoire of Fairfield, Harrison of Chittenden, Howard of Rutland City, Hyman of South Burlington, McCann of Montpelier, McGill of Bridport, Morris of Springfield, Ode of Burlington, Priestley of Bradford, Scheu of Middlebury, Sheldon of Middlebury, Small of Winooski, Stevens of Waterbury, White of Bethel, and Whitman of Bennington

Whereas, in 1998 Acts and Resolves No. 120 [the Act], as amended in 2013 Acts and Resolves No. 59, the General Assembly found that “economically strong downtowns are critical to the health and well-being of Vermont’s communities,” and that “[i]nvestments made to revitalize the State’s historic

downtowns...support statewide goals concerning energy conservation... the efficient use of transportation and other infrastructure and services, the protection of the working landscape, and the promotion of healthy lifestyles,” and

Whereas, to effectuate these important objectives, the Act established the Vermont Downtown Development Board [the Board], for the designation of downtown development districts and for the granting of financial, including tax, incentives to these districts, and

Whereas, in 2022, the State-designated downtown development districts received over \$27.5 million in public investment, \$101.1 million in private investment, and they were the location for 149 new and expanded businesses, and more than 465 new full- and part-time jobs, and

Whereas, on average, every dollar of tax credit awarded to a district leveraged \$18 in new funds, and in 2022, the Board awarded \$2.3 million in tax credits for 12 projects, supporting almost \$40 million in construction and rehabilitation projects, and

Whereas, a supportive downtown organization is associated with each designated downtown district, and in 2022, the 24 downtown organizations contributed a combined 30,166 volunteer hours valued at \$848,871, and the committed volunteers and staff of these organizations are essential in maintaining the vibrancy and economic success of the designated downtown districts, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly commemorates the 25th anniversary of the establishment of the Vermont Downtown Program and designates March 22, 2023 as Downtown Day at the State House, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Downtown Coalition and to the Vermont Downtown Development Board.

Having been adopted in concurrence on Friday, March 17, 2023 in accord with Joint Rule 16b, was read.

**H.C.R. 52**

House concurrent resolution designating March 22, 2023 as Vermont Tourism Day at the State House

Offered by: Representatives Jerome of Brandon and Marcotte of Coventry

Offered by: Senator Ram Hinsdale

Whereas, Vermont is a global destination for experiencing superb outdoor recreation, great dining, wonderful lodging, beautiful art, memorable musical performances, and for visiting interesting historic sites, and

Whereas, the best destination stewardship means a tourism and hospitality leadership that embraces community values of inclusion and representation that ensure that all visitors to the Green Mountain State, regardless of background, are welcomed and will enjoy their visit, and

Whereas, the vital importance of tourism and hospitality for the sustainability of the urban and rural communities of all 14 Vermont counties cannot be overstated, and

Whereas, annually, millions of people visit the Green Mountain State, a number that enabled tourism and hospitality to generate \$387.3 million in FY 2021 tax revenue, to employ over 30,000 people, representing ten percent of the State's workforce, and to trigger a State economic impact exceeding \$3 billion, and

Whereas, Tourism Day is an occasion to celebrate the importance of welcoming visitors to Vermont, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates March 22, 2023 as Tourism Day at the State House, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Commissioner of Marketing and Tourism.

Having been adopted in concurrence on Friday, March 17, 2023 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. 55**

House bill, entitled

An act relating to miscellaneous unemployment insurance amendments

#### **H. 110**

House bill, entitled

An act relating to extending the sunset under 30 V.S.A. § 248a

**H. 171**

House bill, entitled

An act relating to adult protective services

**H. 471**

House bill, entitled

An act relating to technical and administrative changes to Vermont's tax laws

**Committee Bill; Second Reading; Third Reading Ordered**

**H. 473**

**Rep. Houghton of Essex Junction** spoke for the Committee on Health Care.

House bill, entitled

An act relating to radiologist assistants

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; Third Reading Ordered**

**H. 476**

**Rep. Boyden of Cambridge** spoke for the Committee on Government Operations and Military Affairs.

House bill, entitled

An act relating to miscellaneous changes to law enforcement officer training laws

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. 230**

**Rep. Black of Essex**, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to implementing mechanisms to reduce suicide

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



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## Sec. 1. FINDINGS

### The General Assembly finds:

(1) More than 700 Vermont residents died of gunshot wounds in the decade from 2011 to 2020. 88 percent of these deaths were suicide.

(2) Of all the deaths in Vermont involving firearms in 2021, 89 percent were by suicide and 8 percent were by homicide.

(3) The 2021 suicide rate by all methods in Vermont was 20.3 per 100,000 persons, compared to a national rate of 14.0 per 100,000 persons. Suicide among Vermont men and boys is 50 percent higher than the national average.

(4) In 2021, the number of suicides in Vermont was 142, with 83 of them completed by firearm, or 58 percent.

(5) Rand Corporation research estimates that in 2016, firearms were present in 47 percent of Vermont homes and in 32 percent of homes in the United States.

(6) Children are 4.4 times more likely to die by suicide in a home with a firearm compared to a home without a firearm.

(7) Persons at greatest risk of suicide in Vermont are men, persons living in rural areas, persons with a disability, veterans, and members of the LGBTQ+ community.

## Sec. 2. LEGISLATIVE PURPOSE

The purpose of this legislation is to prevent death by suicide by reducing access to lethal means of firearms. Although there are many other methods for completing suicide, firearms are unique in their ability to create instantaneous and irreversible outcomes. Nearly every other commonly used method for suicide has a high survivability rate. It is extremely rare for someone to survive a suicide attempt in which a firearm is used. This fact, combined with the high prevalence of firearms in Vermont, is why this method alone is being addressed by this bill.

## Sec. 3. 13 V.S.A. § 4024 is added to read:

### § 4024. SECURE FIREARMS STORAGE

(a)(1) Prohibition. A person shall not store or keep a firearm within any premises that are under the person's custody or control if the person knows or reasonably should know that a child or prohibited person is likely to gain access to the firearm unless the person stores or keeps the firearm:

(A) separate from ammunition; and

(B) in a locked container or equipped with a tamper-resistant mechanical lock or other safety device, properly engaged so as to render the firearm inoperable by any person other than the owner or authorized user.

(2) Exceptions. This subsection shall not apply if:

(A) the firearm is carried by or under the control of the owner or another lawfully authorized user;

(B) a child or prohibited person accesses the firearm as a result of an illegal entry; or

(C) a child or prohibited person accesses and uses the firearm during the course of a lawful act of self-defense or defense of another person.

(b) Penalties. A person who violates subsection (a) of this section shall be:

(1) fined not more than \$100.00;

(2) imprisoned not more than one year or fined not more than \$1,000.00, or both, if a child or prohibited person gains access to the firearm and uses it in the commission of a crime or displays it in a threatening manner; or

(3) imprisoned not more than five years or fined not more than \$5,000.00, or both, if a child or prohibited person gains access to the firearm and uses it to cause death or injury to any person.

(c) Charging discretion. If a person who allegedly violates this section is a parent or guardian of a child who gains access to a firearm that is used in an unintentional or self-inflicted shooting that causes death or injury to the child, the impact of the child's death or injury on the person who committed the alleged violation shall be considered by the State's Attorney when deciding whether to file criminal charges in the case.

(d) Information distribution.

(1) At any location where a licensed dealer conducts firearm sales or transfers, the licensed dealer shall conspicuously display a sign containing the information required by subdivision (2) of this subsection in any area where the sales or transfers occur. The sign shall be posted so that it can be easily viewed by persons purchasing or receiving firearms, and the sign shall not be removed, obscured, or rendered illegible. If the location where the sales or transfers occur is the premises listed on the dealer's federal firearms license, an additional sign shall be placed at or near the entrance to the premises.

(2) The sign required by subdivision (1) of this subsection shall be at least eight and one-half inches high by 11 inches wide and shall contain black text at least half an inch high against a white background. The sign shall contain the following text, and no other statements or markings:

“WARNING: Access to a firearm in the home significantly increases the risk of suicide, death during domestic violence disputes, and the unintentional death of children, household members, and others. If you or a loved one is experiencing distress or depression, call the 988 Suicide and Crisis hotline or text “VT” to 741741.

Vermont law requires gun owners to securely store their firearms separately from ammunition in their homes and other premises under their control if a child or person prohibited from purchasing or possessing firearms is likely to gain access to them. Failure to securely store firearms as required by law may result in criminal prosecution.

Posted pursuant to 13 V.S.A. § 4024.”

(e) Definitions. As used in this section:

(1) “Child” means a person under 18 years of age.

(2) “Firearm” has the same meaning as in subsection 4017(d) of this title.

(3) “Injury” means a harmful effect on an individual’s health, including the individual’s mental, emotional, or physical health, or a combination of these.

(4) “Licensed dealer” means a person issued a license as a dealer in firearms pursuant to 18 U.S.C. § 923(a).

(5) “Locked container” means a box, case, chest, locker, safe, or other similar receptacle equipped with a tamper-resistant lock.

(6) “Prohibited person” means a person who is prohibited from possessing a firearm by state or federal law or by court order.

Sec. 4. 13 V.S.A. § 4051 is amended to read:

§ 4051. DEFINITIONS

As used in this subchapter:

\* \* \*

(7) “Household member” has the same meaning as in 15 V.S.A. § 1101.

Sec. 5. 13 V.S.A. § 4052 is amended to read:

§ 4052. JURISDICTION AND VENUE

\* \* \*

(c) Proceedings under this chapter shall be commenced in the county where the law enforcement agency is located, the county where the family or household member or the respondent resides, or the county where the events giving rise to the petition occur.

Sec. 6. 13 V.S.A. § 4053 is amended to read:

§ 4053. PETITION FOR EXTREME RISK PROTECTION ORDER

(a) A State's Attorney or, the Office of the Attorney General, or a family or household member may file a petition requesting that the court issue an extreme risk protection order prohibiting a person from purchasing, possessing, or receiving a dangerous weapon or having a dangerous weapon within the person's custody or control. The petitioner shall submit an affidavit in support of the petition.

\* \* \*

Sec. 7. 13 V.S.A. § 4054 is amended to read:

§ 4054. EMERGENCY RELIEF; TEMPORARY EX PARTE ORDER

(a)(1) A State's Attorney or, the Office of the Attorney General, or a family or household member may file a motion requesting that the court issue an extreme risk protection order ex parte, without notice to the respondent. A law enforcement officer may notify the court that an ex parte extreme risk protection order is being requested pursuant to this section, but the court shall not issue the order until after the motion is submitted.

\* \* \*

Sec. 8. 13 V.S.A. § 4055 is amended to read:

§ 4055. TERMINATION AND RENEWAL MOTIONS

\* \* \*

(b)(1) A State's Attorney or, the Office of the Attorney General, or a family or household member may file a motion requesting that the court renew an extreme risk protection order issued under this section or section 4053 of this title for an additional period of up to six months. The motion shall be accompanied by an affidavit and shall be filed not more than 30 days and not less than 14 days before the expiration date of the order. The motion and affidavit shall comply with the requirements of subsection 4053(c) of this title,

and the moving party shall have the burden of proof by clear and convincing evidence.

\* \* \*

Sec. 9. 13 V.S.A. § 4019a is added to read:

§ 4019a. FIREARMS TRANSFERS; WAITING PERIOD

(a) A person shall not transfer a firearm to another person until 72 hours after the completion of the background check required by 18 U.S.C. § 922(s) or section 4019 of this title.

(b) A person who transfers a firearm to another person in violation of subsection (a) of this section shall be imprisoned not more than one year or fined not more than \$500.00, or both.

(c) This section shall not apply to a firearm transfer that does not require a background check under 18 U.S.C. § 922(s) or section 4019 of this title.

(d) As used in this section, “firearm” has the same meaning as in subsection 4017(d) of this title.

Sec. 10. EFFECTIVE DATE

This act shall take effect on passage.

**Rep. LaLonde of South Burlington**, for the Committee on Judiciary, recommended that the report of the Committee on Health Care be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds:

(1) More than 700 Vermont residents died of gunshot wounds in the decade from 2011 to 2020. 88 percent of these deaths were suicide.

(2) Of all the deaths in Vermont involving firearms in 2021, 89 percent were by suicide and eight percent were by homicide.

(3) The 2021 suicide rate by all methods in Vermont was 20.3 per 100,000 persons, compared to a national rate of 14.0 per 100,000 persons. Suicide among Vermont men and boys is 50 percent higher than the national average.

(4) In 2021, the number of suicides in Vermont was 142, with 83 of them completed by firearm, or 58 percent.

(5) Rand Corporation research estimates that in 2016, firearms were present in 47 percent of Vermont homes and in 32 percent of homes in the United States.

(6) Children are 4.4 times more likely to die by suicide in a home with a firearm compared to a home without a firearm.

(7) Persons at greatest risk of suicide in Vermont are men, persons living in rural areas, persons with a disability, veterans, and members of the LGBTQ+ community.

(8) Extreme risk protection orders have proven successful in situations where other protective orders, mental health proceedings, or criminal charges could not address the risk presented. In fiscal year 2022, 18 extreme risk protection order petitions were filed statewide. In at least five of these cases, a temporary or final order was based on a finding that the respondent had “threatened or attempted suicide or serious bodily harm.” None of the respondents subject to an extreme risk prevention order are known to have died by suicide.

(9) Emphasis on the eight percent of firearm deaths by homicide in the State of Vermont does not portray the full impact of Vermont firearms on public safety. Firearms purchased in Vermont and transferred, lawfully or unlawfully, out of state contribute to violent crime in other states, including homicide. A report prepared by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives revealed that in 2016 there were 51 traces of firearms involved in a homicide to the State of Vermont.

(10) The National Firearms Commerce and Trafficking Assessment (NFCTA): Crime Guns - Volume Two report prepared by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) revealed that between 2017 and 2021, 6,333 firearms that were used in a crime were traced to Vermont. Of the 1,903 firearms that could be traced to a known purchaser, 65 percent were recovered from someone other than the purchaser, and 64 percent were recovered outside the State of Vermont. Over 750 of these firearms were recovered in our neighboring states of New York, Massachusetts, and New Hampshire.

(11) Vermont’s existing laws are not successfully deterring straw purchases where an individual lawfully acquires and then unlawfully transfers a firearm to a prohibited person or someone unable to acquire a firearm in the State of Vermont. Waiting periods are among the policy options available to deter straw purchases and to allow greater opportunity for law enforcement detection and response to such attempts.

(12) Waiting period laws, which create a buffer between the time of gun purchase and gun acquisition, can help to prevent impulsive acts of gun violence. One study found that waiting period laws that delay the purchase of firearms by a few days can reduce gun homicides by roughly 17 percent.

## Sec. 2. LEGISLATIVE PURPOSE

The purpose of this legislation is to prevent death by suicide by reducing access to lethal means of firearms. Although there are many other methods for completing suicide, firearms are unique in their ability to create instantaneous and irreversible outcomes. Nearly every other commonly used method for suicide has a high survivability rate. It is extremely rare for someone to survive a suicide attempt in which a firearm is used. This fact, combined with the high prevalence of firearms in Vermont, is why this method alone is being addressed by this bill.

Sec. 3. 13 V.S.A. § 4024 is added to read:

### § 4024. SECURE FIREARMS STORAGE

(a)(1) Prohibition. A person shall not, within any premises that are under the person's custody or control, store or keep a firearm if the person knows or reasonably should know that a child or prohibited person is likely to gain access to the firearm, unless the person stores or keeps the firearm:

(A) separate from ammunition; and

(B) in a locked container or equipped with a tamper-resistant mechanical lock or other safety device, properly engaged so as to render the firearm inoperable by any person other than the owner or authorized user.

(2) Exception. This subsection shall not apply if the firearm is carried by or within such close proximity that it can be readily retrieved and used by the owner or another authorized user.

(3) Conduct not a violation. It shall not be a violation of this subsection if:

(A) a child or prohibited person accesses the firearm as a result of an illegal entry; or

(B) a child or prohibited person accesses and uses the firearm during the course of a lawful act of self-defense or defense of another person.

(b) Penalties. A person who violates subsection (a) of this section shall be:

(1) imprisoned not more than one year or fined not more than \$1,000.00, or both, if a child or prohibited person gains access to the firearm

and uses it in the commission of a crime, or displays it in a threatening manner; or

(2) imprisoned not more than five years or fined not more than \$5,000.00, or both, if a child or prohibited person gains access to the firearm and uses it to cause death or serious bodily injury to any person.

(c) Charging discretion. If a person who allegedly violates this section is a parent or guardian of a child who gains access to a firearm that is used in an unintentional or self-inflicted shooting that causes death or serious bodily injury to the child, the impact of the child's death or serious bodily injury on the person who committed the alleged violation may be considered by the State's Attorney when deciding whether to file criminal charges in the case.

(d) Information distribution.

(1) At any location where a licensed dealer conducts firearm sales or transfers, the licensed dealer shall conspicuously display a sign containing the information required by subdivision (2) of this subsection in any area where the sales or transfers occur. The sign shall be posted so that it can be easily viewed by persons purchasing or receiving firearms, and the sign shall not be removed, obscured, or rendered illegible. If the location where the sales or transfers occur is the premises listed on the dealer's federal firearms license, an additional sign shall be placed at or near the entrance to the premises.

(2) The sign required by subdivision (1) of this subsection shall be at least eight and one-half inches high by 11 inches wide and shall contain black text at least half an inch high against a white background. The sign shall contain the following text, and no other statements or markings:

"WARNING: Access to a firearm in the home significantly increases the risk of suicide, death during domestic violence disputes, and the unintentional death of children, household members, and others. If you or a loved one is experiencing distress or depression, call the 988 Suicide and Crisis hotline or text "VT" to 741741.

Vermont law requires gun owners to securely store their firearms separately from ammunition in their homes and other premises under their control if a person prohibited from purchasing or possessing firearms or a child is likely to gain access to them. Failure to securely store firearms as required by law may result in criminal prosecution.

Posted pursuant to 13 V.S.A. § 4024."



(e) Definitions. As used in this section:

(1) “Authorized user” means a person 18 years of age or older who is not a prohibited person and who has been authorized to carry or use the firearm by the owner.

(2) “Child” means a person under 18 years of age.

(3) “Firearm” has the same meaning as in subsection 4017(d) of this title.

(4) “Licensed dealer” means a person issued a license as a dealer in firearms pursuant to 18 U.S.C. § 923(a).

(5) “Locked container” means a box, case, chest, locker, safe, or other similar receptacle equipped with a tamper-resistant lock.

(6) “Prohibited person” means a person who is prohibited from possessing a firearm by state or federal law or by court order.

(7) “Serious bodily injury” has the same meaning as in subdivision 1021(a)(2) of this title.

Sec. 4. 13 V.S.A. § 4051 is amended to read:

#### § 4051. DEFINITIONS

As used in this subchapter:

\* \* \*

(7) “Household member” means persons who are living together, are sharing occupancy of a dwelling, are engaged in a sexual relationship, or minors or adults who are dating. “Dating” means a social relationship of a romantic nature. Factors that the court may consider when determining whether a dating relationship exists include:

(A) the nature of the relationship;

(B) the length of time the relationship has existed; and

(C) the frequency of interaction between the parties.

Sec. 5. 13 V.S.A. § 4053 is amended to read:

#### § 4053. PETITION FOR EXTREME RISK PROTECTION ORDER

(a) A State’s Attorney or, the Office of the Attorney General, or a family or household member may file a petition requesting that the court issue an extreme risk protection order prohibiting a person from purchasing, possessing, or receiving a dangerous weapon or having a dangerous weapon

within the person's custody or control. The petitioner shall submit an affidavit in support of the petition.

(b)(1) Except as provided in section 4054 of this title, the court shall grant relief only after notice to the respondent and a hearing. The petitioner shall have the burden of proof by clear and convincing evidence.

(2) When a petition has been filed by a family or household member, the State's Attorney or Attorney General shall be substituted as the plaintiff in the action upon the issuance of an ex-parte order under section 4054 of this title or at least seven days prior to the hearing for a petition filed under this section. Upon substitution of the State's Attorney or Attorney General as the plaintiff, the family or household member shall no longer be a party.

\* \* \*

(d)(1) The court shall hold a hearing within 14 days after a petition is filed under this section. Notice of the hearing shall be served pursuant to section 4056 of this title concurrently with the petition and any ex parte order issued under section 4054 of this title.

(2) If a petition is filed by a family or household member under this section, the court shall transmit a copy of the petition to the State's Attorney or the Attorney General, along with all supporting documents and the notice of the initial status conference or hearing.

\* \* \*

Sec. 6. 13 V.S.A. § 4054 is amended to read:

§ 4054. EMERGENCY RELIEF; TEMPORARY EX PARTE ORDER

(a)(1) A State's Attorney ~~or~~, the Office of the Attorney General, or a family or household member may file a motion requesting that the court issue an extreme risk protection order ex parte, without notice to the respondent. A law enforcement officer may notify the court that an ex parte extreme risk protection order is being requested pursuant to this section, but the court shall not issue the order until after the motion is submitted.

\* \* \*

(b)(1)(A) The court shall grant the motion and issue a temporary ex parte extreme risk protection order if it finds by a preponderance of the evidence that at the time the order is requested the respondent poses an imminent and extreme risk of causing harm to ~~himself or herself~~ themselves or another person by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the respondent's custody or control. The petitioner shall cause a copy of the order to be served on the respondent

pursuant to section 4056 of this title, and the court shall deliver a copy to the holding station.

(B) If a motion is filed by a family or household member under this section and the court has issued an ex parte order, the court shall transmit a copy of the motion to the State’s Attorney or the Attorney General, along with all supporting documents and the notice of the initial status conference or hearing.

\* \* \*

Sec. 7. 13 V.S.A. § 4019a is added to read:

§ 4019a. FIREARMS TRANSFERS; WAITING PERIOD

(a) A person shall not transfer a firearm to another person until 72 hours after the licensed dealer facilitating the transfer is provided with a unique identification number for the transfer by the National Instant Criminal Background Check System (NICS), or seven business days have elapsed since the dealer contacted NICS to initiate the background check, whichever occurs first.

(b) A person who transfers a firearm to another person in violation of subsection (a) of this section shall be imprisoned not more than one year or fined not more than \$500.00, or both.

(c) This section shall not apply to a firearm transfer that does not require a background check under 18 U.S.C. § 922(s) or section 4019 of this title.

(d) As used in this section, “firearm” has the same meaning as in subsection 4017(d) of this title.

(e)(1) This section shall not apply to a firearms transfer at a gun show.

(2) As used in this subsection, “gun show” means a function sponsored by:

(A) a national, state, or local organization, devoted to the collection, competitive use, or other sporting use of firearms; or

(B) an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community.

(3) This subsection shall be repealed on July 1, 2024.

Sec. 8. 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, and the report of the Committee on Judiciary agreed to.

Pending the question, Shall the bill be amended as recommended by the Committee on Health Care, as amended?, **Rep. Brennan of Colchester** asked that the question be divided to first consider Section 3, and to then consider the remainder of the amendment, and the Speaker ruled that the question was divisible in that manner.

Pending the question, Shall the bill be amended as recommended by the Committee on Health Care, as amended, in Section 3?, **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 amended, as recommended by the Committee on Health Care, as amended, in Section 3?, was decided in the affirmative. Yeas, 98. Nays, 46.

Those who voted in the affirmative are:

Andrews of Westford	Dodge of Essex	Minier of South Burlington
Anthony of Barre City	Dolan of Essex Junction	Mrowicki of Putney
Arrison of Weathersfield	Dolan of Waitsfield	Mulvaney-Stanak of Burlington
Arsenault of Williston	Durfee of Shaftsbury	Nicoll of Ludlow
Austin of Colchester	Elder of Starksboro	Notte of Rutland City
Bartholomew of Hartland	Emmons of Springfield	O'Brien of Tunbridge
Berbeco of Winooski	Farlice-Rubio of Barnet	Ode of Burlington
Birong of Vergennes	Garofano of Essex	Patt of Worcester
Black of Essex	Goldman of Rockingham	Pearl of Danville
Bluemle of Burlington	Graning of Jericho	Pouech of Hinesburg
Bongartz of Manchester	Headrick of Burlington	Priestley of Bradford
Bos-Lun of Westminster	Holcombe of Norwich	Rice of Dorset
Brady of Williston	Hooper of Burlington	Roberts of Halifax
Brown of Richmond	Houghton of Essex Junction	Satcowitz of Randolph
Brumsted of Shelburne	Howard of Rutland City	Scheu of Middlebury
Burke of Brattleboro	Hyman of South Burlington	Sheldon of Middlebury
Burrows of West Windsor	James of Manchester	Sibilia of Dover
Buss of Woodstock	Jerome of Brandon	Sims of Craftsbury
Campbell of St. Johnsbury	Kornheiser of Brattleboro	Small of Winooski
Carpenter of Hyde Park	Krasnow of South Burlington	Squirrell of Underhill
Carroll of Bennington	LaBounty of Lyndon	Stebbins of Burlington
Casey of Montpelier	Lalley of Shelburne	Stevens of Waterbury
Chapin of East Montpelier	LaLonde of South Burlington	Stone of Burlington
Chase of Chester	LaMont of Morristown	Surprenant of Barnard
Chesnut-Tangerman of Middletown Springs	Lanpher of Vergennes	Taylor of Colchester
Christie of Hartford	Leavitt of Grand Isle	Toleno of Brattleboro
Cina of Burlington	Lipsky of Stowe	Torre of Moretown
Coffey of Guilford	Long of Newfane	Troiano of Stannard
Cole of Hartford	Masland of Thetford	Waters Evans of Charlotte
Conlon of Cornwall		White of Bethel

Corcoran of Bennington	McCarthy of St. Albans City	Whitman of Bennington
Cordes of Lincoln	McGill of Bridport	Williams of Barre City
Demrow of Corinth	Mihaly of Calais	Wood of Waterbury

Those who voted in the negative are:

Andriano of Orwell	Graham of Williamstown	Noyes of Wolcott
Bartley of Fairfax	Gregoire of Fairfield	Oliver of Sheldon
Beck of St. Johnsbury	Hango of Berkshire	Page of Newport City
Boyden of Cambridge	Harrison of Chittenden	Pajala of Londonderry
Branagan of Georgia	Higley of Lowell	Parsons of Newbury
Brennan of Colchester	Hooper of Randolph	Peterson of Clarendon
Brownell of Pownal	Labor of Morgan	Sammis of Castleton
Burditt of West Rutland	Laroche of Franklin	Shaw of Pittsford
Canfield of Fair Haven	Maguire of Rutland City	Smith of Derby
Clifford of Rutland City	Marcotte of Coventry	Taylor of Milton
Demar of Enosburgh	Mattos of Milton	Templeman of Brownington
Dickinson of St. Albans Town	McCoy of Poultney	Toof of St. Albans Town
Donahue of Northfield	McFaun of Barre Town	Walker of Swanton
Galfetti of Barre Town	Morgan of Milton	Williams of Granby
Goslant of Northfield	Morris of Springfield	Wilson of Lyndon
	Morrissey of Bennington	

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

Chase of Colchester	McCann of Montpelier	Rachelson of Burlington
Logan of Burlington	Nugent of South Burlington	

Pending the question, Shall the bill be amended as recommended by the Committee on Health Care, as amended, in the remainder of the amendment?, **Rep. Black of Essex** 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 Health Care, as amended, in the remainder of the amendment?, was decided in the affirmative. Yeas, 99. Nays, 43.

Those who voted in the affirmative are:

Andrews of Westford	Dodge of Essex	Mulvaney-Stanak of Burlington
Anthony of Barre City	Dolan of Essex Junction	Nicoll of Ludlow
Arrison of Weathersfield	Dolan of Waitsfield	Notte of Rutland City
Arsenault of Williston	Durfee of Shaftsbury	Noyes of Wolcott
Austin of Colchester	Elder of Starksboro	O'Brien of Tunbridge
Bartholomew of Hartland	Emmons of Springfield	Ode of Burlington
Berbeco of Winooski	Farlice-Rubio of Barnet	Pajala of Londonderry
Birong of Vergennes	Garofano of Essex	Patt of Worcester
Black of Essex *	Goldman of Rockingham	Pearl of Danville
Bluemle of Burlington	Graning of Jericho	Pouech of Hinesburg
Bongartz of Manchester	Headrick of Burlington	Priestley of Bradford
Bos-Lun of Westminster	Holcombe of Norwich	Rice of Dorset
Brady of Williston *	Hooper of Burlington	

Brown of Richmond	Houghton of Essex Junction	Roberts of Halifax
Brumsted of Shelburne	Howard of Rutland City	Satcowitz of Randolph
Burke of Brattleboro	Hyman of South Burlington	Scheu of Middlebury
Burrows of West Windsor	James of Manchester	Sheldon of Middlebury
Buss of Woodstock	Jerome of Brandon	Sibilia of Dover
Campbell of St. Johnsbury	Kornheiser of Brattleboro	Sims of Craftsbury
Carpenter of Hyde Park	Krasnow of South Burlington	Small of Winooski
Carroll of Bennington	LaBounty of Lyndon	Squirrell of Underhill
Casey of Montpelier	Lalley of Shelburne	Stebbins of Burlington
Chapin of East Montpelier	LaLonde of South Burlington	Stevens of Waterbury
Chase of Chester	Lanpher of Vergennes	Stone of Burlington
Chesnut-Tangerman of Middletown Springs	Leavitt of Grand Isle	Surprenant of Barnard
Christie of Hartford	Lipsky of Stowe	Taylor of Colchester
Cina of Burlington	Long of Newfane	Toleno of Brattleboro
Coffey of Guilford	Masland of Thetford	Torre of Moretown
Cole of Hartford	McCarthy of St. Albans City	Troiano of Stannard
Conlon of Cornwall	McGill of Bridport	Waters Evans of Charlotte
Corcoran of Bennington	Mihaly of Calais	White of Bethel
Cordes of Lincoln	Minier of South Burlington	Whitman of Bennington
Demrow of Corinth	Mrowicki of Putney	Williams of Barre City
		Wood of Waterbury

Those who voted in the negative are:

Andriano of Orwell	Goslant of Northfield	Morrissey of Bennington
Bartley of Fairfax	Gregoire of Fairfield	Oliver of Sheldon
Beck of St. Johnsbury	Hango of Berkshire	Page of Newport City
Boyden of Cambridge	Harrison of Chittenden	Parsons of Newbury
Branagan of Georgia	Higley of Lowell	Peterson of Clarendon
Brennan of Colchester	Hooper of Randolph	Samms of Castleton
Brownell of Pownal	Labor of Morgan	Shaw of Pittsford
Burditt of West Rutland	Laroche of Franklin	Smith of Derby
Canfield of Fair Haven	Maguire of Rutland City	Taylor of Milton
Clifford of Rutland City	Marcotte of Coventry	Templeman of Brownington
Demar of Enosburgh	Mattos of Milton	Toof of St. Albans Town
Dickinson of St. Albans Town	McCoy of Poultney	Walker of Swanton
Donahue of Northfield	McFaun of Barre Town	Williams of Granby
Galfetti of Barre Town	Morgan of Milton	Wilson of Lyndon
	Morris of Springfield	

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

Chase of Colchester	Logan of Burlington	Rachelson of Burlington
Graham of Williamstown	McCann of Montpelier	
LaMont of Morristown	Nugent of South Burlington	

**Rep. Black of Essex** explained her vote as follows:

“Madam Speaker:

I vote yes, in honor of Andrew Robert Black.”

**Rep. Brady of Williston** explained her vote as follows:

“Madam Speaker:

As we heard clearly today, there are so many families and communities shattered by suicide. Every statistic is a much longer story. I cast my vote today in memory of my cousin, Chelsea, who was a loving mother, a skilled trauma nurse, and is dearly missed in our big, extended family.”

Thereupon, third reading was ordered.

### **Second Reading; Bill Amended; Third Reading Ordered**

#### **H. 288**

**Rep. Goslant of Northfield**, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to liability for the sale of alcoholic beverages

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

\* \* \* Liquor Liability \* \* \*

Sec. 1. 7 V.S.A. § 501 is amended to read:

#### § 501. UNLAWFUL SALE OF ALCOHOLIC BEVERAGES; CIVIL ACTION FOR DAMAGES

(a) Action for damages. ~~A spouse, child, guardian, employer, or other person who is injured in person, property, or means of support by an intoxicated person, or in consequence of the intoxication of any person, shall have a right of action in his or her own name, jointly or severally, An injured person may bring an action in the person’s own name pursuant to this subsection.~~

(1) Unlawful sale. An injured person shall have a right of action against any person or persons licensee who have caused in whole or in part the intoxication of the intoxicated person by selling or furnishing alcoholic beverages:

(1)(A) to a minor as defined in section 2 of this title; or

(2) to a person apparently under the influence of alcohol;

~~(3)(B)~~ to a person after legal serving hours; ~~or~~

~~(4) to a person who it would be reasonable to expect would be under the influence of alcohol as a result of the amount of alcoholic beverages served by the defendant to that person.~~

(2) Negligent service. An injured person may bring an action against any licensee who negligently furnishes alcoholic beverages to a person:

(A) apparently under the influence of alcohol; or

(B) who it would be reasonable to expect would be under the influence of alcohol as a result of the amount of alcoholic beverages served by the licensee to that person.

(3) Negligence; prudent person. A licensee's conduct is negligent under this subsection if the licensee knows, or if a reasonable and prudent person in similar circumstances would know, that the individual being served is intoxicated.

(4) Licensee's knowledge; individual consumption. A licensee is not chargeable with knowledge of an individual's off-premises consumption of alcoholic beverages unless the individual's appearance and behavior, or other facts known to the licensee, would put a reasonable and prudent person on notice of the individual's consumption of alcoholic beverages.

~~(b) Survival of action; joint action. Upon the death of either party, the action and right of action shall survive to or against the party's executor or administrator. The party injured or his or her the party's legal representatives may bring either a joint action against the ~~person~~ intoxicated, person and the ~~person or persons who furnished the alcoholic beverages,~~ and an owner who may be liable under subsection (c) of this section, licensee or a separate action against either ~~or any~~ of them.~~

~~(c) Landlord liability.~~

~~(1) If the alcoholic beverages were sold or furnished to the intoxicated person in a rented building, the owner may be joined as a defendant in the action, and judgment in the action may be rendered against the owner, if the owner of the building or in the case of a corporation, its agent, knew or had reason to know that alcoholic beverages were sold or furnished by the tenant:~~

~~(A) to minors as defined in section 2 of this title;~~

~~(B) to persons apparently under the influence of alcohol;~~

~~(C) to persons after legal serving hours; or~~



~~(D) to persons who it would be reasonable to expect would be under the influence of alcohol as a result of the amount of alcoholic beverages served to them by the tenant.~~

~~(2) It shall be an affirmative defense to an action against an owner that the owner took reasonable steps to prevent the sale of alcoholic beverages under the circumstances described in this subsection or to evict the tenant. [Repealed.]~~

\* \* \*

(h) Definitions. As used in this section:

(1) “Apparently under the influence of alcohol” means a state of intoxication accompanied by a perceptible act or series of actions which that present signs of intoxication.

(2) “Injured person” means a spouse, child, guardian, employer, or other person, other than the intoxicated person, who is injured in person, property, or means of support by an intoxicated person or in consequence of the intoxication of any person.

(3) “Intoxicated person” means an intoxicated individual who caused injury to a person, a person’s property, or a person’s means of support.

(4) “Licensee” means the holder of a first-, third-, or fourth-class license under this title, and the license holder’s employees, who sells or furnishes alcohol to an intoxicated person.

(5) “Social host” means a person who is not the holder of a license or permit under this title and is not required to hold a license or permit under this title.

Sec. 2. 7 V.S.A. § 501 is amended to read:

§ 501. UNLAWFUL SALE OF ALCOHOLIC BEVERAGES; CIVIL

ACTION FOR DAMAGES

\* \* \*

(i) Liability insurance required. The Department of Liquor and Lottery, in consultation with the Department of Financial Regulation, shall adopt rules governing minimum policy requirements, including coverage amounts, for liquor liability insurance. Prior to the issuance or renewal of a first-, third-, or fourth-class license, the Department of Liquor and Lottery shall require each licensee or applicant to carry liquor liability insurance that meets minimum coverage requirements adopted by the Department.

\* \* \* Notice to Landlord of Licensee Violations \* \* \*

Sec. 3. 7 V.S.A. § 104 is amended to read:

§ 104. DUTIES; AUTHORITY TO RESOLVE ALLEGED VIOLATIONS

The Board shall supervise and manage the sale of spirits and fortified wines within the State in accordance with the provisions of this title, and through the Commissioner of Liquor and Lottery shall:

(1)(A) Ensure that the laws relating to alcohol and alcoholic beverages are enforced, using for that purpose as much of the monies annually available to the Board of Liquor and Lottery as may be necessary.

\* \* \*

(E) Ensure that the owner of a premises leased by a licensee is notified of licensee violations of alcoholic beverage laws.

\* \* \*

\* \* \* Effective Dates \* \* \*

Sec. 4. EFFECTIVE DATES

(a) This section and Secs. 1 and 3 shall take effect on July 1, 2023.

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

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; Third Reading Ordered**

**H. 178**

**Rep. Waters Evans of Charlotte**, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to commissioning Department of Corrections personnel as notaries public

Reported in favor of its passage.

**Rep. Taylor 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.

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**Adjournment**

At six o'clock and five minutes in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

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**Thursday, March 23, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rev. Jeff Fuller, Living Hope Wesleyan Church, Waterbury Center.

**Message from the Senate No. 30**

A message was received from the Senate by Ms. Kucserik, 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. 6.** An act relating to law enforcement interrogation policies.

**S. 65.** An act relating to commercial insurance coverage of epinephrine auto-injectors.

**S. 93.** An act relating to the sales tax exemption for advanced wood boilers.

**S. 104.** An act relating to designating August 31 as Overdose Awareness Day.

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. 19.** Joint resolution relating to State lands transactions in Jamaica State Park and Coolidge State Forest.

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. 3.** Joint resolution authorizing the Green Mountain Boys State educational program to use the State House facilities on June 29, 2023.

And has adopted the same in concurrence.

#### **House Bills Introduced**

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

#### **H. 487**

By Reps. LaLonde of South Burlington, Burke of Brattleboro, Ode of Burlington, Pajala of Londonderry, and Small of Winooski,

House bill, entitled

An act relating to Executive Branch officials' ethical misconduct

To the Committee on Government Operations and Military Affairs.

#### **H. 488**

By Rep. Nicoll of Ludlow,

House bill, entitled

An act relating to approval of the adoption of the charter of the Town of Ludlow

To the Committee on Government Operations and Military Affairs.

#### **Senate Bills Referred**

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

#### **S. 6**

Senate bill, entitled

An act relating to law enforcement interrogation policies

To the Committee on Judiciary.

#### **S. 65**

Senate bill, entitled

An act relating to commercial insurance coverage of epinephrine auto-injectors

To the Committee on Health Care.

**S. 93**

Senate bill, entitled

An act relating to the sales tax exemption for advanced wood boilers

To the Committee on Ways and Means.

**S. 104**

Senate bill, entitled

An act relating to designating August 31 as Overdose Awareness Day

To the Committee on General and Housing.

**Bills Referred to Committee on Appropriations  
Pending Entry on the Notice Calendar**

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. 282**

House bill, entitled

An act relating to the Psychology Interjurisdictional Compact

**H. 479**

House bill, entitled

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation

**H. 486**

House bill, entitled

An act relating to school construction

**Joint Resolution Referred to Committee**

**J.R.S. 19**

By Senate Committee on Institutions,

**J.R.S. 19.** Joint resolution relating to State lands transactions in Jamaica State Park and Coolidge State Forest.

*Whereas*, the Department of Forests, Parks and Recreation (the Department) owns and manages the Jamaica State Park (the Park) in Jamaica and the Coolidge State Forest (the Forest), which includes the Curtis Hollow Block in Woodstock, and

*Whereas*, Jamaica State Park, which is situated adjacent to the West River, includes the widely used West River Trail, and a segment of this trail passes across a 5.4-acre inholding that the Nancy J. Winslow Revocable Trust (the Trust) owns, and which is known as the Salmon Hole Lot (the Lot), and

*Whereas*, the public uses the Lot to access and picnic along the West River, and for bicycling, cross-country skiing, and hiking on the West River and Overlook Trails, which pass through the Lot, and Peter Winslow has agreed to acquire this parcel from the Trust, and

*Whereas*, Peter Winslow owns two non-contiguous parcels adjacent to the Park, and the Department recently discovered that development on one of the parcels encroaches on the Park, and

*Whereas*, the Department proposes to convey to Peter Winslow an approximately 24.7-acre parcel that is of little conservation or recreational value, which will resolve the encroachment, in exchange for the Department's acquisition of the Lot and an associated right-of-way easement across the West River Trail to access the Lot, and

*Whereas*, the Department will retain a right-of-way easement along Jacobs Road, across the property to be conveyed to Peter Winslow, to provide access to the Park for both public access and forest management, and

*Whereas*, Jaime Ellertson owns a 160-acre parcel that separates a segment of the Forest from another parcel of the Forest, and he also owns a second parcel that the Forest separates from his 160-acre parcel, and

*Whereas*, the 160-acre Ellertson parcel and the separated segment of the Forest are both landlocked and lacking in legal access, and the Vermont Land Trust (VLT) holds a conservation easement on the 160-acre Ellertson parcel that allows for the subdivision and development of one residential lot, and

*Whereas*, Jaime Ellertson has agreed to convey to the Department a 102-acre parcel and a 400-foot-wide right-of-way easement for a public recreational trail to the summit of Old Baldy Mountain, and, in exchange, the Department will convey to Jaime Ellertson a 102-acre parcel, subject to a conservation easement to be conveyed from the Department to VLT, and these transactions will eliminate the privately held subdivision and development right under the VLT easement, either through extinguishment or conveyance to the Department, resolve the access issues related to the 160-acre Ellertson parcel and the separated Forest parcel, and provide permanent public recreational access to the summit of Old Baldy Mountain, and

*Whereas*, 10 V.S.A. § 2606(b) authorizes the Commissioner of Forests, Parks and Recreation (the Commissioner) to sell, convey, exchange, or lease land, or interests in land, or to amend deeds, leases, and easement interests

subject to General Assembly approval, and both the Commissioner and the General Assembly find the following actions to be in the best interests of the State, *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 take the following actions:

First: With respect to Jamaica State Park: To convey to Peter Winslow a parcel of approximately 24.7 acres in the Town of Jamaica with certain deed restrictions prohibiting commercial and residential development and use and limiting use of the parcel to forestry, recreation, and vehicular access by Peter Winslow. In exchange for the conveyance of the Department, Peter Winslow will convey to the Department a parcel of approximately 5.4 acres, known as the Salmon Hole Lot, via a warranty deed, without restrictions on use other than commercial and residential restrictions that currently exist in the deed held by the Trust. The Department shall retain a right-of-way easement for forest management and public recreation purposes across the 24.7-acre parcel from or along Town Legal Trail 12 to access the Park.

Second: With respect to Coolidge State Forest: To convey to the Vermont Land Trust a conservation easement restricting development and use on a 102-acre parcel, which is part of the Curtis Hollow Block, to forestry, educational, recreational, and open-space purposes, and then to convey the parcel to Jaime Ellertson, subject to the conservation easement. In exchange for the conveyance of the currently Department-owned 102-acre parcel to Jaime Ellertson, he shall convey to the Department a separate 102-acre parcel adjacent to the Forest, subject only to the existing VLT easement, along with a 400-foot-wide right-of-way easement for a public recreation trail to the summit of Old Baldy Mountain. Additionally, Jaime Ellertson shall eliminate, either through conveyance or extinguishment, his existing right to subdivide and develop one residential lot on the 160-acre parcel, *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.

Was read by title, treated as a bill, and referred to the Committee on Corrections and Institutions pursuant to House Rule 52.

**Ceremonial Readings**

**H.C.R. 47**

House concurrent resolution honoring Rotary International for its continuing good works and congratulating the Burlington, Bellows Falls, Montpelier, St. Johnsbury, and Windsor Rotary Clubs on their centennial

Offered by: Representatives Nugent of South Burlington, Krasnow of South Burlington, Priestley of Bradford, Waters Evans of Charlotte, Andriano of Orwell, Arsenault of Williston, Austin of Colchester, Birong of Vergennes, Boyden of Cambridge, Brumsted of Shelburne, Buss of Woodstock, Campbell of St. Johnsbury, Casey of Montpelier, Chapin of East Montpelier, Chase of Chester, Chesnut-Tangerman of Middletown Springs, Conlon of Cornwall, Dolan of Essex Junction, Donahue of Northfield, Farlice-Rubio of Barnet, Galfetti of Barre Town, Garofano of Essex, Goslant of Northfield, Hango of Berkshire, Harrison of Chittenden, Holcombe of Norwich, Houghton of Essex Junction, Lalley of Shelburne, Leavitt of Grand Isle, McCann of Montpelier, McCoy of Poultney, McGill of Bridport, Minier of South Burlington, Morgan of Milton, Morrissey of Bennington, Mrowicki of Putney, Nicoll of Ludlow, Ode of Burlington, Page of Newport City, Rachelson of Burlington, Toleno of Brattleboro, Torre of Moretown, and White of Bethel

Offered by: Senator Chittenden

Whereas, Rotary International has strong Vermont roots as the convenor of the first Rotary meeting, held in Chicago on February 23, 1905, was Wallingford native Paul P. Harris, and

Whereas, the objective of Rotary “is to encourage and foster the ideal of service as a basis of worthy enterprise,” and

Whereas, in 1917, the leadership of Rotary International established the Rotary Foundation “for the purpose of doing good in the world,” and in 1921, “the advancement of peace and international goodwill” was added to the Rotary Constitution, and

Whereas, the mission of Rotary International is implemented through its international programs to fight life-threatening diseases, improve health care, provide clean water and sanitation systems, offer nutritional programs, and support literacy education, and through its Interact and student exchange youth programs, and

Whereas, in 2011, Rotary Clubs in Vermont were a major financial contributor to Tropical Storm Irene relief efforts, and

Whereas, 2023 marks the centennial of the chartering of the Burlington (the first in Vermont), Bellows Falls, Montpelier, St. Johnsbury, and Windsor Rotary Clubs, which are among the many now-operating Rotary Clubs in this international organization’s Districts 7850 and 7870, now therefore be it



Resolved by the Senate and House of Representatives:

That the General Assembly honors Rotary International for its continuing good works and congratulates the Burlington, Bellows Falls, Montpelier, and St. Johnsbury Rotary Clubs on their centennial, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the presidents of Rotary Districts 7850 and 7870, and to the Burlington, Bellows Falls, Montpelier, St. Johnsbury, and Windsor Rotary Clubs.

Having been adopted in concurrence on Friday, March 3, 2023 in accord with Joint Rule 16b, was read.

**H.C.R. 54**

House concurrent resolution honoring Bruce Sklar, Harwood Union Middle and High School jazz teacher extraordinaire

Offered by: Representatives Dolan of Waitsfield, Holcombe of Norwich, Stevens of Waterbury, Torre of Moretown, and Wood of Waterbury

Whereas, the exciting jazz melodies and rhythms created at Harwood Union Middle and High School resulted from the creativity of faculty member Bruce Sklar, and

Whereas, his interest in jazz began as a youngster in Newton, Massachusetts, where he grew up in a musically astute family, and

Whereas, the hours spent in the local Kota Audio store and the lessons absorbed from his first jazz teacher, Gene Ashton, later known as Cooper Moore, proved invaluable, and

Whereas, although an aspiring jazz musician, Bruce Sklar auditioned for entrance into the University of Massachusetts Amherst as a classical music student, as the jazz program, of which he was the first graduate, was only established after his admission, and

Whereas, his move to the Mad River Valley began with visits to friends' ski houses, regular trips to participate in Warren's Fourth of July celebration, and, eventually, to join the jazz band Pure Pressure, and

Whereas, in 1994, Chris Rivers, the Harwood music teacher, invited Bruce Sklar to teach jazz part-time at Harwood, and Bruce Sklar developed both high school and middle school jazz bands, and, in 1999, he became a full-time faculty member who taught students to synthesize their musical ideas, thereby not only producing great jazz players, but establishing an intellectual skill they have applied in amazing careers unrelated to music, and

Whereas, his jazz nights at Harwood were truly memorable musical collaborations and improvisations, and

Whereas, in the 2022–2023 academic year, Bruce Sklar is bidding farewell to Harwood Union Middle and High School, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors Bruce Sklar, Harwood Union Middle and High School jazz teacher extraordinaire, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Bruce Sklar.

Having been adopted in concurrence on Friday, March 17, 2023 in accord with Joint Rule 16b, was read.

### **H.C.R. 55**

House concurrent resolution honoring Chris Rivers on his transformative career as Harwood Union Middle and High School Music Department Chair

Offered by: Representatives Dolan of Waitsfield, Holcombe of Norwich, Stevens of Waterbury, Torre of Moretown, and Wood of Waterbury

Whereas, music studies at Harwood Union Middle and High School are renowned in large measure because of the innovative leadership of Chris Rivers, and

Whereas, his musical odyssey included the Crane School of Music at the State University of New York at Potsdam, from which he graduated, and continued with graduate studies at Florida State University, where he switched from a performance to a pedagogic focus and earned a master's degree in teaching, and

Whereas, as a trumpeter, Chris Rivers specialized in brass ensemble, and in leading the seventh grade, eighth grade, and high school bands at Harwood, as well as in teaching music theory and the history of rock and roll, the latter recently presented online for the Vermont Virtual Learning Cooperative, and

Whereas, he is responsible for an extensive private lesson program that both involves nine non-faculty instructors who teach lessons on clarinet, drums, guitar, trombone, trumpet, and other instruments and encourages participation regardless of a family's ability to afford an instrument, and

Whereas, problem-solving, discipline, and how to meet a challenge are essential lessons that Chris Rivers emphasizes in his classes, and

Whereas, after a stellar 33-year career at Harwood, Chris Rivers is concluding his teaching and school administrative duties and anticipates expanding his own performance schedule, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors Chris Rivers on his transformative career as Harwood Union Middle and High School Music Department Chair, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Chris Rivers.

Having been adopted in concurrence on Friday, March 17, 2023 in accord with Joint Rule 16b, was read.

### **Third Reading; Bill Passed**

#### **H. 178**

House bill, entitled

An act relating to commissioning Department of Corrections personnel as notaries public

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

### **Amendments Offered; Consideration Interrupted; Third Reading; Bill Passed**

#### **H. 230**

House bill, entitled

An act relating to implementing mechanisms to reduce suicide

Was taken up and, pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

#### Sec. 1. REPORT ON FIREARMS DEATHS

(a) On or before January 15, 2024, the Department of Public Safety, in collaboration with the Office of the Chief Medical Examiner and local law enforcement agencies, shall submit a report to the General Assembly that reviews information from calendar years 2018–2022 regarding all deaths that resulted from firearms. To the extent possible the report shall identify:

(1) whether the death was accidental, a homicide, a suicide, or unknown;

(2) the type of firearm used and how it was obtained, including whether it was:

(A) purchased within 72 hours before the death; and

(B) located within premises under a person's custody and control and, if so:

(i) whether it was securely stored; and

(ii) whether the premises was the person's residence;

(3) with respect to any death involving a person under 18 years old:

(A) the relationship between the owner of the firearm and the deceased person; and

(B) the relationship between the owner of the property where the firearm was located and the deceased person; and

(4) whether the deceased person was a person who was prohibited from possessing a firearm by state or federal law or by court order.

(b)(1) The review required by this section shall rely on all available existing records related to the death and on interviews of any persons identified in existing records as potentially having information about the source of the firearm used in the death if the source is not stated in any existing records.

(2) A person providing information in an interview pursuant to this section shall be immune from criminal prosecution for any disclosure of responsive information that indicates criminal activity may have occurred if there is no existing criminal investigation underway at the time of the disclosure. Information provided by a person in an interview pursuant to this section shall not be used in any civil action brought against that person related to the death.

(c) On or before January 31, 2024, the Office of Legislative Counsel shall review 2023 federal cases citing *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022) and provide a summary of U.S. Court of Appeals and U.S. Supreme Court decisions citing *Bruen* to the General Assembly.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Which was disagreed to.

Pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill as follows:

First: By striking out Sec. 4 in its entirety

Second: In Sec. 5, 13 V.S.A. § 4053, by striking out “family or household member” each time it appears and inserting in lieu thereof “law enforcement officer”

Third: In Sec. 6, 13 V.S.A. § 4054, by striking out “family or household member” each time it appears and inserting in lieu thereof “law enforcement officer”

and by renumbering the remaining sections to be numerically correct.

Which was disagreed to.

Pending third reading of the bill, **Rep. Morgan of Milton** moved to amend the bill as follows:

In Sec. 7, 13 V.S.A. § 4019a (Firearms Transfers; Waiting period), by inserting a new subsection (f) to read as follows:

(f) This section shall not apply to a firearm transfer if the transferee provides the licensed dealer facilitating the transfer with sales receipts or other documentation establishing that the transferee already owns firearms.

Which was disagreed to.

Pending third reading of the bill, **Rep. Morgan of Milton** moved to amend the bill as follows:

In Sec. 8 (Effective Date), by striking out “July 1, 2023” and inserting in lieu thereof “July 1, 2024”

Which was disagreed to.

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

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

Pending the question, Shall the bill be read a third time?, **Rep. Donahue of Northfield** moved to amend the bill by inserting a new Sec. 8 to read as follows:

Sec. 8. REPORT ON FIREARMS DEATHS

(a) On or before January 15, 2024, the Department of Public Safety, in collaboration with the Office of the Chief Medical Examiner and local law enforcement agencies, shall submit a report to the General Assembly that

reviews information from calendar years 2018–2022 regarding all deaths that resulted from firearms. To the extent possible the report shall identify:

(1) whether the death was accidental, a homicide, a suicide, or unknown;

(2) the type of firearm used and how it was obtained, including whether it was:

(A) purchased within 72 hours before the death; and

(B) located within premises under a person’s custody and control and, if so:

(i) whether it was securely stored; and

(ii) whether the premises was the person’s residence;

(3) with respect to any death involving a person under 18 years old:

(A) the relationship between the owner of the firearm and the deceased person; and

(B) the relationship between the owner of the property where the firearm was located and the deceased person; and

(4) whether the deceased person was a person who was prohibited from possessing a firearm by state or federal law or by court order.

(b)(1) The review required by this section shall rely on all available existing records related to the death and on interviews of any persons identified in existing records as potentially having information about the source of the firearm used in the death if the source is not stated in any existing records.

(2) A person providing information in an interview pursuant to this section shall be immune from criminal prosecution for any disclosure of responsive information that indicates criminal activity may have occurred if there is no existing criminal investigation underway at the time of the disclosure. Information provided by a person in an interview pursuant to this section shall not be used in any civil action brought against that person related to the death.

(c) On or before January 31, 2024, the Office of Legislative Counsel shall review 2023 federal cases citing *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022) and provide a summary of U.S. Court of Appeals and U.S. Supreme Court decisions citing *Bruen* to the General Assembly.

and by renumbering the remaining section to be numerically correct.

Pending the question, Shall the bill be amended 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 bill be amended as offered by Rep. Donahue of Northfield?, was decided in the negative.  
Yeas, 42. Nays, 104.

Those who voted in the affirmative are:

Bartley of Fairfax	Graham of Williamstown	Morrissey of Bennington
Beck of St. Johnsbury	Gregoire of Fairfield	Oliver of Sheldon
Branagan of Georgia	Hango of Berkshire	Page of Newport City
Brennan of Colchester	Harrison of Chittenden	Parsons of Newbury
Brownell of Pownal	Higley of Lowell	Peterson of Clarendon
Burditt of West Rutland	Labor of Morgan	Sammis of Castleton
Canfield of Fair Haven	Laroche of Franklin	Shaw of Pittsford
Chase of Colchester	Lipsky of Stowe	Sibilia of Dover
Clifford of Rutland City	Maguire of Rutland City	Smith of Derby
Demar of Enosburgh	Marcotte of Coventry	Taylor of Milton
Dickinson of St. Albans Town	Mattos of Milton	Toof of St. Albans Town
Donahue of Northfield *	McCoy of Poultney	Walker of Swanton
Galfetti of Barre Town	Morgan of Milton	Williams of Granby
Goslant of Northfield	Morris of Springfield	Wilson of Lyndon

Those who voted in the negative are:

Andrews of Westford	Dodge of Essex	Minier of South Burlington
Andriano of Orwell	Dolan of Essex Junction	Mrowicki of Putney
Anthony of Barre City	Dolan of Waitsfield	Nicoll of Ludlow
Arrison of Weathersfield	Durfee of Shaftsbury	Notte of Rutland City
Arsenault of Williston	Elder of Starksboro	Noyes of Wolcott
Austin of Colchester	Emmons of Springfield	Nugent of South Burlington
Bartholomew of Hartland	Farlice-Rubio of Barnet	O'Brien of Tunbridge
Berbeco of Winooski	Garofano of Essex	Ode of Burlington
Birong of Vergennes	Goldman of Rockingham	Pajala of Londonderry
Black of Essex	Graning of Jericho	Patt of Worcester
Bluemle of Burlington	Headrick of Burlington	Pearl of Danville
Bongartz of Manchester	Holcombe of Norwich	Pouech of Hinesburg
Bos-Lun of Westminster	Hooper of Randolph	Priestley of Bradford
Boyden of Cambridge	Hooper of Burlington	Rachelson of Burlington
Brady of Williston	Houghton of Essex Junction	Rice of Dorset
Brown of Richmond	Howard of Rutland City	Roberts of Halifax
Brumsted of Shelburne	Hyman of South Burlington	Satcowitz of Randolph
Burke of Brattleboro	James of Manchester	Scheu of Middlebury
Burrows of West Windsor	Jerome of Brandon	Sheldon of Middlebury
Buss of Woodstock	Kornheiser of Brattleboro	Sims of Craftsbury
Campbell of St. Johnsbury	Krasnow of South Burlington	Small of Winooski
Carpenter of Hyde Park	LaBounty of Lyndon	Squirrell of Underhill
Carroll of Bennington	Lalley of Shelburne	Stebbins of Burlington
Casey of Montpelier		Stevens of Waterbury
Chase of Chester		Stone of Burlington

Chesnut-Tangerman of Middletown Springs	LaLonde of South Burlington	Surprenant of Barnard Taylor of Colchester
Christie of Hartford	LaMont of Morristown	Templeman of Brownington
Cina of Burlington	Lanpher of Vergennes	Toleno of Brattleboro
Coffey of Guilford	Leavitt of Grand Isle	Torre of Moretown
Cole of Hartford	Logan of Burlington	Troiano of Stannard
Conlon of Cornwall	Long of Newfane	Waters Evans of Charlotte
Corcoran of Bennington	Masland of Thetford	White of Bethel
Cordes of Lincoln	McCarthy of St. Albans City	Whitman of Bennington
Demrow of Corinth	McFaun of Barre Town	Williams of Barre City
	McGill of Bridport	Wood of Waterbury
	Mihaly of Calais	

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

Chapin of East Montpelier	Mulvaney-Stanak of Burlington
McCann of Montpelier	

**Rep. Donahue of Northfield** explained her vote as follows:

“Madam Speaker:

What are we afraid of finding? That we made a mistake with this bill? This is data we should have had and is easy to gather. If not before passing major new laws affecting constitutional rights, then why not for next year, in order to refine and improve targeted responses and protect all Vermonters.”

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. 288**

House bill, entitled

An act relating to liability for the sale of alcoholic beverages

#### **H. 473**

House bill, entitled

An act relating to radiologist assistants

#### **H. 476**

House bill, entitled

An act relating to miscellaneous changes to law enforcement officer training laws



**Committee Bill; Second Reading; Third Reading Ordered****H. 481**

**Rep. Cina of Burlington** spoke for the Committee on Health Care.

House bill, entitled

An act relating to public health initiatives to address death by suicide

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; Third Reading Ordered****H. 482**

**Rep. Waters Evans of Charlotte** spoke for the Committee on Government Operations and Military Affairs.

House bill, entitled

An act relating to Vermont Criminal Justice Council recommendations for law enforcement officer training

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. 483**

House bill, entitled

An act relating to the accountability and oversight of approved independent schools that are eligible to receive public tuition

Was taken up and, pending second reading, on motion of **Rep. Conlon of Cornwall**, action on the bill was postponed until March 29, 2023.

**Second Reading; Bill Amended; Third Reading Ordered****H. 126**

**Rep. Sheldon of Middlebury**, for the Committee on Environment and Energy, 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 out 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 follows:

(i) changes in land and sea use;

(ii) direct exploitation of organisms;

(iii) climate change;

(iv) pollution, and

(v) 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 Adirondack 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 framework 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 maintain 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.

(13) The Vermont Housing Finance Agency's 2020 Housing Needs Assessment projected an urgent pre-pandemic need for new housing. Strategic investment in conservation is consistent with construction of housing in Vermont's villages and town centers.

(14) The land and waters, forests and farms, and ecosystems and natural communities in Vermont are the traditional and unceded home of the Abenaki people. Access to land and land-based enterprises has excluded Black, Indigenous, and Persons of Color (BIPOC) Vermonters and others from historically marginalized and disadvantaged communities in the centuries of European settlement. Efforts to increase land conservation must also include opportunities to increase access to land and land-based enterprise for

Indigenous People and all who come from historically marginalized and disadvantaged communities.

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 that 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 that 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 forestlands 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 degrade ecosystem function.

(5) “Conserved” means permanently protected and meeting the definition of ecological reserve area, biodiversity conservation area, or natural resource management area as defined in this section.

§ 2802. CONSERVATION VISION AND GOALS

(a) The vision of the State of Vermont is to maintain an ecologically functional landscape that sustains biodiversity, maintains landscape connectivity, promotes climate resilience, supports working farms and forests, provides opportunities for recreation and appreciation of the natural world, and supports the historic settlement pattern of compact villages surrounded by rural lands and natural areas.

(b) It is the goal of the State that 30 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 lead the

effort in achieving these goals. The land conserved shall include State, federal, municipal, and private land.

(c) Reaching 30 percent by 2030 and 50 percent by 2050 shall include a mix of ecological reserve areas, biodiversity conservation areas, and natural resource management areas. In order to support an ecologically functional and connected landscape with sustainable production of natural resources and recreational opportunities, the approximate percentages of each type of conservation category shall be guided by the principles of conservation science and the conservation targets within Vermont Conservation Design, prioritizing ecological reserve areas to protect highest priority natural communities and maintain or restore old forests.

#### § 2803. CONSERVED LAND INVENTORY

(a) On or before July 1, 2024, the Secretary, with assistance from the Vermont Housing and Conservation Board, shall create an inventory of Vermont's conserved land and conservation policies to serve as the basis of meeting the conservation goals of Vermont Conservation Design and to meet the goals established in section 2802 of this title. The inventory shall be submitted for review to the House Committees on Environment and Energy and on Agriculture, Food Resiliency, and Forestry and the Senate Committee on Natural Resources and Energy.

(b) The inventory shall include:

(1) a review of the three conservation categories defined in section 2801 of this title and suggestions for developing any modifications or additions to these categories that maintain the core concepts of ecological reserve areas, biodiversity conservation areas, and natural resource management areas in order to complete the conserved land inventory;

(2) the amount of conserved land in Vermont that fits into each of the three conservation categories defined in section 2801 of this title, including public and private land. The inventory shall also include other lands permanently protected from development by fee ownership or subject to conservation easements;

(3) a summary of the totality of conservation practices, both permanent and intermediate, 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;

(4) an assessment of how State lands will be used to increase conserved ecological reserve areas;

(5) the implementation methods that could be utilized for achieving the goals of this chapter using Vermont Conservation Design as a guide;

(6) an assessment of how water is protected in the State and how protection of aquatic systems may be addressed in the plan;

(7) how existing programs 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;

(8) an assessment of existing funding and recommendations for new funding sources that will be needed for acquisition of land, purchase or donation of conservation easements, staffing capacity, and long-term stewardship to meet the goals;

(9) an equity assessment of existing land protection and conservation strategies and programs; and

(10) an evaluation of the opportunities related to intergenerational land transfer trends and how the State could proactively direct resources to achieve conservation at the time of transfer.

#### § 2804. CONSERVATION PLAN

(a) On or before December 31, 2025, the Secretary, with assistance from the Vermont Housing and Conservation Board, shall develop a plan to implement the conservation goals of Vermont Conservation Design and to meet the goals established in section 2802 of this title. The plan shall be submitted for review to the House Committees on Environment and Energy and on Agriculture, Food Resiliency, and Forestry and the Senate Committee on Natural Resources and Energy.

(b) The plan shall include:

(1) a comprehensive strategy for achieving the goals of section 2802 of this title;

(2) the implementation methods for achieving the vision and goals of this chapter using Vermont Conservation Design as a guide; and

(3) recommendations to increase equitable access to protected and conserved lands and land-based enterprises.

(c) In developing the plan, the Secretary, with assistance from the Vermont Housing and Conservation Board, shall hold 12 or more public meetings on the plan between July 1, 2023 and December 31, 2025 to solicit input from stakeholders. Stakeholders shall include private owners of forestlands and agricultural lands, land trusts, conservation organizations, environmental organizations, working lands enterprises, outdoor recreation groups and

businesses, Indigenous groups and representatives from historically marginalized and disadvantaged communities, municipalities, regional planning commissions, conservation commissions, and relevant State and federal agencies. At least three of the meetings shall be designed to solicit comments from the general public.

(d) The conserved land inventory established in 2803 of this title shall be updated biennially to track progress toward meeting the goals of this chapter, which shall be publicly available, and the Secretary shall submit a report to the relevant committees on or before January 15 following each update.

#### Sec. 4. APPROPRIATION

The sum of \$75,000.00 is appropriated from the General Fund to the Vermont Housing and Conservation Board in fiscal year 2024 to support public education and outreach to inform the development of the statewide conservation plan. The funds shall be available for use for two years and shall support equitable engagement with community members from historically marginalized and disadvantaged communities, including costs for travel vouchers, food, and childcare where necessary to accommodate participation, as well as compensation for community members who might be asked to serve on more formal subcommittees and who would otherwise not be able to participate.

#### Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

**Rep. Squirrell of Underhill**, for the Committee on Appropriations, recommended that the report of the Committee on Environment and Energy be amended as follows:

In Sec. 4, appropriation, by striking out the second sentence.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Environment and Energy was amended as recommended by the Committee on Appropriations.

Pending the question, Shall the bill be amended as recommended by the Committee on Environmental and Energy, as amended?, **Reps. Durfee of Shaftsbury, Cole of Hartford, Graham of Williamstown, Leavitt of Grand Isle, Lipsky of Stowe, O'Brien of Tunbridge, Pearl of Danville, Surprenant of Barnard, and Templeman of Brownington** moved to amend the report of the Committee on Environmental and Energy, as amended, as follows:

First: In Sec.2, findings, by adding a new subdivision (5) to read as follows:

(5) In 2022 Acts and Resolves No. 183, Department of Forests, Park and Recreations was tasked with developing a Vermont Forest Future Strategic Roadmap to strengthen, modernize, promote, and protect the forest products sector, the greater forest economy, and 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 by renumbering the remaining subdivisions to be numerically correct.

Second: In Sec. 3, 10 V.S.A. chapter 89, in section 2803, in subsection (b), by striking out subdivisions (1) and inserting in lieu thereof a new subsection (1) to read as follows:

(1) a review of the three conservation categories defined in section 2801 of this title and suggestions for developing any modifications or additions to these categories that maintain or complement the core concepts of ecological reserve areas, biodiversity conservation areas, and natural resource management areas in order to complete the conserved land inventory and inform the comprehensive strategy in the conservation plan;

Third: In Sec. 3, 10 V.S.A. chapter 89, in section 2804, in subsection (b), by striking out subdivisions (1) through (3) and inserting in lieu thereof the following:

(1) a comprehensive strategy for achieving the goals of section 2802 of this title while continuing to conserve and protect Vermont's agricultural land, working forests, historic properties, recreational lands, and surface waters;

(2) the implementation methods for achieving the vision and goals of this chapter using Vermont Conservation Design as a guide;

(3) recommendations to increase equitable access to protected and conserved lands and land-based enterprises; and

(4) recommendations to implement the vision and goals of this chapter while also enhancing the State of Vermont's current investments and commitments to working lands enterprises, rural landowners, and the broad conservation mission implemented by the Secretary and VHCB, including conservation of agricultural land, working forests, historic properties, recreational lands, and surface waters.

**Rep. Long of Newfane** presiding.

Which was agreed to.

**Speaker** presiding.



Pending the question, Shall the bill be amended as recommended by the Committee on Environment and Energy, as amended?, **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 be amended as recommended by the Committee on Environment and Energy, as amended?, was decided in the affirmative. Yeas, 108. Nays, 36.

Those who voted in the affirmative are:

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

Those who voted in the negative are:

Bartley of Fairfax	Hango of Berkshire	Page of Newport City
Branagan of Georgia	Harrison of Chittenden	Parsons of Newbury
Brennan of Colchester	Higley of Lowell	Peterson of Clarendon
Burditt of West Rutland	Labor of Morgan	Sammis of Castleton
Canfield of Fair Haven	Laroche of Franklin	Shaw of Pittsford
Clifford of Rutland City	Lipsky of Stowe	Smith of Derby
Demar of Enosburgh	Maguire of Rutland City	Taylor of Milton
Dickinson of St. Albans Town	Mattos of Milton	Toof of St. Albans Town
Galfetti of Barre Town	McCoy of Poultney	Walker of Swanton
Goslant of Northfield	McFaun of Barre Town	Williams of Granby
Graham of Williamstown	Morgan of Milton	Wilson of Lyndon
Gregoire of Fairfield	Morrissey of Bennington	
	Oliver of Sheldon	

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

Marcotte of Coventry	Mulvaney-Stanak of	Stevens of Waterbury
McCann of Montpelier	Burlington	Templeman of Brownington

**Rep. James of Manchester** explained her vote as follows:

“Madam Speaker:

I voted yes in favor of H.126 because it sets the table for Vermonters to collaboratively identify, through a science-based approach, how and where we want to grow, how and where we want to preserve our State, for future generations.”

**Rep. Stebbins of Burlington** explained her vote as follows:

“Madam Speaker:

There is at least one thing that we all have in common: we love Vermont. I am proud to support H.126, which will aid us greatly as we balance ourselves with our green hills and silver waters.”

Thereupon, third reading was ordered.

### Recess

At five o'clock and thirty-one minutes in the evening, the Speaker declared a recess until the fall of the gavel.

At six o'clock and twelve minutes in the evening, the Speaker called the House to order.

**Second Reading; Bill Amended;  
Amendment Offered and Withdrawn; Third Reading Ordered**

**H. 66**

**Rep. Chesnut-Tangerman of Middletown Springs**, for the Committee on General and Housing, to which had been referred House bill, entitled

An act relating to paid family and medical leave insurance

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

Sec. 1. 21 V.S.A. § 471 is amended to read:

§ 471. DEFINITIONS

As used in this subchapter:

(1) “Commissioner” means the Commissioner of Labor.

(2) “Domestic partner” has the same meaning as in 17 V.S.A. § 2414.

(3) “Domestic violence” has the same meaning as in 15 V.S.A. § 1151.

(4) “Employer” means an individual, organization, or 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 which a person who for the purposes of parental leave and safe leave employs 10 or more individuals who are employed for an average of at least 30 hours per week during a year and for the purposes of family leave employs 15 or more individuals for an average of at least 30 hours per week during a year.

(2)(5) “Employee” means a person who, in consideration of direct or indirect gain or profit, has been continuously employed by the same employer for a period of one year for an average of at least 30 hours per week. For purposes of safe leave only, “employee” means a person who 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.

(3)(6) “Family leave” means a leave of absence from employment by an employee who works for an employer which employs 15 or more individuals who are employed for an average of at least 30 hours per week during the year for one of the following reasons:

(A) the serious ~~illness~~ health condition of the employee; or

~~(B) the serious illness~~ health condition of the employee's ~~child, stepchild or ward who lives with the employee, foster child, parent, spouse, or parent of the employee's spouse~~ family member.

~~(4)(7)~~ "Parental leave" means a leave of absence from employment by an employee who works for an employer which employs 10 or more individuals who are employed for an average of at least 30 hours per week during the year for one of the following reasons:

(A) the employee's pregnancy;

(B) recovery from childbirth or miscarriage;

~~(A)(C)~~ the birth of the employee's child and to care for or bond with the child within one year after the child's birth; or

~~(B)(D)~~ the initial placement of a child ~~16~~ 18 years of age or younger with the employee for the purpose of adoption or foster care and to care for or bond with the child within one year after the placement for adoption or foster care.

(8) "Family member" means:

(A) regardless of age, an employee's biological, adopted, or foster child; an employee's stepchild or legal ward; a child of the employee's spouse or civil union or domestic partner; a child to whom the employee stands in loco parentis; or an individual to whom the employee stood in loco parentis when the individual was under 18 years of age;

(B)(i) a parent of an employee or an employee's spouse or civil union or domestic partner, regardless of whether the relationship to the employee or employee's spouse or civil union or domestic partner is a biological, foster, adoptive, or step relationship;

(ii) a legal guardian of an employee or employee's spouse or civil union or domestic partner; or

(iii) a person who stands in loco parentis for the employee or who stood in loco parentis when the employee or employee's spouse or civil union or domestic partner was under 18 years of age;

(C) A person to whom the employee is legally married under the laws of any state or a civil union or domestic partner of an employee;

(D) A grandparent, grandchild, or sibling of the employee or the employee's spouse or civil union or domestic partner, regardless of whether the relationship to the employee or the employee's spouse or civil union or domestic partner is a biological, foster, adoptive, or step relationship; or

(E) As shown by the employee, any other individual with whom the employee has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship under the totality of the circumstances surrounding the relationship, including:

(i) evidence of shared financial responsibility, such as a shared lease, common ownership of property, joint liability for bills, and beneficiary designations;

(ii) evidence of responsibility for the other's personal well-being, including emergency contact designations or an advance directive, as that term is defined pursuant to 18 V.S.A. § 9701;

(iii) evidence showing an expectation of care created by the relationship or the prior provision of care, or both;

(iv) cohabitation for a period of at least six months or geographic proximity; and

(v) other similar evidence demonstrating a significant personal bond.

(9) "Health care provider" means a licensed health care provider or a health care provider as defined pursuant to 29 C.F.R. § 825.125.

(10) "In loco parentis" means a relationship in which an individual has day-to-day responsibilities to care for and financially support a child.

(11) "Safe leave" means a leave of absence from employment by an employee because:

(A) the employee or the employee's family member is a victim or alleged victim of domestic violence, sexual assault, or stalking;

(B) the employee is using the leave for one of the following reasons related to the domestic violence, sexual assault, or stalking:

(i) to seek or obtain medical care, counseling, or social or legal services, either for themselves or for a family member;

(ii) to recover from injuries;

(iii) to participate in safety planning, either for themselves or for a family member;

(iv) to relocate or secure safe housing, either for themselves or for a family member; or

(v) to meet with a State's Attorney or law enforcement officer; and

(C) the employee is not the perpetrator or alleged perpetrator of the domestic violence, sexual assault, or stalking.

~~(5)~~(12) “Serious illness health condition” means:

(A) an accident, illness, injury, disease, or physical or mental condition that:

(A)(i) poses imminent danger of death;

~~(B)~~(ii) requires inpatient care in a hospital, hospice, or residential medical care facility; or

~~(C)~~(iii) requires continuing ~~in-home care under the direction of~~ treatment by a physician health care provider; or

(B) rehabilitation from an accident, illness, injury, disease, or physical or mental condition described in subdivision (A) of this subdivision (12), including treatment for substance use disorder.

(13) “Sexual assault” has the same meaning as in 15 V.S.A. § 1151.

(14) “Stalking” has the same meaning as in 15 V.S.A. § 1151.

Sec. 2. 21 V.S.A. § 472 is amended to read:

§ 472. LEAVE

(a)(1) During any 12-month period, an employee shall be entitled to take unpaid leave for a period not to exceed 12 weeks:

~~(1)(A)~~ for parental leave, ~~during the employee’s pregnancy and following the birth of an employee’s child or within a year following the initial placement of a child 16 years of age or younger with the employee for the purpose of adoption;~~ or

~~(2)(B)~~ for family leave, ~~for the serious illness of the employee or the employee’s child, stepchild or ward of the employee who lives with the employee, foster child, parent, spouse, or parent of the employee’s spouse.~~

(2) In addition to the leave provided pursuant to subdivision (1) of this subsection, during any 12-month period an employee shall be entitled to take unpaid leave for a period not to exceed 12 weeks for safe leave.

(b) During the leave, at the employee’s option, the employee may use accrued sick leave ~~or~~, vacation leave ~~or~~, any other accrued paid leave, ~~not to exceed six weeks or short-term disability insurance or other insurance benefits.~~ Utilization of accrued paid leave or insurance benefits shall not extend the leave provided herein by this section.

\* \* \*

(d) The employer shall post and maintain in a conspicuous place in and about each of ~~his or her~~ its places of business printed notices of the provisions of this subchapter on forms provided by the Commissioner of Labor.

(e)(1) An employee shall give the employee's employer reasonable written notice of intent to take leave under this ~~subchapter~~ section. Notice shall include the date the leave is expected to commence and the estimated duration of the leave.

(2) In the case of the adoption or birth of a child, an employer shall not require that notice be given more than six weeks prior to the anticipated commencement of the leave.

(3) In the case of an unanticipated serious health condition, a miscarriage, an unanticipated need for safe leave, or a premature birth, the employee shall give the employer notice of the commencement of the leave as soon as practicable.

(4)(A) In the case of serious ~~illness~~ health condition of the employee or a member of the employee's family, an employer may require certification from a physician to verify the condition and the amount and necessity for the leave requested.

(B) An employer may require an employee to provide documentation of the need for safe leave. An employee may provide documentation from any one of the following sources:

(i) a court or a law enforcement or other government agency;

(ii) a domestic violence, sexual assault, or stalking assistance program;

(iii) a legal, clerical, medical, or other professional from whom the employee, or the employee's family member, received counseling or other assistance concerning domestic violence, sexual assault, or stalking; or

(iv) a self-certification of the employee's, or the employee's family member's, status as a victim of domestic violence, sexual assault, or stalking, signed under penalty of perjury, on a standard form adopted for that purpose by:

(I) a federal or State government entity, including the Vermont Department for Children and Families; or

(II) a nonprofit organization that provides support services to protected tenants.

(C) An employer shall not disclose any private medical information or information relating to a safe leave that the employer receives pursuant to this subdivision (4) except to the extent the disclosure is permitted by law and:

- (i) consented to by the employee in writing;
- (ii) required pursuant to a court order; or
- (iii) required pursuant to State or federal law.

(5) An employee may return from leave earlier than estimated upon approval of the employer.

(6) An employee shall provide reasonable notice to the employer of his or her the need to extend leave to the extent provided by this chapter.

(f) Upon return from leave taken under this subchapter, an employee shall be offered the same or comparable job at the same level of compensation, employment benefits, seniority, or any other term or condition of the employment existing on the day leave began. This ~~subchapter~~ subsection shall not apply if, prior to requesting leave, the employee had been given notice or had given notice that the employment would terminate. This subsection shall not apply if the employer can demonstrate by clear and convincing evidence that:

(1) during the period of leave the employee's job would have been terminated or the employee laid off for reasons unrelated to the leave or the condition for which the leave was granted; or

(2) the employee performed unique services and hiring a permanent replacement during the leave, after giving reasonable notice to the employee of intent to do so, was the only alternative available to the employer to prevent substantial and grievous economic injury to the employer's operation.

(g) An employer may adopt a leave policy more generous than the leave policy provided by this subchapter. Nothing in this subchapter shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement or any employment benefit program or plan ~~which that~~ that provides greater leave rights than the rights provided by this subchapter. A collective bargaining agreement or employment benefit program or plan may not diminish rights provided by this subchapter. ~~Notwithstanding the provisions of this subchapter, an employee may, at the time a need for parental or family leave arises, waive some or all the rights under this subchapter provided the waiver is informed and voluntary and any changes in conditions of employment related to any waiver shall be mutually agreed upon between employer and employee.~~



(h) Except for ~~the serious illness~~ health condition of the employee or safe leave when the employee is the victim or alleged victim, an employee who does not return to employment with the employer who provided the leave shall return to the employer the value of any compensation that the employer paid to or on behalf of the employee during the leave, except payments for accrued ~~sick leave or vacation leave~~. An employer may elect to waive the rights provided pursuant to this subsection.

Sec. 3. 21 V.S.A. § 471 is amended to read:

§ 471. DEFINITIONS

As used in this subchapter:

\* \* \*

(4) ~~“Employer” means a person who for the purposes of parental leave and safe leave employs 10 or more individuals who are employed for an average of at least 30 hours per week during a year and for the purposes of family leave employs 15 or more individuals for an average of at least 30 hours per week during a year~~ employs one or more individuals in Vermont.

(5) ~~“Employee” means a person who;~~

(A) ~~in consideration of direct or indirect gain or profit, has been continuously employed by the same employer;~~

(i) ~~for a period of one year for an average of at least 30 hours per week; or~~

(ii) ~~For purposes of safe leave only, “employee” means a person who 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; or~~

(B) is employed by an employer and, during at least two of the last four completed calendar quarters, has received payments with respect to services performed for any employer from which the employer is required to withhold Vermont income tax pursuant to 32 V.S.A. chapter 151, subchapter 4.

(6) ~~“Family leave” means a leave of absence from employment by an employee for one of the following reasons:~~

(A) ~~the serious health condition of the employee;~~

(B) ~~the serious health condition of the employee’s family member.~~

~~(7) “Parental leave” means a leave of absence from employment by an employee for one of the following reasons:~~

~~(A)(C) the employee’s pregnancy;~~

~~(B)~~(D) recovery from childbirth or miscarriage;

~~(C)~~(E) the birth of the employee's child and to care for or bond with the child within one year after the child's birth; or

~~(D)~~(F) the initial placement of a child 18 years of age or younger with the employee for the purpose of adoption or foster care and to care for or bond with the child within one year after the placement for adoption or foster care.

~~(8)~~(7) "Family member" means:

\* \* \*

~~(9)~~(8) "Health care provider" means a licensed health care provider or a health care provider as defined pursuant to 29 C.F.R. § 825.125.

~~(10)~~(9) "In loco parentis" means a relationship in which an individual has day-to-day responsibilities to care for and financially support a child.

~~(11)~~(10) "Safe leave" means a leave of absence from employment by an employee because:

\* \* \*

~~(12)~~(11) "Serious health condition" means:

\* \* \*

~~(13)~~(12) "Sexual assault" has the same meaning as in 15 V.S.A. § 1151.

~~(14)~~(13) "Stalking" has the same meaning as in 15 V.S.A. § 1151.

Sec. 4. 21 V.S.A. § 472 is amended to read:

§ 472. LEAVE

(a)(1) During any 12-month period, an employee shall be entitled to take unpaid leave for a period not to exceed 12 weeks:

~~(A)~~ for parental leave; or

~~(B)~~ for family leave.

(2) In addition to the leave provided pursuant to subdivision (1) of this subsection, during any 12-month period an employee shall be entitled to take unpaid leave for a period not to exceed 12 weeks for safe leave.

(b) During the leave, at the employee's option, the employee may use accrued sick leave, vacation leave, any other accrued paid leave, Family and Medical Leave Insurance benefits pursuant to chapter 26 of this Title, or short-term disability insurance or other insurance benefits. Utilization of accrued

paid leave, Family and Medical Leave Insurance benefits, or insurance benefits shall not extend the leave provided by this section.

\* \* \*

Sec. 5. 21 V.S.A. chapter 26 is added to read:

CHAPTER 26. FAMILY AND MEDICAL LEAVE INSURANCE

§ 2051. DIVISION OF FAMILY AND MEDICAL LEAVE; DIRECTOR

(a) The Division of Family and Medical Leave is established in the Office of the Treasurer to administer the Family and Medical Leave Insurance Program established pursuant to this chapter.

(b)(1) The Treasurer shall appoint a Director of the Division. The Director shall be a full-time State employee and exempt from the classified system and shall serve at the pleasure of the Treasurer.

(2) The Director shall be responsible for:

(A) the operation and supervision of the Division of Family and Medical Leave;

(B) the implementation of this chapter and any rules adopted pursuant to section 2063 of this chapter; and

(C) employing staff as necessary to implement and carry out the provisions of this chapter.

§ 2052. FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM;

SPECIAL FUND

(a) The Family and Medical Leave Insurance Program is established within the Division of Family and Medical Leave for the provision of Family and Medical Leave Insurance benefits to qualified individuals pursuant to the provisions of this chapter.

(b) The Family and Medical Leave Insurance Special Fund is created pursuant to 32 V.S.A. chapter 7, subchapter 5. The Fund may be expended by the Director and the Commissioner of Taxes for the administration of the Family and Medical Leave Insurance Program, for the payment of benefits provided pursuant to the provisions of this chapter, and for necessary costs incurred in administering the Fund. All interest earned on Fund balances shall be credited to the Fund.

(c) The Fund shall consist of:

(1) contributions collected pursuant to section 2053 of this chapter;

(2) amounts recovered or collected pursuant to sections 2061 and 2062 of this chapter; and

(3) any amounts appropriated to the Fund.

(d) The Director may seek and accept grants from any source, public or private, to be dedicated for deposit into the Fund.

#### § 2053. CONTRIBUTIONS; RATE; COLLECTION

(a) The following contribution rates shall apply to employees and enrolled self-employed individuals.

(1)(A) Contributions for employees shall equal 0.55 percent of each employee's covered wages.

(B) An employer may deduct and withhold up to one half of the contribution required for each employee from the employee's covered wages and shall remit the full amount of the contribution required for the employee to the Department of Taxes pursuant to the provisions of subsection (c) of this section.

(C) As used in this subdivision (1), the term "covered wages" means all wages paid to an employee by an employer up to an amount equal to two times the maximum Social Security Contribution and Benefit Base.

(2)(A) Contributions from enrolled self-employed individuals shall equal 0.55 percent of each enrolled self-employed individual's covered work income.

(B) As used in this subdivision (2), the term "covered work income" means self-employment work income earned by an enrolled self-employed individual in Vermont up to an amount equal to two times the maximum Social Security Contribution and Benefit Base.

(b)(1) Annually, on or before October 1, the Director shall establish the rate of contribution for the coming year. The Director shall annually set the rate so that it generates contributions in an amount equal to the sum of the projected amount necessary to provide benefits pursuant to this chapter during the next calendar year plus a reserve equal to at least nine months of the projected benefit payments for the next calendar year plus the projected cost to administer the Program during the next calendar year minus any balance projected to be remaining in the Fund from the prior calendar year.

(2) The rate of contribution shall be the same for the covered wages of employees and the covered work income of enrolled self-employed individuals and shall not exceed one percent.

(3) In the event that the Director determines that the rate of contribution for any calendar year shall be one percent, the Director shall, not more than 14 days after making the determination, submit a written report to the Joint Fiscal Committee, the House Committees on Appropriations, on General and Housing, and on Ways and Means, and the Senate Committees on Appropriations, on Economic Development, Housing and General Affairs, and on Finance that provides a detailed explanation of the reason for the increase, whether the rate is sufficient to pay the projected benefits and administrative costs during the next calendar year while maintaining the required reserve, the solvency of the Fund, and recommended legislative action to reduce the rate of contribution in the following calendar year.

(c)(1) The Commissioner of Taxes shall collect the contributions required pursuant to this section and shall deposit them into the Fund.

(2)(A) Employers shall withhold contributions pursuant to subdivision (a)(1) of this section from wages that employers pay to employees as if the contributions were Vermont income tax subject to the withholding requirements of 32 V.S.A. chapter 151, subchapter 4. The administrative and enforcement provisions of 32 V.S.A. chapter 151 shall apply to the contribution and withholding requirements under this section as if the contributions due pursuant to subdivision (a)(1) of this section were Vermont income tax.

(B) Employers shall be responsible for the full amount of any unpaid contributions due pursuant to subdivision (a)(1) of this section.

(3) Enrolled self-employed individuals shall make installment payments of estimated contributions pursuant to subdivision (a)(2) of this section from the enrolled self-employed individual's covered work income as if the contributions were Vermont income tax subject to the estimated payment requirements of 32 V.S.A. chapter 151, subchapter 5. The administrative and enforcement provisions of 32 V.S.A. chapter 151 shall apply to the estimated payment requirement under this section as if the contributions due pursuant to subdivision (a)(2) of this section were Vermont income tax.

(d) An employer with an approved private plan pursuant to section 2059 of this chapter shall not be required to withhold and pay contributions pursuant to this section.

#### § 2054. BENEFITS

(a)(1) A qualified individual shall be permitted to receive a total of not more than 12 weeks of benefits in a 12-month period for family and medical leave and safe leave taken by the employee.

(2) A qualified individual may use up to two out of the 12 weeks of benefits available to the individual during a 12-month period for bereavement leave.

(b) A qualified individual awarded benefits under this section shall receive 100 percent of the individual's average weekly earnings or an amount equal to the State average weekly wage determined pursuant to section 1338 of this title, whichever is less.

(c) A qualified individual may receive benefits for an intermittent leave or leave for a portion of a week. The benefit amount for an intermittent leave or leave for a portion of a week shall be calculated in increments of one full day or one-fifth of the qualified individual's weekly benefit amount.

(d) Benefits paid pursuant to this chapter may be used as wage replacement for a leave taken pursuant to section 472 of this title or the federal Family and Medical Leave Act, 29 U.S.C. §§ 2611–2654. The receipt of benefits paid pursuant to this chapter shall not extend the leave provided pursuant to section 472 of this title or the federal Family and Medical Leave Act.

#### § 2055. ELIGIBILITY

An individual shall be eligible to receive benefits pursuant to the provisions of this chapter if:

(1) the individual is an employee or an enrolled self-employed individual who:

(A) earned wages from which contributions were withheld pursuant to section 2053 of this chapter in two of the last four calendar quarters;

(B) made contributions to the Fund on covered work income that was earned during two of the last four calendar quarters; or

(C) both;

(2) the individual is unable to work because the individual:

(A) has a serious health condition;

(B) is caring for a family member with a serious health condition;

(C) is pregnant;

(D) is recovering from childbirth or miscarriage;

(E) is caring for a new child during the first year following the birth, adoption, or placement for foster care of that child;

(F) is taking safe leave; or

(G) is taking a bereavement leave; and

(3) the Director determines that the individual is not disqualified pursuant to section 2065 of this chapter.

#### § 2056. APPLICATION FOR BENEFITS

(a)(1) An employee or enrolled self-employed individual, or the employee's or enrolled self-employed individual's agent, may apply for benefits pursuant to this chapter by filing an application with the Division in a form approved by the Director.

(2) An employee or enrolled self-employed individual, or the employee's or enrolled self-employed individual's agent, shall, to the extent possible, submit documentation of the need for the leave together with the application filed pursuant to subdivision (1) or this subsection. The Director shall specify acceptable forms of documentation on the application form.

(b)(1) The Division shall review each application and any accompanying documentation and determine if the employee or enrolled self-employed individual is eligible to receive benefits pursuant to section 2055 of this chapter not later than five business days after the date the application is filed with the Division.

(2) Notwithstanding subdivision (1) of this subsection, the Director may extend the time in which to make a determination by not more than 15 business days if necessary to obtain documents or information that are needed to make the determination.

(c) An employee or enrolled self-employed individual may file an application for benefits up to 60 calendar days before an anticipated family and medical leave, safe leave, or bereavement leave or, in the event of a premature birth, an unanticipated serious health condition, safe leave or, the death of a family member within 60 calendar days after commencing a family and medical leave, safe leave, or bereavement leave.

#### § 2057. PAYMENT OF BENEFITS; TAX WITHHOLDING

(a) Benefits shall be paid to a qualified individual for the time period beginning on the day the qualified individual's leave began.

(b) A qualified individual's first benefit payment shall be sent within 14 calendar days after the qualified individual's claim is approved or the individual's leave begins, whichever is later, and subsequent payments shall be sent biweekly.

(c)(1) Except as otherwise provided pursuant to section 2062 of this chapter and subdivision (2) and (3) of this subsection, benefits paid pursuant to the provisions of this chapter shall not be assignable before payment and shall be exempt from all claims of creditors, and from levy, execution, attachment,

trustee process, and any other remedy provided for the recovery or collection of a debt.

(2)(A) An individual filing a new claim for benefits pursuant to this chapter shall, at the time of filing, notify the Division of whether the individual owes child support obligations.

(B) If, during the review of the individual's application, the Director determines that the individual has outstanding, unpaid child support obligations, the Director shall deduct and withhold an amount necessary to pay the outstanding, unpaid child support obligations from any benefits payable to the individual pursuant to this chapter and remit that amount to the appropriate child support enforcement agency. The amount deducted and withheld from an individual's benefits pursuant to this subdivision (B) shall not exceed 30 percent of the benefit payment to the individual.

(C) In the absence of any outstanding, unpaid child support obligation, an individual may request that the Director deduct and withhold a specified amount from the individual's benefits and remit that amount to the appropriate entity as payment of the individual's child support obligations.

(3) If an individual has outstanding Vermont State tax liability, the Director shall deduct and withhold the outstanding amount from the benefits payable to the individual pursuant to this chapter and remit it to the Commissioner of Taxes. The amount deducted and withheld from an individual's benefits pursuant to this subdivision shall not exceed 30 percent of the benefit payment to the individual.

(d)(1) An individual filing a claim for benefits pursuant to this chapter shall, at the time of filing, be advised that Family and Medical Leave Insurance benefits may be subject to income tax and that the individual's benefits may be subject to withholding.

(2) All procedures specified by 26 U.S.C. chapter 24 and 32 V.S.A. chapter 151, subchapter 4 pertaining to the withholding of income tax shall be followed in relation to the payment of benefits.

#### § 2058. ELECTIVE COVERAGE

(a) A self-employed individual may elect to obtain coverage through the Program for an initial period of three years by filing a notice of the election with the Division on a form provided by the Director.

(b) A self-employed individual who elects to obtain coverage pursuant to this section shall agree as a condition of obtaining coverage to provide to the Director and the Commissioner of Taxes any documentation of the self-employed individual's work income and any related information that the



Director, in consultation with the Commissioner of Taxes, determines is necessary.

(c)(1) An enrolled self-employed individual may terminate the coverage at the end of the initial three-year period by providing the Director with written notice of the termination at least 30 calendar days before the end of the period.

(2) An enrolled self-employed individual who does not terminate coverage at the end of the initial three-year period may terminate the coverage at the end of any succeeding annual period by providing the Director with written notice of the termination at least 30 calendar days before the end of the period.

(3) Notwithstanding subdivisions (1) and (2) of this subsection, an enrolled self-employed individual who becomes an employee or stops working in Vermont may elect to terminate coverage pursuant to this section by providing the Director with 30 calendar days' written notice in accordance with rules adopted by the Director.

(d) Nothing in this section shall be construed to prevent an individual who is both an employee and a self-employed individual from electing to obtain coverage pursuant to this section.

#### § 2059. EMPLOYER OPTION; PRIVATE PLAN

(a)(1) As an alternative to and in lieu of participating in the Program, an employer may, upon approval by the Director, comply with the requirements of this chapter through a private plan that provides to all of its employees benefits that are equal to or more generous than the benefits provided pursuant to this chapter.

(2) An employer may elect to provide such benefits by:

(A) establishing and maintaining to the satisfaction of the Director necessary self-insurance; or

(B) purchasing insurance coverage from an insurance carrier authorized to provide family and medical leave insurance in this State.

(b)(1) The Director shall approve a private plan under this section upon making a determination that it:

(A) provides leave for periods that are equal to or more generous than the leave provided pursuant to this chapter;

(B) provides coverage for all employees who would otherwise be eligible for benefits pursuant to this chapter;

(C) costs employees the same or less than the employees' portion of the contribution would be pursuant to subsection 2053(a) of this chapter;

(D) provides coverage for all forms of leave for which benefits may be paid pursuant to this chapter;

(E) provides wage replacement in an amount that is equal to or greater than the rate of wage replacement provided pursuant to section 2054 of this chapter;

(F) imposes no additional restrictions or conditions on the use of paid leave benefits beyond the restrictions and conditions that are established pursuant to this chapter and the rules adopted by the Director; and

(G) satisfies any additional requirements established in rules adopted by the Director in consultation with the Commissioner of Financial Regulation.

(2) Nothing in this section shall be construed to require the benefits provided by a private insurance or benefit plan to be identical to the benefits provided pursuant to this chapter.

(c)(1)(A) An employer shall submit an application to the Director for approval of a new or modified private plan on or before October 15 of the calendar year prior to when it is proposed to take effect.

(B) The Director shall make a determination and notify the employer of whether its application has been approved on or before December 1. If the application is approved, the Director shall also provide a copy of the notice to the Commissioner of Taxes on or before December 1.

(2) Following the approval of its private plan, an employer shall cease to participate in the Program beginning on the next January 1 and the approval shall remain in effect until it is terminated pursuant to subdivision (3) of this subsection.

(3) An employer with an approved private plan may terminate the approval effective January 1 of any year by filing notice of termination with the Director and the Commissioner of Taxes on or before November 1 of the prior year.

(d) A contested determination or a denial of benefits under a private plan approved pursuant to this section shall be subject to appeal pursuant to section 2060 of this chapter.

(e)(1) The Director may terminate the approval of a private plan approved pursuant to this section if the Director determines that the terms and conditions of the plan have been violated, including if the plan:

(A) fails to pay benefits in a timely manner or in a manner that is consistent with the plan's terms;

(B) misuses private plan funds;

(C) fails to submit required reports to the Director; or

(D) fails to comply with any applicable provisions of law or with rules adopted by the Director.

(2) The Director shall provide notice to the employer of the proposed termination that includes the date on which the approval will terminate and the reason for the termination.

(3) An employer may appeal the termination to the Director in accordance with rules adopted by the Director.

(f) Each employee covered by an approved private plan on the date it is terminated shall, for purposes of determining eligibility for benefits pursuant to the provisions of this chapter, be treated as if the employer had paid contributions for that employee pursuant to the provisions of section 2053 of this chapter throughout the period of the employee's employment with the employer.

#### § 2060. APPEALS

(a)(1) An employer or individual aggrieved by a decision of the Director relating to eligibility for benefits, the amount of benefits that a qualified individual is entitled to receive, or the amount of contributions due may file with the Director a petition for reconsideration within 30 calendar days after receipt of the decision. The petition shall set forth in detail the grounds upon which it is claimed that the decision is erroneous and may include materials supporting that claim.

(2) If an employer petitions the Director to reconsider a decision relating to an application for benefits or the amount of benefits that a qualified individual is entitled to receive, the Director shall promptly notify the individual who applied for the benefits of the petition by ordinary, certified, or electronic mail and provide the individual with an opportunity to file an answer to the employer's petition.

(3) The Director shall promptly notify the employer or individual, or both, as appropriate, of the Director's decision by ordinary, certified, or electronic mail.

(b) An employer or individual aggrieved by the Director's decision on reconsideration may file an appeal with the Supreme Court within 30 calendar days after receiving the decision.

(c) Any determination, redetermination, finding of fact, conclusion of law, decision, order, or judgment entered or made pursuant to this section shall only be binding on the Division and all parties in that proceeding and is not binding, conclusive, or admissible in any separate or subsequent action between an individual and any other party brought before an arbitrator, court, or judge of this State or of the United States, regardless of whether the prior proceeding was between the same or related parties or involved the same facts.

§ 2061. FALSE STATEMENT OR REPRESENTATION; PENALTY

(a)(1) An individual who intentionally makes a false statement or representation for the purpose of obtaining any benefit or payment or to avoid payment of any required contributions under the provisions of this chapter, whether for themselves or for any other person, after notice and opportunity for hearing, shall be prohibited from receiving benefits pursuant to this chapter for a period of not less than one year and not more than three years as determined to be appropriate by the Director.

(2) The penalty imposed pursuant to this section shall be in addition to any liability incurred by the individual pursuant to section 2062 of this chapter.

(b) A person who intentionally makes a false statement to avoid payment of any required contributions under the provisions of this chapter shall, after notice and an opportunity for a hearing, be liable for:

- (1) the full amount of unpaid contributions; and
- (2) an administrative penalty of not more than \$5,000.00.

(c)(1) The administrative penalty imposed pursuant to subsection (b) of this section may be collected in a civil action in Superior Court brought in the name of the Director. If the action is successful, the Director shall be entitled to recover the Division's costs and reasonable attorney's fees incurred in bringing the action.

(2) Any amounts recovered and any penalties collected pursuant to this section shall be deposited in the Fund.

§ 2062. OVERPAYMENT OF BENEFITS; COLLECTION

(a)(1) Any individual who by nondisclosure or misrepresentation of a material fact, by either the individual or another person, receives benefits that the individual is not eligible to receive shall be liable to repay to the Division the amount received in excess of the amount, if any, that the individual is eligible to receive.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, the Director shall waive an overpayment if it was:

(A) caused by the Division's mistake or an unintentional error or omission by another person; and

(B) the Director determines that requiring repayment would be against equity and good conscience.

(3) Upon determining that an individual is liable for an overpayment of benefits pursuant to subdivision (1) of this subsection, the Director shall provide the individual with notice of the determination. The notice shall include a statement that the individual is liable to repay to the Division the amount of overpaid benefits and shall identify the basis of the overpayment and the time period in which the benefits were paid. The notice shall also provide information regarding the individual's right to appeal the determination pursuant to the provisions of section 2060 of this chapter.

(4) The determination shall be made within not more than three years after the date of the overpayment.

(b)(1) An individual liable under this section shall repay the overpaid amount to the Director for deposit into the Fund.

(2) The Director may collect the amounts due under this section in a civil action in the Superior Court.

(3) An individual may, at any time, request that the Director reduce or waive the amount for which the individual is liable pursuant to subsection (a) of this section. Upon receipt of a request, the Director may reduce or waive the amount for which an individual is liable for good cause or as the Director deems appropriate and just.

(c) If an individual is liable to repay any amount pursuant to this section, the Director may withhold, in whole or in part, any future benefits payable to the individual pursuant to this chapter and credit the withheld benefits against the amount due from the individual until it is repaid in full.

(d) In addition to the remedy provided pursuant to this section, an individual who intentionally misrepresented or failed to disclose a material fact with respect to the individual's claim for benefits may be subject to the penalties provided pursuant to section 2061 of this chapter.

#### § 2063. RULEMAKING

(a) The Commissioner of Taxes, in consultation with the Director, shall adopt rules as necessary to implement the provisions of this chapter related to the collection of contributions pursuant to section 2053 of this chapter.

(b) The Director shall adopt rules as necessary to implement all other provisions of this chapter.

§ 2064. CONFIDENTIALITY OF INFORMATION

(a) Information obtained from an employer or individual in the administration of this chapter and determinations of an individual's right to receive benefits that reveal an employer's or individual's identity in any manner shall be kept confidential and shall be exempt from public inspection and copying under the Public Records Act. Such information shall not be admissible as evidence in any action or proceeding other than one brought pursuant to the provisions of this chapter.

(b) Notwithstanding subsection (a) of this section:

(1) an individual or the individual's agent may be provided with information to the extent necessary for the proper presentation of the individual's claim for benefits or to inform the individual of the individual's existing or prospective rights to benefits; and

(2) an employer may be provided with information that the Director or the Commissioner of Taxes determines is necessary to enable the employer to discharge fully its obligations and protect its rights under this chapter.

§ 2065. DISQUALIFICATIONS

(a) An individual shall be disqualified from receiving benefits for any week in which the individual has received:

(1)(A) compensation for temporary total disability under the workers' compensation law of any state or under a similar law of the United States; or

(B) compensation for temporary partial disability related to the serious health condition for which the individual is seeking benefits pursuant to this chapter; or

(2) unemployment compensation benefits under the law of any state.

(b) An individual shall be disqualified from receiving benefits for any day in which the individual has received:

(1) wages; or

(2) remuneration for vacation leave, sick leave, or any other accrued paid leave.

§ 2066. PROTECTION FROM RETALIATION OR INTERFERENCE

(a) An employer shall not discharge or in any other manner retaliate against an employee who exercises or attempts to exercise the rights provided pursuant to this chapter. The provisions against retaliation in subdivision 495(a)(8) of this title shall apply to this chapter.

(b) An employer shall not interfere with, restrain, or otherwise prevent an employee from exercising or attempting to exercise the employee's rights pursuant to this chapter.

(c) An employer shall not treat any leave for which benefits are provided pursuant to this chapter as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse employment action.

(d) An employee aggrieved by a violation of the provisions of this section may bring an action in Superior Court seeking compensatory and punitive damages or equitable relief, including restraint of prohibited acts, restitution of wages or other benefits, reinstatement, costs, reasonable attorney's fees, and other appropriate relief.

#### § 2067. NOTICE

(a) An employer shall post and maintain in a conspicuous place in and about each of its places of business printed notices of the provisions of this chapter on forms provided by the Director.

(b) An employer shall provide written notice of the provisions of this chapter to new employees within 30 calendar days after the date on which they are hired.

#### § 2068. EMPLOYER OBLIGATIONS; EMPLOYEE RIGHTS

(a) Nothing in this chapter shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement, employer policy, or employment agreement that provides more generous benefits than the benefits provided pursuant to this chapter.

(b) Nothing in this chapter shall be construed to diminish any rights, privileges, and protections provided to an employee pursuant to a collective bargaining agreement, employer policy, or employment agreement.

(c)(1) An employee taking family and medical leave shall be entitled to all of the rights and protections provided pursuant to section 472 of this title and the federal Family and Medical Leave Act, 29 U.S.C. §§ 2611–2654.

(2) An employee taking safe leave shall be entitled to all of the rights and protections provided pursuant to section 472d of this title.

(d) Any agreement to waive the rights and protections provided to an employee pursuant to this chapter shall be void.

(e) An employee taking bereavement leave for which benefits are paid pursuant to this chapter shall be entitled to the following rights and protections:

(1) Upon return from the leave, the employee shall be offered the same or a comparable job at the same level of compensation, employment benefits, seniority, or any other term or condition of the employment existing on the day the leave began.

(A) The provisions of this subdivision (1) shall not apply if, prior to requesting leave, the employee had been given notice or had given notice that the employment would terminate.

(B) The provisions of this subdivision (1) shall not apply if the employer can demonstrate by clear and convincing evidence that:

(i) during the period of leave the employee's job would have been terminated or the employee laid off for reasons unrelated to the leave; or

(ii) the employee performed unique services and hiring a permanent replacement during the leave, after giving reasonable notice to the employee of intent to do so, was the only alternative available to the employer to prevent substantial and grievous economic injury to the employer's operation.

(2) The employer shall continue the employee's employment benefits for the duration of the leave at the level and under the conditions coverage would be provided if the employee continued in employment continuously for the duration of the leave. The employer may require that the employee contribute to the cost of the employment benefits during the leave at the existing rate of employee contribution.

#### § 2069. DEFINITIONS

As used in this chapter:

(1) "Agent" means an individual who holds a valid power of attorney for an employee or self-employed individual or another legal authorization to act on the employee or self-employed individual's behalf that is acceptable to the Director.

(2) "Average weekly earnings" means the sum of a qualified individual's wages, if any, upon which contributions have been paid pursuant to section 2053 of this chapter during the individual's two highest-earning quarters plus the qualified individual's self-employment income, if any, upon which contributions have been paid pursuant to section 2053 of this chapter during the individual's two highest-earning quarters divided by 26.



(3) “Benefits” means Family and Medical Leave Insurance benefits provided pursuant to this chapter.

(4) “Bereavement leave” means a leave of absence from employment or self-employment by an individual due to the death of the individual’s family member that occurs not more than one year after the family member’s death. Bereavement leave includes leave taken in relation to the administration or settlement of the deceased family member’s estate. Leave taken in relation to the administration or settlement of the deceased family member’s estate may occur more than one year after the family member’s death.

(5) “Director” means the Director of the Division of Family and Medical Leave.

(6) “Division” means the Division of Family and Medical Leave in the Office of the Treasurer.

(7) “Domestic partner” has the same meaning as in 17 V.S.A. § 2414.

(8) “Domestic violence” has the same meaning as in 15 V.S.A. § 1151.

(9) “Employee” means an individual who receives payments with respect to services performed for an employer from which the employer is required to withhold Vermont income tax pursuant to 32 V.S.A. chapter 151, subchapter 4.

(10) “Employer” means a person who employs one or more employees.

(11) “Enrolled self-employed individual” means a self-employed individual who has obtained coverage under the Program pursuant to section 2058 of this chapter.

(12) “Family and medical leave” means a leave of absence from employment or from self-employment by a qualified individual for one of the following reasons:

(A) the qualified individual’s own serious health condition;

(B) to care for a family member with a serious health condition;

(C) the qualified individual’s pregnancy;

(D) recovery from childbirth or miscarriage;

(E) the birth of the qualified individual’s child and to care for or bond with the qualified individual’s child within one year after the child’s birth;

(F) the initial placement of a child 18 years of age or younger with the qualified individual for the purpose of adoption or foster care and to care for or bond with the child within one year after the placement for adoption or foster care; or

(G) a qualifying exigency arising out of a qualified individual's family member's active duty service in the U.S. Armed Forces or notice of an impending call or order to active duty in the U.S. Armed Forces.

(13) "Family member" means:

(A) regardless of age, a qualified individual's biological, adopted, or foster child; a qualified individual's stepchild or legal ward; a child of the qualified individual's spouse or civil union or domestic partner; a child to whom the qualified individual stands in loco parentis; or an individual to whom the qualified individual stood in loco parentis when the individual was under 18 years of age;

(B)(i) a parent of a qualified individual or qualified individual's spouse or civil union or domestic partner, regardless of whether the relationship to the qualified individual or qualified individual's spouse or civil union or domestic partner is a biological, foster, adoptive, or step relationship;

(ii) a legal guardian of a qualified individual or qualified individual's spouse or civil union or domestic partner; or

(iii) a person who stands in loco parentis for the qualified individual or who stood in loco parentis when the qualified individual or qualified individual's spouse or civil union or domestic partner was under 18 years of age;

(C) a person to whom the qualified individual is legally married under the laws of any state or a civil union or domestic partner of a qualified individual;

(D) a grandparent, grandchild, or sibling of the qualified individual or qualified individual's spouse or civil union or domestic partner, regardless of whether the relationship to the qualified individual or the qualified individual's spouse or civil union or domestic partner is a biological, foster, adoptive, or step relationship; or

(E) as shown by the qualified individual, any other individual with whom the qualified individual has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship, under the totality of the circumstances surrounding the relationship, including:

(i) evidence of shared financial responsibility, such as a shared lease, common ownership of property, joint liability for bills, and beneficiary designations;

(ii) evidence of responsibility for the other's personal well-being, including emergency contact designations or an advance directive, as that term is defined pursuant to 18 V.S.A. § 9701;

(iii) evidence showing an expectation of care created by the relationship or the prior provision of care, or both;

(iv) cohabitation for a period of at least six months or geographic proximity; and

(v) other similar evidence demonstrating a significant personal bond.

(14) "Health care provider" means a licensed health care provider or a health care provider as defined pursuant to 29 C.F.R. § 825.125.

(15) "Highest earning quarters" means the two calendar quarters of the last four completed calendar quarters when an individual earned the highest combined total of wages upon which contributions were paid pursuant to section 2053 of this chapter and self-employment income upon which contributions were paid pursuant to section 2053 of this chapter.

(16) "In loco parentis" means a relationship in which an individual has day-to-day responsibilities to care for and financially support a child.

(17) "Program" means the Family and Medical Leave Insurance Program created pursuant to this chapter.

(18) "Qualified individual" means an employee or enrolled self-employed individual who:

(A) satisfies the eligibility requirements established pursuant to section 2056 of this chapter; and

(B) has submitted an application and all necessary documentation of the need for the leave pursuant to section 2057 of this chapter.

(19) "Qualifying exigency" means a qualifying exigency related to active duty service in the U.S. Armed Forces that is identified pursuant to 29 C.F.R. § 825.126.

(20) "Safe leave" means a leave of absence from employment or self-employment by a qualified individual because:

(A) the qualified individual or the qualified individual's family member is a victim of domestic violence, sexual assault, or stalking;

(B) the qualified individual is using the leave for one of the following reasons related to the domestic violence, sexual assault, or stalking:

(i) to seek or obtain medical care, counseling, or social or legal services, either for themselves or for a family member;

(ii) to recover from injuries;

(iii) to participate in safety planning, either for themselves or for a family member;

(iv) to relocate or secure safe housing, either for themselves or for a family member; or

(v) to meet with a State's Attorney or law enforcement officer;  
and

(C) the qualified individual is not the alleged perpetrator of the domestic violence, sexual assault, or stalking.

(21) "Self-employed individual" means a sole proprietor or partner owner of an unincorporated business, the sole member of an LLC, or the sole shareholder of a corporation.

(22) "Self-employment income" has the same meaning as in 26 U.S.C. § 1402.

(23) "Serious health condition" means:

(A) an accident, illness, injury, disease, or physical or mental condition that:

(i) poses imminent danger of death;

(ii) requires inpatient care in a hospital, hospice, or residential medical care facility; or

(iii) requires continuing treatment by a health care provider; or

(B) rehabilitation from an accident, illness, injury, disease, or physical or mental condition described in subdivision (A) of this subdivision (23), including treatment for substance use disorder.

(24) "Sexual assault" has the same meaning as in 15 V.S.A. § 1151.

(25) "Stalking" has the same meaning as in 15 V.S.A. § 1151.

(26) "U.S. Armed Forces" means:

(A) the U.S. Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard;

(B) a reserve component of the U.S. Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard; or

(C) the National Guard of any state.

(27) “Wages” means payments that are included in the definition of wages set forth in 26 U.S.C. § 3401.

Sec. 6. 32 V.S.A. § 3102(e) is amended to read:

(e) The Commissioner may, in the Commissioner’s discretion and subject to such conditions and requirements as the Commissioner may provide, including any confidentiality requirements of the Internal Revenue Service, disclose a return or return information:

\* \* \*

(22) To the Treasurer and to the Director of the Division of Family and Medical Leave, provided the return or return information relates to the provision of family and medical leave insurance under 21 V.S.A. chapter 26.

Sec. 7. ADOPTION OF RULES

(a) On or before April 1, 2025, the Director of the Division of Family and Medical Leave shall adopt rules necessary to implement the provisions of 21 V.S.A. chapter 26.

(b) On or before April 1, 2025, the Commissioner of Taxes, in consultation with the Director of the Division of Family and Medical Leave, shall adopt rules as necessary to carry out the provisions of 21 V.S.A. § 2053.

Sec. 8. EDUCATION AND OUTREACH

(a) On or before June 1, 2025, the Director of the Division of Family and Medical Leave shall develop and make available on the Division’s website information and materials to educate and inform employers and employees about the Family and Medical Leave Insurance Program established pursuant to 21 V.S.A. chapter 26.

(b) The Director shall make available translations of all information and materials created pursuant to subsection (a) of this section on the Division’s website in the five most commonly spoken languages in Vermont after English.

(c) The Division’s website shall be accessible to individuals with disabilities in accordance with WCAG 2.1 AA or a similar updated standard.

Sec. 9. APPROPRIATION; ADVANCE PAYMENT OF STATE  
CONTRIBUTIONS

(a) The amount of \$20,000,000.00 is appropriated to the Family and Medical Leave Insurance Special Fund from the General Fund.

(b) The amount appropriated pursuant to subsection (a) of this section shall be considered an advance payment of the State's portion of the contributions due for State employees pursuant to 21 V.S.A. § 2053(a). The State shall receive a credit against the contributions due from the State pursuant to 21 V.S.A. § 2053 equal to 100 percent of the State's portion of the contributions due until the cumulative amount of the credit equals the amount appropriated pursuant to subsection (a) of this section.

Sec. 10. ADEQUACY OF RESERVES; REPORT

Annually, on or before January 15, 2026, 2027, 2028, and 2029, the Director of the Division of Family and Medical Leave, in consultation with the Commissioners of Finance and Management, of Financial Regulation, and of Taxes, shall submit a written report to the House Committees on Appropriations; on General and Housing; and on Ways and Means and the Senate Committees on Appropriations; on Economic Development, Housing and General Affairs; and on Finance regarding the amount and adequacy of the reserves in the Family and Medical Leave Insurance Special Fund and any recommendations for legislative action necessary to ensure that an adequate reserve is maintained in the Fund.

Sec. 11. PRIVATE PLANS; INITIAL APPROVAL

(a) An employer wishing to utilize a private plan to meet the employer's obligations pursuant to 21 V.S.A. chapter 26 beginning on October 1, 2026 shall submit an application for approval of a private plan on or before October 15, 2025.

(b) The Director of the Division of Family and Medical Leave shall review the proposed plan as provided pursuant to the provisions of 21 V.S.A. § 2059.

(c) An employer that receives approval for a private plan pursuant to this section shall:

(1) beginning on January 1, 2026, be exempt from withholding and paying contributions as provided pursuant to 21 V.S.A. 2053(d);

(2) notwithstanding any provision of 21 V.S.A. § 2059 to the contrary, begin providing benefits pursuant to the private plan on or before October 1, 2026; and

(3) on or before January 15, 2026, be reimbursed by the Director for any contributions that the employer paid for the calendar quarters ending September 30, 2025 and December 31, 2025.

Sec. 12. EFFECTIVE DATES

(a) This section and Secs. 1, 2, 5, 6, 7, 8, 9, 10, and 11 shall take effect on July 1, 2023.

(b) Secs. 3 and 4 shall take effect on October 1, 2026.

(c) Contributions shall begin to be paid pursuant to 21 V.S.A. § 2053 on July 1, 2025, and, beginning on October 1, 2026, employees may begin to apply for and receive benefits pursuant to 21 V.S.A. chapter 26.

**Rep. Demrow of Corinth**, for the Committee on Ways and Means, recommended that the report of the Committee on General and Housing be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Leave from Employment \* \* \*

Sec. 1. 21 V.S.A. § 471 is amended to read:

§ 471. DEFINITIONS

As used in this subchapter:

(1) “Bereavement leave” means a leave of absence from employment or self-employment by an individual due to the death of the individual’s family member that occurs not more than one year after the family member’s death. Bereavement leave includes leave taken in relation to the administration or settlement of the deceased family member’s estate. Leave taken in relation to the administration or settlement of the deceased family member’s estate may occur more than one year after the family member’s death.

(2) “Commissioner” means the Commissioner of Labor.

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

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

(B) are at least 18 years of age;

(C) are not married to or considered a domestic partner of another individual;

(D) are not related by blood closer than would bar marriage under State law; and

(E) have agreed between themselves to be responsible for each other's welfare.

(4) "Domestic violence" has the same meaning as in 15 V.S.A. § 1151.

~~(5) "Employer" means an individual, organization, or 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 which~~ a person who for the purposes of parental leave, bereavement leave, safe leave, and leave for a qualifying exigency employs 10 or more individuals who are employed for an average of at least 30 hours per week during a year and for the purposes of family leave employs 15 or more individuals for an average of at least 30 hours per week during a year.

~~(2)(6) "Employee" means a person who, in consideration of direct or indirect gain or profit, has been continuously employed by the same employer for a period of one year for an average of at least 30 hours per week. For~~ purposes of safe leave only, "employee" means a person who 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.

~~(3)(7) "Family leave" means a leave of absence from employment by an employee who works for an employer which employs 15 or more individuals who are employed for an average of at least 30 hours per week during the year for one of the following reasons:~~

(A) ~~the serious illness~~ health condition of the employee; or

(B) ~~the serious illness~~ health condition of the employee's ~~child, stepchild or ward who lives with the employee, foster child, parent, spouse, or parent of the employee's spouse~~ family member.

~~(4)(8) "Parental leave" means a leave of absence from employment by an employee who works for an employer which employs 10 or more individuals who are employed for an average of at least 30 hours per week during the year for one of the following reasons:~~

(A) the employee's pregnancy;

(B) recovery from childbirth or miscarriage;

(C) the birth of the employee's child and to care for or bond with the child within one year after the child's birth; or



(B)(D) the initial placement of a child 16 18 years of age or younger with the employee for the purpose of adoption or foster care and to care for or bond with the child within one year after the placement for adoption or foster care.

(9) “Family member” means:

(A) regardless of age, an employee’s biological, adopted, or foster child; an employee’s stepchild or legal ward; a child of the employee’s spouse or civil union or domestic partner; a child to whom the employee stands in loco parentis; or an individual to whom the employee stood in loco parentis when the individual was under 18 years of age;

(B)(i) a parent of an employee or an employee’s spouse or civil union or domestic partner, regardless of whether the relationship to the employee or employee’s spouse or civil union or domestic partner is a biological, foster, adoptive, or step relationship;

(ii) a legal guardian of an employee or employee’s spouse or civil union or domestic partner; or

(iii) a person who stands in loco parentis for the employee or who stood in loco parentis when the employee or employee’s spouse or civil union or domestic partner was under 18 years of age;

(C) A person to whom the employee is legally married under the laws of any state or a civil union or domestic partner of an employee;

(D) A grandparent, grandchild, or sibling of the employee or the employee’s spouse or civil union or domestic partner, regardless of whether the relationship to the employee or the employee’s spouse or civil union or domestic partner is a biological, foster, adoptive, or step relationship; or

(E) As shown by the employee, any other individual with whom the employee has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship under the totality of the circumstances surrounding the relationship, including:

(i) evidence of shared financial responsibility, such as a shared lease, common ownership of property, joint liability for bills, and beneficiary designations;

(ii) evidence of responsibility for the other’s personal well-being, including emergency contact designations or an advance directive, as that term is defined pursuant to 18 V.S.A. § 9701;

(iii) evidence showing an expectation of care created by the relationship or the prior provision of care, or both;

(iv) cohabitation for a period of at least six months or geographic proximity; and

(v) other similar evidence demonstrating a significant personal bond.

(10) “Health care provider” means a licensed health care provider or a health care provider as defined pursuant to 29 C.F.R. § 825.125.

(11) “In loco parentis” means a relationship in which an individual has day-to-day responsibilities to care for and financially support a child.

(12) “Qualifying exigency” means a qualifying exigency identified pursuant to 29 C.F.R. § 825.126 that is related to active duty service by a family member in the U.S. Armed Forces.

(13) “Safe leave” means a leave of absence from employment by an employee because:

(A) the employee or the employee’s family member is a victim or alleged victim of domestic violence, sexual assault, or stalking;

(B) the employee is using the leave for one of the following reasons related to the domestic violence, sexual assault, or stalking:

(i) to seek or obtain medical care, counseling, or social or legal services, either for themselves or for a family member;

(ii) to recover from injuries;

(iii) to participate in safety planning, either for themselves or for a family member;

(iv) to relocate or secure safe housing, either for themselves or for a family member;

(v) to meet with a State’s Attorney or law enforcement officer; or

(vi) to attend a hearing concerning an order against stalking or sexual assault pursuant to 12 V.S.A. § 5133, when the employee seeks the order as plaintiff; and

(C) the employee is not the perpetrator or alleged perpetrator of the domestic violence, sexual assault, or stalking.

~~(5)~~(14) “Serious illness health condition” means:

(A) an accident, illness, injury, disease, or physical or mental condition that:

(A)(i) poses imminent danger of death;

~~(B)(ii)~~ requires inpatient care in a hospital, hospice, or residential medical care facility; or

~~(C)(iii)~~ requires continuing in-home care under the direction of treatment by a physician health care provider; or

~~(B)~~ rehabilitation from an accident, illness, injury, disease, or physical or mental condition described in subdivision (A) of this subdivision (14), including treatment for substance use disorder.

(15) “Sexual assault” has the same meaning as in 15 V.S.A. § 1151.

(16) “Stalking” has the same meaning as in 15 V.S.A. § 1151.

(17) “U.S. Armed Forces” means:

~~(A)~~ the U.S. Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard;

~~(B)~~ a reserve component of the U.S. Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard; or

~~(C)~~ the National Guard of any state.

Sec. 2. 21 V.S.A. § 472 is amended to read:

§ 472. LEAVE

(a)(1) During any 12-month period, an employee shall be entitled to take unpaid leave for a period not to exceed 12 weeks:

~~(1)(A)~~ for parental leave, during the employee’s pregnancy and following the birth of an employee’s child or within a year following the initial placement of a child 16 years of age or younger with the employee for the purpose of adoption;

~~(2)(B)~~ for family leave, for the serious illness of the employee or the employee’s child, stepchild or ward of the employee who lives with the employee, foster child, parent, spouse, or parent of the employee’s spouse; or

~~(C)~~ for a qualifying exigency.

(2) During any 12-month period, an employee may use up to two out of the 12 weeks of leave available pursuant to subdivision (1) of this subsection for bereavement leave.

(3) In addition to the leave provided pursuant to subdivisions (1) and (2) of this subsection, during any 12-month period an employee shall be entitled to take unpaid leave for a period not to exceed 12 weeks for safe leave.

(b) During the leave, at the employee's option, the employee may use accrued sick leave or, vacation leave or, any other accrued paid leave, ~~not to exceed six weeks~~ or short-term disability insurance or other insurance benefits. Utilization of accrued paid leave or insurance benefits shall not extend the leave provided ~~herein~~ by this section.

\* \* \*

(d) The employer shall post and maintain in a conspicuous place in and about each of ~~his or her~~ its places of business printed notices of the provisions of this subchapter on forms provided by the Commissioner of Labor.

(e)(1) An employee shall give the employee's employer reasonable written notice of intent to take leave under this subchapter section. Notice shall include the date the leave is expected to commence and the estimated duration of the leave.

(2) In the case of the adoption or birth of a child, an employer shall not require that notice be given more than six weeks prior to the anticipated commencement of the leave.

(3) In the case of an unanticipated serious health condition, a miscarriage, an unanticipated need for safe leave, a premature birth, the death of a family member; or a short-notice qualifying exigency, the employee shall give the employer notice of the commencement of the leave as soon as practicable.

(4)(A) In the case of serious ~~illness~~ health condition of the employee or a member of the employee's family, an employer may require certification from a physician to verify the condition and the amount and necessity for the leave requested.

(B) An employer may require an employee to provide documentation of the need for safe leave. An employee may provide documentation from any one of the following sources:

(i) a court or a law enforcement or other government agency;

(ii) a domestic violence, sexual assault, or stalking assistance program;

(iii) a legal, clerical, medical, or other professional from whom the employee, or the employee's family member, received counseling or other assistance concerning domestic violence, sexual assault, or stalking; or

(iv) a self-certification of the employee's, or the employee's family member's, status as a victim of domestic violence, sexual assault, or stalking, signed under penalty of perjury, on a standard form adopted for that purpose by:

(I) a federal or State government entity, including the Vermont Department for Children and Families; or

(II) a nonprofit organization that provides support services to victims of domestic violence, sexual violence, or stalking.

(C) An employer may require an employee to provide documentation of the need for bereavement leave. An employee may provide any of the following forms of documentation:

(i) a death certificate;

(ii) a published obituary; or

(iii) a written notice or verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious organization, or governmental agency.

(D) An employer may require an employee to provide documentation of the need for leave for a qualifying exigency as set forth in 29 C.F.R. § 825.309.

(E) An employer shall not disclose any private medical information or information relating to a safe leave that the employer receives pursuant to this subdivision (4) except to the extent the disclosure is permitted by law and:

(i) consented to by the employee in writing;

(ii) required pursuant to a court order; or

(iii) required pursuant to State or federal law.

(5) An employee may return from leave earlier than estimated upon approval of the employer.

(6) An employee shall provide reasonable notice to the employer of his or her ~~the~~ need to extend leave to the extent provided by this chapter.

(f) Upon return from leave taken under this subchapter, an employee shall be offered the same or comparable job at the same level of compensation, employment benefits, seniority, or any other term or condition of the employment existing on the day leave began. This subchapter subsection shall not apply if, prior to requesting leave, the employee had been given notice or had given notice that the employment would terminate. This subsection shall

not apply if the employer can demonstrate by clear and convincing evidence that:

(1) during the period of leave the employee's job would have been terminated or the employee laid off for reasons unrelated to the leave or the condition for which the leave was granted; or

(2) the employee performed unique services and hiring a permanent replacement during the leave, after giving reasonable notice to the employee of intent to do so, was the only alternative available to the employer to prevent substantial and grievous economic injury to the employer's operation.

(g) An employer may adopt a leave policy more generous than the leave policy provided by this subchapter. Nothing in this subchapter shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement or any employment benefit program or plan ~~which that~~ provides greater leave rights than the rights provided by this subchapter. A collective bargaining agreement or employment benefit program or plan may not diminish rights provided by this subchapter. ~~Notwithstanding the provisions of this subchapter, an employee may, at the time a need for parental or family leave arises, waive some or all the rights under this subchapter provided the waiver is informed and voluntary and any changes in conditions of employment related to any waiver shall be mutually agreed upon between employer and employee.~~

(h) Except for the serious illness health condition of the employee or safe leave when the employee is the victim or alleged victim, an employee who does not return to employment with the employer who provided the leave shall return to the employer the value of any compensation that the employer paid to or on behalf of the employee during the leave, except payments for accrued sick leave or vacation leave. An employer may elect to waive the rights provided pursuant to this subsection.

Sec. 3. 21 V.S.A. § 472c is amended to read:

§ 472c. LEAVE; ALLEGED CRIME VICTIMS; RELIEF FROM  
STALKING OR ABUSE

\* \* \*

(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:

\* \* \*

(2) a relief from abuse hearing pursuant to 15 V.S.A. § 1103, when the employee seeks the order as plaintiff; or

~~(3) a hearing concerning an order against stalking or sexual assault pursuant to 12 V.S.A. § 5133, when the employee seeks the order as plaintiff; or~~

(4) a relief from abuse, neglect, or exploitation hearing pursuant to 33 V.S.A. chapter 69, when the employee is the plaintiff.

\* \* \*

Sec. 4. 21 V.S.A. § 471 is amended to read:

§ 471. DEFINITIONS

As used in this subchapter:

\* \* \*

~~(5) “Employer” means a person who for the purposes of parental leave, bereavement leave, safe leave, and leave for a qualifying exigency employs 10 or more individuals who are employed for an average of at least 30 hours per week during a year and for the purposes of family leave employs 15 or more individuals for an average of at least 30 hours per week during a year employs one or more individuals in Vermont.~~

(6) “Employee” means a person who;

~~(A) in consideration of direct or indirect gain or profit, has been continuously employed by the same employer;~~

~~(i) for a period of one year for an average of at least 30 hours per week; or~~

~~(ii) For purposes of safe leave only, “employee” means a person who 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; or~~

~~(B) is employed by an employer and:~~

~~(i) during at least two of the last four completed calendar quarters, has received payments with respect to services performed for any employer from which that employer was required to withhold Family and Medical Leave Insurance Program contributions pursuant to 21 V.S.A. § 2553; or~~

~~(ii) has worked for the employer during at least two of the last four calendar quarters and the employer is required to provide the employee with coverage under a private plan approved pursuant to 21 V.S.A. § 2559.~~

(7) “Family leave” means a leave of absence from employment by an employee for one of the following reasons:

(A) the serious health condition of the employee;

(B) the serious health condition of the employee’s family member.

~~(8) “Parental leave” means a leave of absence from employment by an employee for one of the following reasons:~~

~~(A)(C)~~ the employee’s pregnancy;

~~(B)(D)~~ recovery from childbirth or miscarriage;

~~(C)(E)~~ the birth of the employee’s child and to care for or bond with the child within one year after the child’s birth; or

~~(D)(F)~~ the initial placement of a child 18 years of age or younger with the employee for the purpose of adoption or foster care and to care for or bond with the child within one year after the placement for adoption or foster care.

~~(9)(8)~~ “Family member” means:

\* \* \*

~~(10)(9)~~ “Health care provider” means a licensed health care provider or a health care provider as defined pursuant to 29 C.F.R. § 825.125.

~~(11)(10)~~ “In loco parentis” means a relationship in which an individual has day-to-day responsibilities to care for and financially support a child.

~~(12)(11)~~ “Qualifying exigency” means a qualifying exigency identified pursuant to 29 C.F.R. § 825.126 that is related to active duty service by a family member in the U.S. Armed Forces.

~~(13)(12)~~ “Safe leave” means a leave of absence from employment by an employee because:

\* \* \*

~~(14)(13)~~ “Serious health condition” means:

\* \* \*

~~(15)(14)~~ “Sexual assault” has the same meaning as in 15 V.S.A. § 1151.

~~(16)(15)~~ “Stalking” has the same meaning as in 15 V.S.A. § 1151.

~~(17)(16)~~ “U.S. Armed Forces” means:

\* \* \*



Sec. 5. 21 V.S.A. § 472 is amended to read:

§ 472. LEAVE

(a)(1) During any 12-month period, an employee shall be entitled to take unpaid leave for a period not to exceed 12 weeks:

(A) ~~for parental leave; or~~

~~(B) for family leave; or~~

~~(C)~~(B) for a qualifying exigency.

(2) During any 12-month period, an employee may use up to two out of the 12 weeks of leave available pursuant to subdivision (1) of this subsection for bereavement leave.

(3) In addition to the leave provided pursuant to subdivisions (1) and (2) of this subsection, during any 12-month period an employee shall be entitled to take unpaid leave for a period not to exceed 12 weeks for safe leave.

(b) During the leave, at the employee's option, the employee may use accrued sick leave, vacation leave, any other accrued paid leave, Family and Medical Leave Insurance benefits pursuant to chapter 26 of this title, or short-term disability insurance or other insurance benefits. Utilization of accrued paid leave, Family and Medical Leave Insurance benefits, or insurance benefits shall not extend the leave provided by this section.

\* \* \*

\* \* \* Paid Family and Medical Leave Insurance Program \* \* \*

Sec. 6. 21 V.S.A. chapter 26 is added to read:

CHAPTER 26. FAMILY AND MEDICAL LEAVE INSURANCE

§ 2051. DIVISION OF FAMILY AND MEDICAL LEAVE; DIRECTOR

(a) The Division of Family and Medical Leave is established in the Office of the Treasurer to administer the Family and Medical Leave Insurance Program established pursuant to this chapter.

(b)(1) The Treasurer shall appoint a Director of the Division. The Director shall be a full-time State employee and exempt from the classified system and shall serve at the pleasure of the Treasurer.

(2) The Director shall be responsible for:

(A) the operation and supervision of the Division of Family and Medical Leave;

(B) the implementation of this chapter and any rules adopted pursuant to section 2063 of this chapter; and

(C) employing staff as necessary to implement and carry out the provisions of this chapter.

§ 2052. FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM;

SPECIAL FUND

(a) The Family and Medical Leave Insurance Program is established within the Division of Family and Medical Leave for the provision of Family and Medical Leave Insurance benefits to qualified individuals pursuant to the provisions of this chapter.

(b) The Family and Medical Leave Insurance Special Fund is created pursuant to 32 V.S.A. chapter 7, subchapter 5 and shall be administered by the Division of Family and Medical Leave and the Department of Taxes. Monies in the Fund may be expended for the administration of the Family and Medical Leave Insurance Program, for the payment of benefits provided pursuant to the provisions of this chapter, and for necessary costs incurred in administering the Fund. All interest earned on Fund balances shall be credited to the Fund.

(c) The Fund shall consist of:

(1) contributions collected pursuant to section 2053 of this chapter;

(2) amounts recovered or collected pursuant to sections 2061 and 2062 of this chapter;

(3) any amounts transferred or appropriated to the Fund by the General Assembly; and

(4) any interest earned by the Fund.

(d) The Director may seek and accept grants from any source, public or private, to be dedicated for deposit into the Fund.

§ 2053. CONTRIBUTIONS; RATE; COLLECTION

(a)(1) An employer shall be responsible for the full amount of the contributions required on covered wages paid to the employers' employees pursuant to subsection (c) of this section and shall remit those amounts to the Department of Taxes pursuant to the provisions of subsection (d) of this section. For purposes of paying the required contributions, an employer may deduct and withhold from an employee's covered wages an amount equal to not more than one-half of the contribution required pursuant to subsection (c) of this section.

(2) As used in this subsection, the term “covered wages” means all wages paid to an employee by an employer up to an amount equal to two times the Social Security Contribution and Benefit Base.

(b)(1) An enrolled self-employed individual shall be responsible for the full amount of the contributions required on the enrolled self-employed individual’s covered work income pursuant to subsection (c) of this section and shall remit those amounts to the Department of Taxes.

(2) As used in this subsection, the term “covered work income” means an enrolled self-employed individual’s net earnings from self-employment in Vermont up to an amount equal to two times the Social Security Contribution and Benefit Base.

(c)(1) For the period from July 1, 2025 through December 31, 2025, the contribution rate on covered wages paid to employees and on enrolled self-employed individuals’ covered work income shall be 0.55 percent.

(2) Beginning with calendar year 2026 and annually thereafter the Director shall establish the rate of contribution for each calendar year on or before the preceding October 1. The Director shall set the rate so that it generates contributions in an amount equal to the sum of the projected amount necessary to provide benefits pursuant to this chapter during the next calendar year plus the projected cost to administer the Program during the next calendar year plus a reserve equal to six months of the projected benefit payments and administrative costs for the next calendar year minus any balance projected to be remaining in the Fund from the prior calendar year.

(3) The rate of contribution shall be the same for the covered wages of employees and the covered work income of enrolled self-employed individuals and shall not exceed one percent.

(4) In the event that the Director determines that the rate of contribution for any calendar year shall be one percent, the Director shall, not more than 14 days after making the determination, submit a written report to the Joint Fiscal Committee, the House Committees on Appropriations, on General and Housing, and on Ways and Means, and the Senate Committees on Appropriations, on Economic Development, Housing and General Affairs, and on Finance that provides a detailed explanation of the reason for the increase, whether the rate is sufficient to pay the projected benefits and administrative costs during the next calendar year while maintaining the required reserve, the solvency of the Fund, and recommended legislative action to reduce the rate of contribution in the following calendar year.

(d)(1) The Commissioner of Taxes shall collect the contributions required pursuant to this section and shall deposit them into the Fund.

(2)(A) Employers shall withhold contributions pursuant to subdivision (a)(1) of this section from wages that employers pay to employees as if the contributions were Vermont income tax subject to the withholding requirements of 32 V.S.A. chapter 151, subchapter 4. The administrative and enforcement provisions of 32 V.S.A. chapter 151 shall apply to the contribution and withholding requirements under this section as if the contributions due pursuant to subdivision (a)(1) of this section were Vermont income tax.

(B) Employers shall be responsible for the full amount of any unpaid contributions due pursuant to subdivision (a)(1) of this section.

(3) Enrolled self-employed individuals shall make installment payments of estimated contributions pursuant to subdivision (a)(2) of this section from the enrolled self-employed individual's covered work income as if the contributions were Vermont income tax subject to the estimated payment requirements of 32 V.S.A. chapter 151, subchapter 5. The administrative and enforcement provisions of 32 V.S.A. chapter 151 shall apply to the estimated payment requirement under this section as if the contributions due pursuant to subdivision (a)(2) of this section were Vermont income tax.

(e) An employer with an approved private plan pursuant to section 2059 of this chapter shall not be required to withhold and pay contributions pursuant to this section.

#### § 2054. BENEFITS

(a)(1) Benefits provided pursuant to this chapter shall only be available for leaves beginning on or after July 1, 2026.

(2) A qualified individual shall be permitted to receive a total of not more than 12 weeks of benefits in a 12-month period for family and medical leave and safe leave taken by the employee.

(3) A qualified individual may use up to two out of the 12 weeks of benefits available to the individual during a 12-month period for bereavement leave.

(b) A qualified individual awarded benefits under this section shall receive 90 percent of the individual's average weekly earnings or an amount equal to the State average weekly wage determined pursuant to section 1338 of this title, whichever is less.

(c) A qualified individual may receive benefits for an intermittent leave or leave for a portion of a week. The benefit amount for an intermittent leave or leave for a portion of a week shall be calculated in increments of one full day or one-fifth of the qualified individual's weekly benefit amount.

(d) Benefits paid pursuant to this chapter may be used as wage replacement for a leave taken pursuant to section 472 of this title or the federal Family and Medical Leave Act, 29 U.S.C. §§ 2611–2654. The receipt of benefits paid pursuant to this chapter shall not extend the leave provided pursuant to section 472 of this title or the federal Family and Medical Leave Act.

§ 2055. ELIGIBILITY

An individual shall be eligible to receive benefits pursuant to the provisions of this chapter for a leave beginning on or after July 1, 2026 if:

(1) the individual is currently an employee or an enrolled self-employed individual, or both;

(2) except as otherwise provided pursuant to subsection 2059(f) of this chapter:

(A) the individual has:

(i) earned wages from which contributions were withheld during at least two calendar quarters in the preceding calendar year;

(ii) made contributions to the Fund on covered work income that was earned during at least two calendar quarters in the preceding calendar year; or

(iii) both; or

(B) if the individual does not meet the requirements of subdivision (A) of this subdivision (2), the individual has:

(i) earned wages from which contributions were withheld pursuant to section 2053 of this chapter in two of the last four calendar quarters and provided documentation of those wages that is acceptable to the Director;

(ii) made contributions to the Fund on covered work income that was earned during two of the last four calendar quarters and provided documentation of that covered work income that is acceptable to the Director;

or

(iii) both;

(3) the individual is unable to work because the individual:

(A) has a serious health condition;

(B) is caring for a family member with a serious health condition;

(C) is pregnant;

(D) is recovering from childbirth or miscarriage;

(E) is caring for a new child during the first year following the birth, adoption, or placement for foster care of that child;

(F) is taking safe leave;

(G) is taking a bereavement leave; or

(H) is taking leave related to a qualifying exigency of a family member who is on active duty in the U.S. Armed Forces or who has been called to active duty in the U.S. Armed Forces; and

(4) the Director determines that the individual is not disqualified pursuant to section 2065 of this chapter.

#### § 2056. APPLICATION FOR BENEFITS

(a)(1) An employee or enrolled self-employed individual, or the employee's or enrolled self-employed individual's agent, may apply for benefits pursuant to this chapter by filing an application with the Division in a form approved by the Director.

(2) An employee or enrolled self-employed individual, or the employee's or enrolled self-employed individual's agent, shall, to the extent possible, submit documentation of the need for the leave together with the application filed pursuant to subdivision (1) or this subsection. The Director shall specify acceptable forms of documentation on the application form.

(b)(1) The Division shall review each application and any accompanying documentation and determine if the employee or enrolled self-employed individual is eligible to receive benefits pursuant to section 2055 of this chapter not later than 10 business days after the date the application is filed with the Division.

(2) Notwithstanding subdivision (1) of this subsection, the Director may extend the time in which to make a determination by not more than 30 business days if necessary to obtain documents or information that are needed to make the determination.

(c) An employee or enrolled self-employed individual may file an application for benefits up to 60 calendar days before an anticipated family and medical leave, safe leave, or bereavement leave or, in the event of a premature birth, an unanticipated serious health condition, safe leave or, the death of a family member within 60 calendar days after commencing a family and medical leave, safe leave, or bereavement leave.

(d)(1) In the event that an application is not approved within the time period provided pursuant to subsection (b) of this section because there was insufficient information or documentation for the Division to approve the

application, the employee or enrolled self-employed individual, or the employee's or enrolled self-employed individual's agent, may submit a new application with additional information or documentation, provided that the second application is submitted within the time period required pursuant to subsection (c) of this section.

(2) An employee or enrolled self-employed individual who submits a second application pursuant to this subsection shall only be permitted to file an appeal pursuant to section 2060 of this chapter in relation to the determination made on the second application.

#### § 2057. PAYMENT OF BENEFITS; TAX WITHHOLDING

(a) Benefits shall be paid to a qualified individual for the time period beginning on the day the qualified individual's leave began.

(b) A qualified individual's first benefit payment shall be sent within 14 calendar days after the qualified individual's claim is approved or the individual's leave begins, whichever is later, and subsequent payments shall be sent biweekly.

(c)(1) Except as otherwise provided pursuant to section 2062 of this chapter and subdivision (2) and (3) of this subsection, benefits paid pursuant to the provisions of this chapter shall not be assignable before payment and shall be exempt from all claims of creditors, and from levy, execution, attachment, trustee process, and any other remedy provided for the recovery or collection of a debt.

(2)(A) An individual filing a new claim for benefits pursuant to this chapter shall, at the time of filing, notify the Division of whether the individual owes child support obligations.

(B) If, during the review of the individual's application, the Director determines that the individual has outstanding, unpaid child support obligations, the Director shall deduct and withhold an amount necessary to pay the outstanding, unpaid child support obligations from any benefits payable to the individual pursuant to this chapter and remit that amount to the appropriate child support enforcement agency. The amount deducted and withheld from an individual's benefits pursuant to this subdivision (B) shall not exceed 30 percent of the benefit payment to the individual.

(C) In the absence of any outstanding, unpaid child support obligation, an individual may request that the Director deduct and withhold a specified amount from the individual's benefits and remit that amount to the appropriate entity as payment of the individual's child support obligations.

(3) If an individual has outstanding Vermont State tax liability, the Director shall deduct and withhold the outstanding amount from the benefits payable to the individual pursuant to this chapter and remit it to the Commissioner of Taxes. The amount deducted and withheld from an individual's benefits pursuant to this subdivision shall not exceed 30 percent of the benefit payment to the individual.

(d)(1) An individual filing a claim for benefits pursuant to this chapter shall, at the time of filing, be advised that Family and Medical Leave Insurance benefits may be subject to income tax and that the individual's benefits may be subject to withholding.

(2) All procedures specified by 26 U.S.C. chapter 24 and 32 V.S.A. chapter 151, subchapter 4 pertaining to the withholding of income tax shall be followed in relation to the payment of benefits.

#### § 2058. ELECTIVE COVERAGE

(a)(1) A self-employed individual may elect to obtain coverage through the Program for an initial period of three years by filing a notice of the election with the Division on a form provided by the Director.

(2) After electing to obtain coverage pursuant to this section, an enrolled self-employed individual shall, if otherwise eligible pursuant to section 2055 of this chapter, be able to receive benefits through the Program after paying contributions pursuant to section 2053 of this chapter in two calendar quarters within a four-calendar quarter period.

(b) A self-employed individual who elects to obtain coverage pursuant to this section shall agree as a condition of obtaining coverage to provide to the Director and the Commissioner of Taxes any documentation of the self-employed individual's work income and any related information that the Director, in consultation with the Commissioner of Taxes, determines is necessary.

(c)(1) An enrolled self-employed individual may terminate the coverage at the end of the initial three-year period by providing the Director with written notice of the termination at least 30 calendar days before the end of the period.

(2) An enrolled self-employed individual who does not terminate coverage at the end of the initial three-year period may terminate the coverage at the end of any succeeding annual period by providing the Director with written notice of the termination at least 30 calendar days before the end of the period.



(3) Notwithstanding subdivisions (1) and (2) of this subsection, an enrolled self-employed individual who becomes an employee or stops working in Vermont may elect to terminate coverage pursuant to this section by providing the Director with 30 calendar days' written notice in accordance with rules adopted by the Director.

(d) Nothing in this section shall be construed to prevent an individual who is both an employee and a self-employed individual from electing to obtain coverage pursuant to this section.

#### § 2059. EMPLOYER OPTION; PRIVATE PLAN

(a)(1) As an alternative to and in lieu of participating in the Program, an employer may, upon approval by the Director, comply with the requirements of this chapter through a private plan that provides to all of its employees benefits that are equal to or more generous than the benefits provided pursuant to this chapter.

(2) An employer may elect to provide such benefits by:

(A) establishing and maintaining to the satisfaction of the Director necessary self-insurance; or

(B) purchasing insurance coverage from an insurance carrier authorized to provide family and medical leave insurance in this State.

(b)(1) The Director shall approve a private plan under this section upon making a determination that it:

(A) provides leave for periods that are equal to or more generous than the leave provided pursuant to this chapter;

(B) provides coverage for all employees who would otherwise be eligible for benefits pursuant to this chapter;

(C) costs employees the same or less than the employees' portion of the contribution would be pursuant to subsection 2053(a) of this chapter;

(D) provides coverage for all forms of leave for which benefits may be paid pursuant to this chapter;

(E) provides wage replacement in an amount that is equal to or greater than the rate of wage replacement provided pursuant to section 2054 of this chapter;

(F) imposes no additional restrictions or conditions on the use of paid leave benefits beyond the restrictions and conditions that are established pursuant to this chapter and the rules adopted by the Director; and

(G) satisfies any additional requirements established in rules adopted by the Director in consultation with the Commissioner of Financial Regulation.

(2) Nothing in this section shall be construed to require the benefits provided by a private insurance or benefit plan to be identical to the benefits provided pursuant to this chapter.

(c)(1)(A) An employer shall submit an application to the Director for approval of a new or modified private plan on or before October 15 of the calendar year prior to when it is proposed to take effect.

(B) The Director shall make a determination and notify the employer of whether its application has been approved on or before December 1. If the application is approved, the Director shall also provide a copy of the notice to the Commissioner of Taxes on or before December 1.

(2) Following the approval of its private plan, an employer shall cease to participate in the Program beginning on the next January 1 and the approval shall remain in effect until it is terminated pursuant to subdivision (3) of this subsection.

(3) An employer with an approved private plan may terminate the approval effective January 1 of any year by filing notice of termination with the Director and the Commissioner of Taxes on or before November 1 of the prior year.

(d) A contested determination or a denial of benefits under a private plan approved pursuant to this section shall be subject to appeal pursuant to section 2060 of this chapter.

(e)(1) The Director may terminate the approval of a private plan approved pursuant to this section if the Director determines that the terms and conditions of the plan have been violated, including if the plan:

(A) fails to pay benefits in a timely manner or in a manner that is consistent with the plan's terms;

(B) misuses private plan funds;

(C) fails to submit required reports to the Director; or

(D) fails to comply with any applicable provisions of law or with rules adopted by the Director.

(2) The Director shall provide notice to the employer of the proposed termination that includes the date on which the approval will terminate and the reason for the termination.

(3) An employer may appeal the termination to the Director in accordance with rules adopted by the Director.

(f)(1) An employee who ceases to be covered by an approved private plan shall, for purposes of determining eligibility for benefits pursuant to the provisions of section 2055 of this chapter, be treated as if the employee had earned wages from which contributions were withheld during the period of the employee's employment with the employer.

(2) For purposes of this subsection (f), an employee ceases to be covered by a private plan if:

(A) the employee separates from employment with the employer due to a layoff or the end of seasonal employment with the employer;

(B) the employer terminates the employer's private plan pursuant to subdivision (c)(3) of this section;

(C) the approval of the employer's private plan is terminated by the Director pursuant to subsection (e) of this section; or

(D) the employer becomes insolvent or ceases to do business in Vermont.

#### § 2060. APPEALS

(a)(1) An employer or individual aggrieved by a decision of the Director relating to eligibility for benefits, the amount of benefits that a qualified individual is entitled to receive, or the amount of contributions due may file with the Director a petition for reconsideration within 30 calendar days after receipt of the decision. The petition shall set forth in detail the grounds upon which it is claimed that the decision is erroneous and may include materials supporting that claim.

(2) If an employer petitions the Director to reconsider a decision relating to an application for benefits or the amount of benefits that a qualified individual is entitled to receive, the Director shall promptly notify the individual who applied for the benefits of the petition by ordinary, certified, or electronic mail and provide the individual with an opportunity to file an answer to the employer's petition.

(3) The Director shall promptly notify the employer or individual, or both, as appropriate, of the Director's decision by ordinary, certified, or electronic mail.

(b) An employer or individual aggrieved by the Director's decision on reconsideration may file an appeal with the Supreme Court within 30 calendar days after receiving the decision.

(c) Any determination, redetermination, finding of fact, conclusion of law, decision, order, or judgment entered or made pursuant to this section shall only be binding on the Division and all parties in that proceeding and is not binding, conclusive, or admissible in any separate or subsequent action between an individual and any other party brought before an arbitrator, court, or judge of this State or of the United States, regardless of whether the prior proceeding was between the same or related parties or involved the same facts.

§ 2061. FALSE STATEMENT OR REPRESENTATION; PENALTY

(a)(1) An individual who intentionally makes a false statement or representation for the purpose of obtaining any benefit or payment or to avoid payment of any required contributions under the provisions of this chapter, whether for themselves or for any other person, after notice and opportunity for hearing, shall be prohibited from receiving benefits pursuant to this chapter for a period of not less than one year and not more than three years as determined to be appropriate by the Director.

(2) The penalty imposed pursuant to this section shall be in addition to any liability incurred by the individual pursuant to section 2062 of this chapter.

(b) A person who intentionally makes a false statement to avoid payment of any required contributions under the provisions of this chapter shall, after notice and an opportunity for a hearing, be liable for:

- (1) the full amount of unpaid contributions; and
- (2) an administrative penalty of not more than \$5,000.00.

(c)(1) The administrative penalty imposed pursuant to subsection (b) of this section may be collected in a civil action in Superior Court brought in the name of the Director. If the action is successful, the Director shall be entitled to recover the Division's costs and reasonable attorney's fees incurred in bringing the action.

(2) Any amounts recovered and any penalties collected pursuant to this section shall be deposited in the Fund.

§ 2062. OVERPAYMENT OF BENEFITS; COLLECTION

(a)(1) Any individual who by nondisclosure or misrepresentation of a material fact, by either the individual or another person, receives benefits that the individual is not eligible to receive shall be liable to repay to the Division the amount received in excess of the amount, if any, that the individual is eligible to receive.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, the Director shall waive an overpayment if it was:

(A) caused by the Division's mistake or an unintentional error or omission by another person; and

(B) the Director determines that requiring repayment would be against equity and good conscience.

(3) Upon determining that an individual is liable for an overpayment of benefits pursuant to subdivision (1) of this subsection, the Director shall provide the individual with notice of the determination. The notice shall include a statement that the individual is liable to repay to the Division the amount of overpaid benefits and shall identify the basis of the overpayment and the time period in which the benefits were paid. The notice shall also provide information regarding the individual's right to appeal the determination pursuant to the provisions of section 2060 of this chapter.

(4) The determination shall be made within not more than three years after the date of the overpayment.

(b)(1) An individual liable under this section shall repay the overpaid amount to the Director for deposit into the Fund.

(2) The Director may collect the amounts due under this section in a civil action in the Superior Court.

(3) An individual may, at any time, request that the Director reduce or waive the amount for which the individual is liable pursuant to subsection (a) of this section. Upon receipt of a request, the Director may reduce or waive the amount for which an individual is liable for good cause or as the Director deems appropriate and just.

(c) If an individual is liable to repay any amount pursuant to this section, the Director may withhold, in whole or in part, any future benefits payable to the individual pursuant to this chapter and credit the withheld benefits against the amount due from the individual until it is repaid in full.

(d) In addition to the remedy provided pursuant to this section, an individual who intentionally misrepresented or failed to disclose a material fact with respect to the individual's claim for benefits may be subject to the penalties provided pursuant to section 2061 of this chapter.

#### § 2063. RULEMAKING

(a) The Commissioner of Taxes, in consultation with the Director, shall adopt rules as necessary to implement the provisions of this chapter related to the collection of contributions pursuant to section 2053 of this chapter.

(b) The Director shall adopt rules as necessary to implement all other provisions of this chapter.

§ 2064. CONFIDENTIALITY OF INFORMATION

(a) Information obtained from an employer or individual in the administration of this chapter and determinations of an individual's right to receive benefits that reveal an employer's or individual's identity in any manner shall be kept confidential and shall be exempt from public inspection and copying under the Public Records Act. Such information shall not be admissible as evidence in any action or proceeding other than one brought pursuant to the provisions of this chapter.

(b) Notwithstanding subsection (a) of this section:

(1) an individual or the individual's agent may be provided with information to the extent necessary for the proper presentation of the individual's claim for benefits or to inform the individual of the individual's existing or prospective rights to benefits; and

(2) an employer may be provided with information that the Director or the Commissioner of Taxes determines is necessary to enable the employer to discharge fully its obligations and protect its rights under this chapter.

§ 2065. DISQUALIFICATIONS; LIMITATIONS

(a) An individual shall be disqualified from receiving benefits for any week in which the individual has received:

(1)(A) compensation for temporary total disability under the workers' compensation law of any state or under a similar law of the United States; or

(B) compensation for temporary partial disability related to the serious health condition for which the individual is seeking benefits pursuant to this chapter; or

(2) unemployment compensation benefits under the law of any state.

(b) An individual shall not receive benefits provided pursuant to this chapter and remuneration from the individual's employer that would result in the individual earning more than:

(1) the individual's average daily wage on any single day; or

(2) the individual's average weekly wage in any calendar week.

(c) Subject to the limitation set forth in subsection (b) of this section, an employer may provide an employee with remuneration to supplement the amount of the benefits provided to the employee pursuant to this chapter.

(d) As used in this section:

(1) "Average daily wage" means one-fifth of an individual's average weekly wage.

(2) “Average weekly wage” means either:

(A) the sum of a qualified individual’s wages, if any, upon which contributions were paid pursuant to section 2053 of this chapter during the preceding calendar year divided by 52, provided those wages are used for purposes of determining the amount of the individual’s benefits pursuant to this chapter; or

(B) the sum of a qualified individual’s documented wages during the individual’s two highest earning calendar quarters out of the last four completed calendar quarters divided by 26, provided those wages are used for purposes of determining the amount of the individual’s benefits pursuant to this chapter.

(3) “Remuneration” means wages and payments for vacation leave, sick leave, or any other accrued paid leave.

#### § 2066. PROTECTION FROM RETALIATION OR INTERFERENCE

(a) An employer shall not discharge or in any other manner retaliate against an employee who exercises or attempts to exercise the rights provided pursuant to this chapter. The provisions against retaliation in subdivision 495(a)(8) of this title shall apply to this chapter.

(b) An employer shall not interfere with, restrain, or otherwise prevent an employee from exercising or attempting to exercise the employee’s rights pursuant to this chapter.

(c) An employer shall not treat any leave for which benefits are provided pursuant to this chapter as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse employment action.

(d) An employee aggrieved by a violation of the provisions of this section may bring an action in Superior Court seeking compensatory and punitive damages or equitable relief, including restraint of prohibited acts, restitution of wages or other benefits, reinstatement, costs, reasonable attorney’s fees, and other appropriate relief.

#### § 2067. NOTICE

(a) An employer shall post and maintain in a conspicuous place in and about each of its places of business printed notices of the provisions of this chapter on forms provided by the Director.

(b) An employer shall provide written notice of the provisions of this chapter to new employees within 30 calendar days after the date on which they are hired.

§ 2068. EMPLOYER OBLIGATIONS; EMPLOYEE RIGHTS

(a) Nothing in this chapter shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement, employer policy, or employment agreement that provides more generous benefits than the benefits provided pursuant to this chapter.

(b) Nothing in this chapter shall be construed to diminish any rights, privileges, and protections provided to an employee pursuant to a collective bargaining agreement, employer policy, or employment agreement.

(c) An employee receiving benefits for family and medical leave, safe leave, leave for a qualifying exigency, or bereavement leave shall be entitled to all rights and protections provided pursuant to section 472 of this title and the federal Family and Medical Leave Act, 29 U.S.C. §§ 2611–2654, to which the employee would otherwise be entitled.

(d) Any agreement to waive the rights and protections provided to an employee pursuant to this chapter shall be void.

§ 2069. ANNUAL REPORT

(a) Beginning in 2027, the Director, on or before February 15 of each year, shall publish a report regarding the usage of the Program during the preceding calendar year.

(b) The report shall include the following information:

(1) the total number of claims filed;

(2) the total number and percentage of claims approved;

(3) the total number and percentage of claims denied, broken down by the reason for denial;

(4) the percentage of claims, both total and approved claims, attributable to each eligible reason for leave;

(5) average weekly benefit and average length of leave, broken down by eligible reason for leave;

(6) the total number and percentage of claim denials that are reversed on appeal;

(7) the total number of claims that are approved following a second application submitted pursuant to subsection 2056(d) of this chapter;

(8) the total number of enrolled self-employed individuals;



(9) the total number of covered employees and enrolled self-employed individuals and the percentage of working Vermonters who are covered by the Program;

(10) the gross benefits paid by the Program and any changes in the amount of gross benefits paid in comparison to prior years; and

(11) the average time required to process an initial claim and an appeal, as well as the average time from submission of a benefits application to final determination.

(c) All information provided pursuant to subdivisions (b)(1)–(8) of this section shall be further broken down by claimant demographics, including age, gender, race, ethnicity, income, geographic distribution by county, and occupation.

#### § 2070. DEFINITIONS

As used in this chapter:

(1) “Agent” means an individual who holds a valid power of attorney for an employee or self-employed individual or another legal authorization to act on the employee or self-employed individual’s behalf that is acceptable to the Director.

(2) “Average weekly earnings” means either:

(A) the sum of a qualified individual’s wages, if any, upon which contributions were paid pursuant to section 2053 of this chapter during the preceding calendar year plus the qualified individual’s net earnings from self-employment, if any, upon which contributions were paid pursuant to section 2053 of this chapter during the preceding calendar year divided by 52; or

(B) if the individual did not have wages or net earnings from self-employment, or both, upon which contributions were paid during at least two calendar quarters in the preceding calendar year, the sum of a qualified individual’s documented wages, if any, upon which contributions were paid pursuant to section 2053 of this chapter during the individual’s two highest earning calendar quarters out of the last four completed calendar quarters, plus the qualified individual’s net earnings from self-employment, if any, upon which contributions were paid pursuant to section 2053 of this chapter during those two calendar quarters divided by 26.

(3) “Benefits” means Family and Medical Leave Insurance benefits provided pursuant to this chapter.

(4) “Bereavement leave” means a leave of absence from employment or self-employment by an individual due to the death of the individual’s family member that occurs not more than one year after the family member’s death. Bereavement leave includes leave taken in relation to the administration or settlement of the deceased family member’s estate. Leave taken in relation to the administration or settlement of the deceased family member’s estate may occur more than one year after the family member’s death.

(5) “Director” means the Director of the Division of Family and Medical Leave.

(6) “Division” means the Division of Family and Medical Leave in the Office of the Treasurer.

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

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

(B) are at least 18 years of age;

(C) are not married to or considered a domestic partner of another individual;

(D) are not related by blood closer than would bar marriage under State law; and

(E) have agreed between themselves to be responsible for each other’s welfare.

(8) “Domestic violence” has the same meaning as in 15 V.S.A. § 1151.

(9) “Employee” means an individual who receives payments with respect to services performed for an employer from which the employer is required to withhold Vermont income tax pursuant to 32 V.S.A. chapter 151, subchapter 4.

(10) “Employer” means a person who employs one or more employees. “Employer” does not include the U.S. Government or any instrumentality of the United States.

(11) “Enrolled self-employed individual” means a self-employed individual who has obtained coverage under the Program pursuant to section 2058 of this chapter.

(12) “Family and medical leave” means a leave of absence from employment or from self-employment by a qualified individual for one of the following reasons:

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- (A) the qualified individual's own serious health condition;
- (B) to care for a family member with a serious health condition;
- (C) the qualified individual's pregnancy;
- (D) recovery from childbirth or miscarriage;
- (E) the birth of the qualified individual's child and to care for or bond with the qualified individual's child within one year after the child's birth;
- (F) the initial placement of a child 18 years of age or younger with the qualified individual for the purpose of adoption or foster care and to care for or bond with the child within one year after the placement for adoption or foster care; or
- (G) a qualifying exigency arising out of a qualified individual's family member's active duty service in the U.S. Armed Forces or notice of an impending call or order to active duty in the U.S. Armed Forces.
- (13) "Family member" means:
- (A) regardless of age, a qualified individual's biological, adopted, or foster child; a qualified individual's stepchild or legal ward; a child of the qualified individual's spouse or civil union or domestic partner; a child to whom the qualified individual stands in loco parentis; or an individual to whom the qualified individual stood in loco parentis when the individual was under 18 years of age;
- (B)(i) a parent of a qualified individual or qualified individual's spouse or civil union or domestic partner, regardless of whether the relationship to the qualified individual or qualified individual's spouse or civil union or domestic partner is a biological, foster, adoptive, or step relationship;
- (ii) a legal guardian of a qualified individual or qualified individual's spouse or civil union or domestic partner; or
- (iii) a person who stands in loco parentis for the qualified individual or who stood in loco parentis when the qualified individual or qualified individual's spouse or civil union or domestic partner was under 18 years of age;
- (C) a person to whom the qualified individual is legally married under the laws of any state or a civil union or domestic partner of a qualified individual;

(D) a grandparent, grandchild, or sibling of the qualified individual or qualified individual's spouse or civil union or domestic partner, regardless of whether the relationship to the qualified individual or the qualified individual's spouse or civil union or domestic partner is a biological, foster, adoptive, or step relationship; or

(E) as shown by the qualified individual, any other individual with whom the qualified individual has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship, under the totality of the circumstances surrounding the relationship, including:

(i) evidence of shared financial responsibility, such as a shared lease, common ownership of property, joint liability for bills, and beneficiary designations;

(ii) evidence of responsibility for the other's personal well-being, including emergency contact designations or an advance directive, as that term is defined pursuant to 18 V.S.A. § 9701;

(iii) evidence showing an expectation of care created by the relationship or the prior provision of care, or both;

(iv) cohabitation for a period of at least six months or geographic proximity; and

(v) other similar evidence demonstrating a significant personal bond.

(14) "Health care provider" means a licensed health care provider or a health care provider as defined pursuant to 29 C.F.R. § 825.125.

(15) "Highest earning quarters" means the two calendar quarters of the last four completed calendar quarters when an individual earned the highest combined total of wages upon which contributions were paid pursuant to section 2053 of this chapter and net earnings from self-employment upon which contributions were paid pursuant to section 2053 of this chapter.

(16) "In loco parentis" means a relationship in which an individual has day-to-day responsibilities to care for and financially support a child.

(17) "Net earnings from self-employment" has the same meaning as in 26 U.S.C. § 1402.

(18) "Program" means the Family and Medical Leave Insurance Program created pursuant to this chapter.

(19) "Qualified individual" means an employee or enrolled self-employed individual who:

(A) satisfies the eligibility requirements established pursuant to section 2056 of this chapter; and

(B) has submitted an application and all necessary documentation of the need for the leave pursuant to section 2057 of this chapter.

(20) “Qualifying exigency” means a qualifying exigency identified pursuant to 29 C.F.R. § 825.126 that is related to active duty service by a family member in the U.S. Armed Forces.

(21) “Safe leave” means a leave of absence from employment or self-employment by a qualified individual because:

(A) the qualified individual or the qualified individual’s family member is a victim of domestic violence, sexual assault, or stalking;

(B) the qualified individual is using the leave for one of the following reasons related to the domestic violence, sexual assault, or stalking:

(i) to seek or obtain medical care, counseling, or social or legal services, either for themselves or for a family member;

(ii) to recover from injuries;

(iii) to participate in safety planning, either for themselves or for a family member;

(iv) to relocate or secure safe housing, either for themselves or for a family member; or

(v) to meet with a State’s Attorney or law enforcement officer;  
and

(C) the qualified individual is not the alleged perpetrator of the domestic violence, sexual assault, or stalking.

(22) “Self-employed individual” means a sole proprietor or partner owner of an unincorporated business, the sole member of an LLC, or the sole shareholder of a corporation.

(23) “Serious health condition” means:

(A) an accident, illness, injury, disease, or physical or mental condition that:

(i) poses imminent danger of death;

(ii) requires inpatient care in a hospital, hospice, or residential medical care facility; or

(iii) requires continuing treatment by a health care provider; or

(B) rehabilitation from an accident, illness, injury, disease, or physical or mental condition described in subdivision (A) of this subdivision (23), including treatment for substance use disorder.

(24) “Sexual assault” has the same meaning as in 15 V.S.A. § 1151.

(25) “Stalking” has the same meaning as in 15 V.S.A. § 1151.

(26) “U.S. Armed Forces” means:

(A) the U.S. Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard;

(B) a reserve component of the U.S. Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard; or

(C) the National Guard of any state.

(27) “Wages” means all remuneration paid by an employer to an employee for services or work performed by the employee. Wages include salaries, tips, commissions, bonuses, and the cash value of any remuneration paid in a medium other than cash. The reasonable cash value of remuneration paid in a medium other than cash shall be estimated and determined in accordance with rules adopted pursuant to 21 V.S.A. chapter 17. Wages shall not include the amount of any payment that is:

(A) made to, or on behalf of, an employee or any of the employee’s dependents under a plan or system established by an employer that:

(i) provides:

(I) insurance;

(II) annuities; or

(III) a fund or plan that provides for the employees or their dependents, or both, or any class or classes of the employees or their dependents, or both;

(ii) on account of:

(I) sickness, accident, or disability;

(II) medical or hospitalization expenses in connection with sickness, accident, or disability; or

(III) death;

(B) made by an employer to, or on behalf of, an employee more than six calendar months after the last calendar month in which the employee worked for the employer and is on account of:

(i) sickness, accident, or disability; or

(ii) any medical or hospitalization expenses in connection with sickness, accident, or disability; or

(C) made to, or on behalf of, an employee or the employee's beneficiary:

(i) from or to a trust described in 26 U.S.C. § 401(a) that is exempt from tax under 26 U.S.C. § 501(a) at the time of the payment, unless the payment is made to an employee of the trust as remuneration for services rendered as the employee and not as a beneficiary of the trust; or

(ii) under or to an annuity plan that, at the time of such payment, is a plan described in 26 U.S.C. § 403(a).

Sec. 7. 32 V.S.A. § 3102(e) is amended to read:

(e) The Commissioner may, in the Commissioner's discretion and subject to such conditions and requirements as the Commissioner may provide, including any confidentiality requirements of the Internal Revenue Service, disclose a return or return information:

\* \* \*

(22) To the Treasurer and to the Director of the Division of Family and Medical Leave, provided the return or return information relates to the provision of family and medical leave insurance under 21 V.S.A. chapter 26.

Sec. 8. ADOPTION OF RULES

(a) On or before April 1, 2025, the Director of the Division of Family and Medical Leave shall adopt rules necessary to implement the provisions of 21 V.S.A. chapter 26.

(b) On or before April 1, 2025, the Commissioner of Taxes, in consultation with the Director of the Division of Family and Medical Leave, shall adopt rules as necessary to carry out the provisions of 21 V.S.A. § 2053.

Sec. 9. EDUCATION AND OUTREACH

(a)(1) On or before June 1, 2025, the Director of the Division of Family and Medical Leave shall develop and make available on the Division's website information and materials to educate and inform employers and employees about the Family and Medical Leave Insurance Program established pursuant to 21 V.S.A. chapter 26.

(2)(A) During the period from June 1, 2025 through May 31, 2026, the Division shall offer monthly informational sessions for employers, employees, and self-employed individuals. The Director shall ensure that sessions are

available to both individuals attending in person and to individuals who are not physically present by:

(i) using technology that permits the attendance of individuals through electronic or other means;

(ii) allowing individuals to access the session by telephone; and

(iii) posting information that allows individuals to directly access and participate in each session electronically and providing that information on the Division's website and in any public notice for a session.

(B) Sessions for employers shall be developed in consultation with the Department of Taxes and shall be designed to educate employers regarding employers' rights and obligations under 21 V.S.A. chapter 25 and shall include information regarding resources available to employers through the Division and the Department of Taxes.

(C) Sessions for employees shall be developed in consultation with the Department of Taxes and shall be designed to educate employees regarding employees' rights and obligations under 21 V.S.A. chapter 25, the tax credit available to certain individuals pursuant to 32 V.S.A. § 5830g, and resources available to employees through the Division and the Department of Taxes.

(D) Sessions for self-employed individuals shall be developed in consultation with the Department of Taxes and shall be designed to educate self-employed individuals regarding self-employed individuals' rights and obligations under 21 V.S.A. chapter 25, the tax credit available to certain individuals pursuant to 32 V.S.A. § 5830g, and resources available to self-employed individuals through the Division and the Department of Taxes.

(b) The Director shall make available translations of all information and materials created pursuant to subsection (a) of this section on the Division's website in the five most commonly spoken languages in Vermont after English.

(c) The Division's website shall be accessible to individuals with disabilities in accordance with WCAG 2.1 AA or a similar updated standard.

#### Sec. 10. ESTABLISHMENT OF PROGRAM; REPORT

Annually, on or before December 15, 2023, 2024, and 2025, the Director of the Division of Family and Medical Leave and the Commissioner of Taxes shall submit a written report to the House Committees on Appropriations; on General and Housing; and on Ways and Means and the Senate Committees on Appropriations; on Economic Development, Housing and General Affairs; and on Finance regarding the implementation of the Family and Medical Leave Insurance Program established pursuant to 21 V.S.A. chapter 26. The report



shall provide detailed information regarding any progress made in implementing the provisions of 21 V.S.A. chapter 26, including the development of information technology needed to implement the Program, the adoption of rules, the creation of forms, the hiring and training of staff, and the development of informational materials and outreach programs. The report shall also provide a projected timeline for the implementation of the Program and include any recommendations for legislative action necessary to ensure that the Program can be implemented as required pursuant to this act.

#### Sec. 11. ADEQUACY OF RESERVES; REPORT

Annually, on or before December 15, 2025, 2026, 2027, and 2028, the Director of the Division of Family and Medical Leave, in consultation with the Commissioners of Finance and Management, of Financial Regulation, and of Taxes, shall submit a written report to the House Committees on Appropriations; on General and Housing; and on Ways and Means and the Senate Committees on Appropriations; on Economic Development, Housing and General Affairs; and on Finance regarding the amount and adequacy of the reserves in the Family and Medical Leave Insurance Special Fund and any recommendations for legislative action necessary to ensure that an adequate reserve is maintained in the Fund. The report shall also include an analysis of informational resources, legislation, or other measures that could potentially improve the long-term solvency of the Fund and the Division's ability to accurately determine an appropriate reserve, including the potential for use of actuarial analysis or the implementation of a countercyclical funding mechanism.

#### Sec. 12. PRIVATE PLANS; INITIAL APPROVAL

(a) An employer wishing to utilize a private plan to meet the employer's obligations pursuant to 21 V.S.A. chapter 26 beginning on January 1, 2026 shall submit an application for approval of a private plan on or before October 15, 2025.

(b) The Director of the Division of Family and Medical Leave shall review the proposed plan as provided pursuant to the provisions of 21 V.S.A. § 2059.

(c) An employer that receives approval for a private plan pursuant to this section shall:

(1) beginning on January 1, 2026, be exempt from withholding and paying contributions as provided pursuant to 21 V.S.A. 2053(d);

(2) begin providing benefits pursuant to the private plan on or before January 1, 2026; and

(3) on or before January 15, 2026, be reimbursed by the Director for any contributions that the employer paid for the calendar quarters ending September 30, 2025 and December 31, 2025.

Sec. 13. APPROPRIATIONS

(a) The amount of \$46,159,585.00 is appropriated to the Division of Family and Medical Leave for fiscal years 2024, 2025, and 2026 to be deposited in the Family and Medical Leave Insurance Special Fund and used for the establishment of the Family and Medical Leave Insurance Program.

(b) The amount of \$6,504,916.00 is appropriated to the Department of Taxes for fiscal years 2024, 2025, and 2026 to be deposited in the Family and Medical Leave Insurance Special Fund and used for the establishment of the Family and Medical Leave Insurance Program.

(c) The amount of \$58,810,448.00 is transferred from the General Fund to the Family and Medical Leave Insurance Special Fund for the costs of operating the Family and Medical Leave Insurance Program during calendar year 2026 and the maintenance of the reserve required pursuant to 21 V.S.A. § 2053(b).

Sec. 14. DEPARTMENT OF TAXES; POSITIONS

The establishment of the following 15 new permanent classified positions is authorized in the Department of Taxes in fiscal year 2025:

(1) eight full-time, classified tax examiners within the Taxpayer Services Division;

(2) two full-time, classified tax examiners within the Compliance Division;

(3) three full-time, classified tax compliance officers within the Compliance Division;

(4) one full-time, classified financial specialist III within the Revenue Accounting and Returns Processing Division; and

(5) one business analyst–tax within the VTax Division.

Sec. 15. DIVISION OF FAMILY AND MEDICAL LEAVE; POSITIONS

(a) The establishment of the following six new permanent classified positions is authorized in the Division of Family and Medical Leave in fiscal year 2024:

(1) one full-time, classified administrative assistant;

(2) one full-time, classified private insurance regulation supervisor;

- 
- (3) one full-time, classified financial and accounting supervisor;
  - (4) one full-time, classified information technology director;
  - (5) one full-time, classified applications developer; and
  - (6) one full-time, classified information technology service desk specialist.

(b) The establishment of the following three new permanent exempt positions is authorized in the Division of Family and Medical Leave in fiscal year 2024:

- (1) one full-time, exempt Director;
- (2) one full-time, exempt Deputy Director; and
- (3) one full-time, exempt general counsel.

(c) The establishment of the following eight new permanent classified positions is authorized in the Division of Family and Medical Leave in fiscal year 2025:

- (1) two full-time, classified communications and outreach specialists;
- (2) one full-time, classified administrative support specialist;
- (3) three full-time, classified accounting support specialists;
- (4) one full-time, classified claims supervisor; and
- (5) one full-time, classified assistant claims supervisor.

(d) The establishment of the following 24 new permanent classified positions is authorized in the Division of Family and Medical Leave in fiscal year 2026:

- (1) one full-time, classified regulatory specialist;
- (2) fifteen full-time, classified claims processors;
- (3) five full-time, classified claims adjudicators; and
- (4) three full-time, classified compliance officers.

#### Sec. 16. BUILDINGS AND GENERAL SERVICES; SPACE ALLOCATION

The Commissioner of Buildings and General Services shall allocate space for the Division of Family and Medical Leave established pursuant to section 6 of this act. The space shall be allocated on or before September 30, 2023.

\* \* \* Income Tax Credit; Family and Medical Leave Contributions \* \* \*

Sec. 17. 32 V.S.A. § 5830g is added to read:

§ 5830g. FAMILY AND MEDICAL LEAVE CONTRIBUTION CREDIT

(a) A qualified individual shall be entitled to a credit against the tax imposed under section 5822 of this title for the taxable year in which the individual made family and medical leave contributions pursuant to 21 V.S.A. chapter 26, provided the qualified individual's combined annual total of covered wages and covered work income does not exceed \$25,000.00 in the taxable year. The credit under this section shall be in the amount of:

(1) \$40.00 for a qualified individual whose combined annual total of covered wages and covered work income does not exceed \$15,000.00; or

(2) \$70.00 for a qualified individual whose combined annual total of covered wages and covered work income exceeds \$15,000.00 but is less than or equal to \$25,000.00.

(b) The Commissioner of Taxes shall annually adjust for inflation the dollar amounts of the maximum combined annual totals of covered wages and covered work income and the dollar amounts of the credit in subsection (a) of this section by using the adjustment percentage of the national average wage index computed and published for the taxable year by the Commissioner of the Social Security Administration.

(c) The Commissioner of Taxes shall transfer the amount of family and medical leave contribution credits paid to qualified individuals for the taxable year pursuant to this section from the Family and Medical Leave Insurance Program Special Fund created under 21 V.S.A. § 2052 to the General Fund created under section 435 of this title.

(d) As used in this section:

(1) "Covered wages" has the same meaning as in 21 V.S.A. § 2053(a)(1)(B).

(2) "Covered work income" has the same meaning as in 21 V.S.A. § 2053(a)(2)(B).

(3) "National average wage index" has the same meaning as in 42 U.S.C. § 409(k)(1).

(4) "Qualified individual" has the same meaning as in 21 V.S.A. § 2070(18).

Sec. 18. 32 V.S.A. § 5813(aa) is added to read:

(aa) The statutory purpose of the family and medical leave contribution credit in section 5830g of this title is to lower the cost of contributing to the family and medical leave insurance program for qualifying individuals with low income.

\* \* \* Effective Dates \* \* \*

Sec. 19. EFFECTIVE DATES

(a) This section and Secs. 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 shall take effect on July 1, 2023.

(b) Secs. 4 and 5 shall take effect on July 1, 2026.

(c) Secs. 17 and 18 (family and medical leave contribution credit) shall take effect on January 1, 2025 and shall apply to taxable years beginning on and after January 1, 2025.

(d) Contributions shall begin to be paid pursuant to 21 V.S.A. § 2053 on July 1, 2025, and, beginning on July 1, 2026, employees may begin to apply for and receive benefits pursuant to 21 V.S.A. chapter 26.

**Rep. Scheu of Middlebury**, for the Committee on Appropriations, recommended that the report of the Committee on Ways and Means be amended as follows:

First: By striking out Sec. 13, appropriations, in its entirety and inserting in lieu thereof a new Sec. 13 to read as follows:

Sec. 13. APPROPRIATIONS

(a) The amount of \$37,000,000.00 is appropriated to the Division of Family and Medical Leave for fiscal year 2024 to be used for the establishment of the Family and Medical Leave Insurance Program.

(b) The funds appropriated pursuant to subsection (a) of this section shall be transferred from the General Fund to the Family and Medical Leave Insurance Special Fund.

Second: By striking out Sec. 14, Department of Taxes; positions, in its entirety and inserting in lieu thereof a new Sec. 14 to read as follows:

Sec. 14. [Deleted.]

Third: By striking out Sec. 15, Division of Family and Medical Leave; positions, in its entirety and inserting in lieu thereof a new Sec. 15 to read as follows:

## Sec. 15. DIVISION OF FAMILY AND MEDICAL LEAVE; POSITIONS

(a) The establishment of the following six new permanent classified positions is authorized in the Division of Family and Medical Leave in fiscal year 2024:

- (1) one full-time, classified administrative assistant;
- (2) one full-time, classified private insurance regulation supervisor;
- (3) one full-time, classified financial and accounting supervisor;
- (4) one full-time, classified information technology director;
- (5) one full-time, classified applications developer; and
- (6) one full-time, classified information technology service desk specialist.

(b) The establishment of the following three new permanent exempt positions is authorized in the Division of Family and Medical Leave in fiscal year 2024:

- (1) one full-time, exempt Director;
- (2) one full-time, exempt Deputy Director; and
- (3) one full-time, exempt general counsel.

Fourth: In Sec. 12, private plans; initial approval, in subsection (a), by striking out “beginning on January 1,” and inserting in lieu thereof the words “for calendar year”

Fifth: In Sec. 12, private plans; initial approval, in subdivision (c)(2), by striking out the word “January” and inserting in lieu thereof the word “July”

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. Thereafter, the report of the Committee on General and Housing was amended as recommended by the Committee on Ways and Means, as amended.

Pending the question, Shall the bill be amended as recommended by the Committee on General and Housing, as amended?, **Reps. Toof of St. Albans Town and Beck of St. Johnsbury** moved to amend the report of the Committee on General and Housing, as amended, as follows:

First: In Sec. 6, 21 V.S.A. chapter 26, by striking out section 2051 in its entirety and inserting in lieu thereof a new section 2051 to read as follows:

§ 2051. DIVISION OF FAMILY AND MEDICAL LEAVE; DIRECTOR;THIRD-PARTY CLAIMS ADMINISTRATION

(a) The Division of Family and Medical Leave is established in the Office of the Treasurer to administer the Family and Medical Leave Insurance Program established pursuant to this chapter.

(b)(1) The Treasurer shall appoint a director of the Division. The Director shall be a full-time State employee and exempt from the classified system and shall serve at the pleasure of the Treasurer.

(2) The Director shall be responsible for:

(A) the operation and supervision of the Division of Family and Medical Leave;

(B) the implementation of this chapter and any rules adopted pursuant to section 2063 of this chapter;

(C) contracting with a third-party claims administrator to administer all aspects of the benefits claim process as provided pursuant to subsection (c) of this section; and

(D) employing staff as necessary to implement and carry out the provisions of this chapter.

(c) The Director shall contract with a third-party claims administrator to carry out all aspects of the benefits claim process on behalf of the Division, including:

(1) developing, maintaining, and periodically updating a claimant portal and application forms;

(2) reviewing benefits claims and making determinations of eligibility for benefits;

(3) paying benefits to qualified individuals; and

(4) hearing initial appeals related to benefits determinations pursuant to subsection 2060(a) of this chapter.

Second: In Sec. 6, 21 V.S.A. chapter 26, in section 2053, by striking out subdivision (a)(1) in its entirety and inserting in lieu thereof a new subdivision (a)(1) to read as follows:

(a)(1) An employer shall be responsible for remitting the contributions required on each of the employer's employees' covered wages to the Department of Taxes as provided in subsection (d) of this section. The employer may deduct and withhold from each of the employee's covered

wages some or all of the contributions required pursuant to subsection (c) of this section.

Third: In Sec. 6, 21 V.S.A. chapter 26, section 2053, by striking out subsection (e) in its entirety and inserting in lieu thereof a new subsection (e) to read as follows:

(e)(1) An employer with an approved private plan pursuant to section 2059 of this chapter shall not be required to withhold and pay contributions pursuant to this section.

(2) An employer shall not withhold or be required to remit contributions pursuant to this section for an employee who has opted out of the Program pursuant to section 2059a of this subchapter.

Fourth: In Sec. 6, 21 V.S.A. chapter 26, section 2059, by striking out subdivisions (b)(1)(F) and (G) in their entirety and inserting in lieu thereof subdivisions (b)(1)(F), (G), and (H) to read as follows:

(F) imposes no additional restrictions or conditions on the use of paid leave benefits beyond the restrictions and conditions that are established pursuant to this chapter and the rules adopted by the Director;

(G) satisfies any additional requirements established in rules adopted by the Director in consultation with the Commissioner of Financial Regulation; and

(H) if the private plan will require employees to pay a portion of the private plan premiums or costs, permits employees to annually elect to opt out of or reenroll in the coverage provided by the private plan during a specified period of not less than two weeks.

Fifth: In Sec. 6, 21 V.S.A. chapter 26, after section 2059, by inserting section 2059a to read as follows:

§ 2059a. EMPLOYEE OPT-OUT

(a) An employee may elect to opt out of the Program by providing notice to the Director in a form provided by the Director. The form shall include a space for the employee to identify the employee's current employers.

(b)(1) An employee who wishes to opt out of the Program shall submit the required form to the Director between November 1 and December 1 of the year prior to the year in which the employee intends to opt out of the Program.

(2) An employee from whom the Director has received a timely notice of intent to opt out shall, on January 1 of the next calendar year, no longer be eligible for Program benefits or required to pay contributions pursuant to section 2053 of this chapter.



(c) Upon receiving a timely notice of intent to opt out of the Program from an employee, the Director shall notify the Commissioner of Taxes and each employer listed on the notice that the employee's wages shall no longer be subject to withholding of contributions beginning on January 1 of the next calendar year.

(d)(1) An employee who has elected to opt out of the Program pursuant to this section may elect to reenroll in the Program by notifying the Director in a form specified by the Director. The form shall include a space for the employee to identify the employee's current employers.

(2) A notice of intent to reenroll may only be filed between November 1 and December 1 of the year prior to the year in which the employee intends to reenroll in the Program.

(3)(A) The wages of an employee who elects to reenroll in the Program shall be subject to withholding of contributions pursuant to section 2053 of this chapter beginning on January 1 of the next calendar year after the notice of intent to reenroll is submitted.

(B)(i) The employee shall become eligible for benefits upon satisfying the eligibility requirements set forth in section 2055 of this chapter.

(ii) Notwithstanding any provision of section 2055 of this chapter to the contrary, for an employee who elects to reenroll in the Program pursuant to this subsection (d), time worked and wages on which contributions were paid prior to the employee opting out of the Program shall not count toward the determination of whether the employee is eligible for benefits pursuant to section 2055 of this chapter.

(4) Upon receiving a timely notice of intent to reenroll in the Program from an employee, the Director shall notify the Commissioner of Taxes and each employer listed on the notice that the employee's wages shall become subject to withholding of contributions beginning on January 1 of the next calendar year.

(e)(1) Notwithstanding any provision of subsection (b) of this section to the contrary, for calendar year 2025, an employee who wishes to opt out of the Program shall submit the required form to the Commissioner between April 1 and May 1.

(2) An employee from whom the Commissioner has received a timely notice of intent to opt out shall, beginning July 1, 2025, not be eligible for Program benefits or required to pay contributions pursuant to section 2053 of this chapter.

(3) Upon receiving a timely notice of intent to opt out of the Program pursuant to this subsection, the Director shall notify the Commissioner of Taxes and each employer listed on the notice that the employee's wages shall not be subject to withholding of contributions beginning on July 1, 2025.

Sixth: In Sec. 6, 21 V.S.A. chapter 26, subdivision 2055(1), before the word "employee" by inserting the word "enrolled"

Seventh: In Sec. 6, 21 V.S.A. chapter 26, section 2056, by inserting the word "enrolled" before the word "employee" and the word "employee's" wherever they appear

Eighth: In Sec. 6, 21 V.S.A. chapter 26, subdivision 2070(19), before the word "employee" by inserting the word "enrolled"

Ninth: In Sec. 6, 21 V.S.A. chapter 26, section 2070, after subdivision (27), by inserting a subdivision (28) to read as follows:

(28) "Enrolled employee" means an employee for whom the Commissioner of Taxes collects contributions pursuant to section 2053 of this chapter.

Thereupon, **Rep. Toof of St. Albans Town** asked and was granted leave of the House to withdraw his amendment.

Pending the question, Shall the bill be amended as recommended by the Committee on General and Housing, as amended?, **Rep. Chesnut-Tangerman of Middletown Springs** 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 General and Housing, as amended?, was decided in the affirmative. Yeas, 99. Nays, 32.

Those who voted in the affirmative are:

Andrews of Westford	Conlon of Cornwall	McCarthy of St. Albans City *
Andriano of Orwell	Corcoran of Bennington	McGill of Bridport
Anthony of Barre City	Demrow of Corinth	Mihaly of Calais
Arrison of Weathersfield	Dodge of Essex	Minier of South Burlington
Arsenault of Williston	Dolan of Essex Junction	Morris of Springfield
Austin of Colchester	Dolan of Waitsfield	Mrowicki of Putney
Bartholomew of Hartland	Durfee of Shaftsbury	Notte of Rutland City
Berbeco of Winooski	Elder of Starksboro	Noyes of Wolcott
Birong of Vergennes	Emmons of Springfield	Nugent of South Burlington
Black of Essex	Farlice-Rubio of Barnet	Ode of Burlington
Bluemle of Burlington	Garofano of Essex	Patt of Worcester
Bongartz of Manchester	Goldman of Rockingham	Pouech of Hinesburg
Bos-Lun of Westminster	Graning of Jericho	Priestley of Bradford
Boyden of Cambridge	Headrick of Burlington	Rice of Dorset
Brady of Williston	Holcombe of Norwich	Roberts of Halifax

Brown of Richmond	Hooper of Randolph	Satcowitz of Randolph
Brownell of Pownal	Hooper of Burlington	Scheu of Middlebury
Brumsted of Shelburne	Houghton of Essex Junction	Sheldon of Middlebury
Burke of Brattleboro	Howard of Rutland City	Sims of Craftsbury
Burrows of West Windsor	Hyman of South Burlington	Small of Winooski
Buss of Woodstock	James of Manchester *	Squirrell of Underhill
Campbell of St. Johnsbury	Jerome of Brandon	Stebbins of Burlington
Carpenter of Hyde Park	Kornheiser of Brattleboro	Stone of Burlington
Carroll of Bennington	Krasnow of South Burlington	Surprenant of Barnard
Casey of Montpelier	LaBounty of Lyndon	Taylor of Colchester
Chapin of East Montpelier	Lalley of Shelburne	Toleno of Brattleboro
Chase of Chester	LaLonde of South Burlington	Torre of Moretown
Chase of Colchester	LaMont of Morristown	Troiano of Stannard
Chesnut-Tangerman of Middletown Springs	Lanpher of Vergennes	Waters Evans of Charlotte
Christie of Hartford	Leavitt of Grand Isle	White of Bethel
Cina of Burlington	Logan of Burlington	Whitman of Bennington
Coffey of Guilford	Long of Newfane	Williams of Barre City
Cole of Hartford	Masland of Thetford	Wood of Waterbury

Those who voted in the negative are:

Bartley of Fairfax	Hango of Berkshire	Oliver of Sheldon
Beck of St. Johnsbury	Harrison of Chittenden	Pajala of Londonderry
Branagan of Georgia	Higley of Lowell	Parsons of Newbury
Canfield of Fair Haven	Labor of Morgan	Peterson of Clarendon
Clifford of Rutland City	Laroche of Franklin	Shaw of Pittsford
Demar of Enosburgh	Lipsky of Stowe	Sibilia of Dover
Dickinson of St. Albans Town	Maguire of Rutland City	Smith of Derby *
Donahue of Northfield	McCoy of Poultney	Taylor of Milton
Galfetti of Barre Town	McFaun of Barre Town	Toof of St. Albans Town
Goslant of Northfield	Morgan of Milton	Walker of Swanton
	Morrissey of Bennington	Williams of Granby

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

Brennan of Colchester	McCann of Montpelier	Rachelson of Burlington
Burditt of West Rutland	Mulvaney-Stanak of Burlington	Sammis of Castleton
Cordes of Lincoln	Nicoll of Ludlow	Stevens of Waterbury
Graham of Williamstown	O'Brien of Tunbridge	Templeman of Brownington
Gregoire of Fairfield	Page of Newport City	Wilson of Lyndon
Marcotte of Coventry	Pearl of Danville	
Mattos of Milton		

**Rep. James of Manchester** explained her vote as follows:

“Madam Speaker:

H.66 offers paid, job-protected leave that will help Vermont workers to navigate life’s inevitable medical challenges and milestones. As our State faces

a deadly opioid epidemic, I am especially grateful that it covers time off for substance misuse treatment. I'm proud to have voted yes."

**Rep. McCarthy of St. Albans City** explained his vote as follows:

"Madam Speaker:

I vote yes. Every working Vermonter deserves to be able to take time off to welcome a child, recover from an illness, or care for a loved one without the fear that they won't be able to pay their bills. Universal paid leave is good for families, workers, and Vermont businesses. This plan would cover all Vermonters and won't leave anyone behind."

**Rep. Smith of Derby** explained his vote as follows:

"Madam Speaker:

The Governor has a plan that won't further bury the State of Vermont into deeper debt. It's pretty easy to spend taxpayer dollars as just witnessed by this vote. That is the reason for my No vote."

Thereupon, third reading was ordered.

### **Second Reading; Bill Amended; Third Reading Ordered**

#### **H. 127**

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

An act relating to sports wagering

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

Sec. 1. 31 V.S.A. chapter 25 is added to read:

#### CHAPTER 25. SPORTS WAGERING

##### Subchapter 1. Authority of the Department

#### § 1301. DEFINITIONS

As used in this chapter:

(1) "Adjusted gross sports wagering revenue" means gross sports wagering receipts, excluding voided bets, less winnings paid to authorized participants and any federal excise tax.

(2) "Board" means the Board of Liquor and Lottery.

(3) “Collegiate sports event” means a sports or athletic event participated in or offered or sponsored by a public or private institution that offers educational services beyond the secondary level.

(4) “Commissioner” means the Commissioner of Liquor and Lottery or designee.

(5) “Department” means the Department of Liquor and Lottery.

(6) “High school sports event” means a sports or athletic event participated in or offered or sponsored by a public or private institution that offers educational services at the secondary level.

(7) “Mobile sports wagering platform” means the combination of hardware, software, and data networks used to manage, administer, record, or control sports wagers through mobile devices or the Internet.

(8) “Operator” means a party who is authorized by contract or agreement with the Department to conduct a sportsbook.

(9) “Prohibited sports bettor” means:

(A) any member or employee of the Department and any spouse, child, sibling, or parent residing in the same household as a member or employee of the Department;

(B) any principal or employee of any operator;

(C) any contractor of the Department or its operators when the contract relates to the conduct of sports wagering;

(D) any contractor or employee of an entity that conducts sports wagering in another jurisdiction when the bettor, as a result of the bettor’s contract or employment, possesses confidential or nonpublic information relating to the wager being placed;

(E) any amateur or professional athlete if the sports wager is based in whole or part on a sport or athletic event overseen by the athlete’s governing sports body;

(F) any sports agent, owner, or employee of a team; player; umpire; referee; coach; union official; or official of a sport’s governing body if the sports wager is based in whole or in part on a sport or athletic event overseen by the governing body that oversees the individual’s sport;

(G) any individual placing a wager as an agent of or proxy for a prohibited sports bettor; or

(H) any person under 21 years of age.

(10)(A) “Prohibited sports event” means any:

(i) collegiate sports event in which one of the participants is a collegiate team of a college institution that is primarily located in Vermont, unless the collegiate sports event is subject to the provisions of subdivision (B) of this subdivision (10);

(ii) high school or collegiate sports event that takes place in Vermont; and

(iii) amateur or professional sports event where the participants are primarily under 18 years of age.

(B) “Prohibited sports event” does not mean the games of a collegiate sports tournament in which a Vermont college team participates, nor does it include any games of a collegiate sports tournament that occur outside Vermont even though some of the individual games or events are held in Vermont.

(11) “Sportsbook” means the business of accepting sports wagers on any sports event by any system or method of wagering.

(12) “Sports event” means an event at which two or more persons participate in a sports or athletic event. “Sports event” also means horse racing and equestrian events.

(13) “Sports governing body” means the organization that prescribes final rules and enforces codes of conduct with respect to a sporting event and the participants in a sporting event.

(14) “Sports wager” means cash or cash equivalent paid by an individual to participate in sports wagering.

(15)(A) “Sports wagering” means wagering on:

(i) sporting events or any portion of a sporting event; or

(ii) the individual performance statistics of athletes participating in a sports event or a combination of sports events.

(B) “Sports wagering” means wagering on the matters enumerated in subdivision (A) of this subdivision (16) by any system or method of wagering, including in-person communication and electronic communication through Internet websites accessed via a mobile device or computer and mobile device applications.

(C) “Sports wagering” includes single game bets, teaser bets, parlays, over-under bets, money line bets, pools, exchange wagering, in-game wagering, in-play bets, proposition bets, and straight bets.

(D) “Sports wagering” does not mean participation in a fantasy sports contest pursuant to subchapter 3 of this chapter.

(16) “Type of wager” means the form of a wager offered by an operator, such as those described in subdivision (15)(C) of this section.

§ 1302. DEPARTMENT OF LIQUOR AND LOTTERY; AUTHORITY AND DUTIES

(a) The Department is authorized to operate sports wagering within the State.

(b)(1) The Commissioner shall negotiate and contract to authorize a minimum of two but not more than six operators to operate a sportsbook in Vermont through a mobile sports wagering platform.

(2) This subsection shall not be construed to require the Department to authorize unqualified applicants to conduct a sportsbook. If the competitive bidding process fails to produce a sufficient number of qualified applicants, the Department may:

(A) decline to authorize any operators to operate a sportsbook; or

(B) authorize a single operator to conduct a sportsbook.

(c) The Department, either independently or through its operator, shall provide:

(1) Age verification measures to be undertaken to block access to and prevent sports wagers by persons under 21 years of age.

(2) Identity verification through secure online databases or by examination of a person’s photo identification and the review of a supplemental, contemporaneous photograph of the person.

(3) That mobile sports wagers must be initiated and received within the State of Vermont and may not be intentionally routed outside the State. The incidental intermediate routing of a mobile sports wager shall not determine the location or locations in which the wager is initiated, received, or otherwise made.

(4) Wager limits for daily, weekly, and monthly amounts consistent with the best practices in addressing problem gambling.

(5) A statewide voluntary self-exclusion program for players to exclude themselves from wagering for a set period of time. The Department shall establish a uniform self-exclusion program that ensures a listed player is excluded from placing wagers with any of the State’s authorized sports wagering operators and fantasy sports contest operators.

(6) Security mechanisms to ensure the confidentiality of wagering and personal and financial information except as otherwise authorized by this chapter.

(7) Measures to ensure that wagers are not placed by a prohibited sports bettor.

(d) A sports governing body or college may request that the Department restrict, limit, or exclude wagering on a sporting event or series of sporting events. The Department shall review the request and seek input from the Department's operators. If the Department determines it is appropriate, then the Department may grant the request or part of the request to prohibit unlawful activity, protect the integrity of the event, or protect public confidence in the integrity of the sports event.

(e) The Department shall have authority to review and approve types of wagers and categories of sports events before an operator is permitted to offer the wager to the public. The Department shall approve types of wagers and categories of sports events in a reasonable time frame. Once a particular category of sports event or type of wager is approved for its first use, it may be used on multiple events without further approval. The Department may issue general approval for operators to offer wagers on enumerated categories of sports events and types of wagers.

(f) The Department shall only approve wagers on sports events that:

(1) have verifiable outcomes that can be generated by a reliable and independent processes; and

(2) are conducted in conformity with applicable laws.

(g) The Department shall include in its contract with each operator a provision that prohibits the use of sports wagering advertisements, logos, trademarks, or brands on products that are sold in Vermont and intended primarily for persons under 21 years of age.

### § 1303. PROCEDURES

(a)(1) The Board shall adopt procedures pursuant to 3 V.S.A. § 835 to govern the establishment and operation of any sportsbook authorized by this chapter. For each procedure proposed to be adopted or amended pursuant to this section, the Board shall publish the proposal on the Department of Liquor and Lottery's website, provide notice of the proposal to all operators, provide not less than 30 days for public comment on the proposal, and hold not less than two public hearings at which members of the public may seek additional information or submit oral or written comments on the proposal.



(2) The Board shall not be required to initiate rulemaking pursuant to 3 V.S.A. § 831(c) in relation to a procedure adopted pursuant to this section.

(3) A procedure adopted pursuant to this section shall have the force of law and be binding on all persons who play or offer sports wagering within the State.

(b) The Board shall adopt procedures pursuant to this section that govern the following minimum standards for the Department's operators:

(1) minimum computer system security, including:

(A) documented system security testing performed by a licensed third-party contractor approved by the Department;

(B) unique identification and verification systems for wagers;

(C) procedures to prevent past posting of wagers;

(D) minimum data that must be recorded relating to each wager;

(E) system redundancy to ensure recording of wagers during a system outage; and

(F) integration with an independent control system to ensure integrity of system wagering information;

(2) sports wagering system requirements that meet or exceed Gaming Laboratories International's GLI-33: Standards for Event Wagering Systems, and its appendices, as amended or modified;

(3) minimum house rules, including:

(A) the method for calculation and payment of winning wagers;

(B) the effect of schedule changes for a sports event;

(C) the method of notifying bettors of odds or proposition changes;

(D) acceptance of wagers at terms other than those posted;

(E) circumstances under which the operator will void a bet; and

(F) treatment of errors, late bets, and related contingencies;

(4) minimum accounting controls, including:

(A) processes for recording the collection of wagers, payment of wagers, and cancellation of wagers issued; and

(B) requirements for an annual audit of accounting controls;

(5) minimum internal control standards;

(6) minimum cash reserves to be maintained by each operator; and

(7) promotional play requirements that:

(A) require each operator to provide unambiguous notice of the:

(i) date and time the promotion or bonus is active and expires;

(ii) rules of play;

(iii) nature and value of prizes or awards;

(iv) eligibility restrictions or limitations;

(v) wagering and redemption requirements, including any limitations;

(vi) eligible events or wagers;

(vii) cancellation requirements; and

(viii) terms and conditions that are full, accurate, concise, transparent, and do not contain misleading information;

(B) prohibit promotions or bonuses from being described as free or risk-free if those promotions or bonuses require the player to incur any loss or risk the player's own money to use or withdraw winnings from the free wager;

(C) prohibit the operator from restricting the player from withdrawing the player's own funds or withdrawing winnings from wagers placed using the player's own funds;

(D) ensure that the promotion or bonus rules shall be available to patrons and the Department; and

(E) require operators to adopt procedures for the issuance, acceptance, and tracking of promotions or bonuses.

§ 1304. REVENUES TO GENERAL FUND

The revenue received by the Department from sports wagering, less the administrative costs of the Department and the amount due to the Problem Gambling Special Fund, shall be deposited in the General Fund.

§ 1305. CONFIDENTIALITY OF RECORDS

(a) When produced or acquired by the Department pursuant to this chapter, the following records are exempt from public inspection and copying under the Public Records Act and shall be kept confidential:

(1) personal information and background check documents;

(2) any lists of names, including information related to voluntary self-exclusion;

(3) trade secrets, business records, financial records, and related information; and

(4) records relating to operator security, technology, facilities, or systems.

(b) The Public Records Act exemptions created in this section shall not be subject to the provisions of 1 V.S.A. § 317(e) (repeal of Public Records Act exemptions).

#### § 1306. EXEMPTION

The provisions of 13 V.S.A. chapter 51, relating to gambling and lotteries, shall not apply to sports wagering or a fantasy sports contest conducted pursuant to this chapter.

#### Subchapter 2. Sports Wagering Operators

#### § 1320. SPORTS WAGERING OPERATORS; COMPETITIVE BIDDING

##### PROCESS

(a) The Commissioner shall select operators through a competitive bidding process.

(b) The Board shall adopt procedures pursuant to 3 V.S.A. § 835 to establish criteria for the selection of operators. At a minimum, the Board's guidelines shall require an applicant to include the following in the proposal:

(1) an estimate of the applicant's potential adjusted gross sports wagering revenue and the percentage of adjusted gross sports wagering revenue from mobile sports wagering the applicant will pay to the State if selected to be an operator;

(2) the number of individually branded websites the operator proposes to use for its sports wagering operations in Vermont;

(3) the applicant's responsible gaming plan and a description of responsible gaming safeguards that the applicant currently employs;

(4) a list of all jurisdictions where the applicant and any parent companies are currently authorized to conduct sports wagering operations;

(5) the applicant's player acquisition model, advertising and affiliate programs, and marketing budget, including details on how the applicant will convert customers from wagering through illegal channels to wagering legally in the State;

(6) the estimated time frame for implementing the applicant's sports wagering operations;

(7) the applicant's integrity monitoring systems, including any current affiliations related to integrity monitoring; and

(8) the applicant's plan for maximizing sustainable, long-term revenue for the State, including a detailed market analysis.

(c) The Department shall assess an annual operator fee of \$550,000.00, which shall be apportioned equally among the authorized operators.

(d) Each operator shall pay to the Department a revenue share that is determined by the Department through the competitive bidding process.

#### § 1321. PROHIBITED ACTIVITIES

The Department's operators are prohibited from the following activities:

(1) accepting or making payment relating to sports wagers made by prohibited sports bettors;

(2) accepting sports wagers on prohibited sports events; or

(3) accepting sports wagers from persons who are physically outside the State of Vermont at the time the sports wager is placed.

#### § 1322. MAINTAINING SPORTS INTEGRITY

The Department and its operators may participate in national and international monitoring services and associations and may share betting information with those entities and sports governing bodies in order to ensure the integrity of sports wagers and sports events. The Commissioner may restrict, limit, or exclude wagering on a sports event if the Commissioner determines that the restriction, limitation, or exclusion is necessary to ensure the integrity of the sportsbook.

#### § 1323. ACCESS TO FINANCIAL REPORTS

The Department may require financial and compliance reports from its operators at any time and may conduct audits of these reports to ensure that the State receives the contractual share of revenue.

#### § 1324. COMPLIANCE OVERSIGHT

(a) The Department shall retain oversight of its operators to ensure that all sports wagering activities are conducted in accordance with this chapter, any contractual terms, and any procedures adopted by the Department.

(b) Any failure to comply with this chapter, contractual terms, or any procedures adopted by the Department may be brought before the Board of Liquor and Lottery. The Board shall have the authority to impose sanctions on an operator for a violation, including monetary penalties, suspension of operator operations within the State, and the termination of all operator

operations within the State. The Department may also bring an action in a Vermont court for damages, injunctive relief, or enforcement of monetary penalties related to any contract violation.

§ 1325. CRIMES AND PENALTIES

(a) A person who is not permitted to conduct sports wagering pursuant to this chapter that operates, conducts, or exposes sports wagering for play or accepts a bet or wager associated with sports wagering shall be fined not more than \$10,000.00 or imprisoned not more than six months, or both.

(b) A person convicted of a second violation of subsection (a) of this section shall be fined not more than \$25,000.00 or imprisoned not more than one year, or both.

(c) A person convicted of a third or subsequent violation of subsection (a) of this section shall be fined not more than \$50,000.00 or imprisoned not more than two years, or both.

Subchapter 3. Fantasy Sports Contests

§ 1330. DEFINITIONS

As used in this subchapter:

(1) “Computer script” means a list of commands that can be executed by a program, scripting engine, or similar mechanism that a fantasy sports player can use to automate participation in a fantasy sports contest.

(2) “Confidential fantasy sports contest information” means nonpublic information available to a fantasy sports operator that relates to a fantasy sports player’s activity in a fantasy sports contest and that, if disclosed, may give another fantasy sports player an unfair competitive advantage in a fantasy sports contest.

(3) “Fantasy sports contest” means a virtual or simulated sporting event governed by a uniform set of rules adopted by a fantasy sports operator in which:

(A) a fantasy sports player may earn one or more cash prizes or awards, the value of which a fantasy sports operator discloses in advance of the contest;

(B) a fantasy sports player uses the player’s knowledge and skill of sports data, performance, and statistics to create and manage a fantasy sports team;

(C) a fantasy sports team earns fantasy points based on the sports performance statistics accrued by individual athletes or teams, or both, in real world sporting events;

(D) the outcome is determined by the number of fantasy points earned; and

(E) the outcome is not determined by the score, the point spread, the performance of one or more teams, or the performance of an individual athlete in a single real world sporting event.

(4) "Fantasy sports operator" means a person that offers to members of the public the opportunity to participate in a fantasy sports contest for consideration.

(5) "Fantasy sports player" means an individual who participates in a fantasy sports contest for consideration.

(6) "Location percentage" mean the percentage, rounded to the nearest tenth of a percent, of the total of all entry fees collected from fantasy sports players located in Vermont, divided by the total entry fees collected from all fantasy sports players in fantasy sports contests.

(7) "Net fantasy sports contest revenues" means the amount equal to the total of all entry fees that a fantasy sports operator collects from all fantasy sports players, less the total of all sums paid out as winnings to all fantasy sports players, multiplied by the location percentage for Vermont.

#### § 1331. CONSUMER PROTECTION

(a) A fantasy sports operator shall adopt commercially reasonable policies and procedures to:

(1) prevent participation in a fantasy sports contest it offers to the public with a cash prize of \$5.00 or more by:

(A) the fantasy sports operator;

(B) an employee of the fantasy sports operator or a relative of the employee who lives in the same household; or

(C) a professional athlete or official who participates in one or more real world sporting events in the same sport as the fantasy sports contest;

(2) prevent the disclosure of confidential fantasy sports contest information to an unauthorized person;

(3) require that a fantasy sports player is 18 years of age or older and verify the age of each player using one or more commercially available

databases, which the government or businesses regularly use to verify and authenticate age and identity;

(4) limit and disclose to prospective players the number of entries a fantasy sports player may submit for each fantasy sports contest;

(5) limit a fantasy sports player to not more than one username or account;

(6) prohibit the use of computer scripts that provide a player with a competitive advantage over another player;

(7) segregate player funds from operational funds, or maintain a reserve in the form of cash, cash equivalents, payment processor receivables, payment processor reserves, an irrevocable letter of credit, a bond, or a combination thereof in an amount that equals or exceeds the amount of deposits in fantasy sports player accounts, for the benefit and protection of fantasy sports player funds held in the player's accounts; and

(8) notify fantasy sports players that winnings of a certain amount may be subject to income taxation.

(b) A fantasy sports operator shall have the following duties:

(1) The operator shall provide a link on its website to information and resources addressing addiction and compulsive behavior and where to seek assistance with these issues in Vermont and nationally.

(2)(A) The operator shall enable a fantasy sports player to restrict irrevocably the player's own ability to participate in a fantasy sports contest, for a period of time the player specifies, by submitting a request to the operator through its website or by online chat with the operator's agent.

(B) The operator shall provide to a player who self-restricts the player's participation information concerning:

(i) available resources addressing addiction and compulsive behavior;

(ii) how to close an account and restrictions on opening a new account during the period of self-restriction;

(iii) requirements to reinstate an account at the end of the period;  
and

(iv) how the operator addresses reward points and account balances during and after the period of self-restriction, and when the player closes the player's account.

(3) The operator shall provide a player access to the following information for the previous six months:

(A) a player's play history, including money spent, games played, previous line-ups, and prizes awarded; and

(B) a player's account details, including deposit amounts, withdrawal amounts, and bonus information, including amounts remaining for a pending bonus and amounts released to the player.

(c)(1) A fantasy sports operator shall contract with a third party to perform an annual independent audit, consistent with the standards established by the American Institute of Certified Public Accountants, to ensure compliance with the requirements in this chapter.

(2) The fantasy sports operator shall submit the results of the independent audit to the Attorney General.

(d) A fantasy sports operator shall not extend credit to a fantasy sports player.

(e) A fantasy sports operator shall not offer a fantasy sports contest based on the performance of participants in college, high school, or youth athletic events.

#### § 1332. FAIR AND TRUTHFUL ADVERTISING

(a) A fantasy sports operator shall not depict in an advertisement to consumers in this State:

(1) minors, other than professional athletes who may be minors;

(2) students;

(3) schools or colleges; or

(4) school or college settings, provided that an incidental depiction of nonfeatured minors does not violate this section.

(b) A fantasy sports operator shall not state or imply in an advertisement to consumers in this State endorsement by:

(1) minors, other than professional athletes who may be minors;

(2) collegiate athletes;

(3) colleges; or

(4) college athletic associations.



(c)(1) A fantasy sports operator shall include in an advertisement to consumers in this State information concerning assistance available to problem gamblers or shall direct consumers to a reputable source of that information.

(2) If an advertisement is of insufficient size or duration to provide the information required in subdivision (1) of this subsection, the advertisement shall refer to a website or application that does prominently include such information.

(d) A fantasy sports operator shall only make representations concerning winnings that are accurate, not misleading, and capable of substantiation at the time of the representation. For purposes of this subsection, an advertisement is misleading if it makes representations about average winnings without equally prominently representing the average net winnings of all players.

#### § 1333. REGISTRATION

On or before October 15 of each year in which a fantasy sports operator offers a fantasy sports contest to consumers in this State, the operator shall file an annual registration with the Department on a form adopted for that purpose and pay to the Department an annual registration fee in the amount of \$5,000.00.

#### § 1334. ENFORCEMENT

(a) A person that violates a provision of this chapter commits an unfair and deceptive act in commerce in violation of 9 V.S.A. § 2453.

(b) The Attorney General has the authority to adopt rules to implement the provisions of this chapter and to conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided under 9 V.S.A. chapter 63, subchapter 1.

#### Subchapter 4. Responsible Gaming and Problem Gambling

#### § 1340. RESPONSIBLE GAMING AND PROBLEM GAMBLING;

##### OPERATOR PLANS, DUTIES, AND REPORT

(a) Responsible gaming plan. Annually, each operator shall submit to the Department and the Department of Mental Health a responsible gaming plan that shall include information related to the posting of materials related to problem gambling, resources to be made available to bettors expressing concerns about problem gambling, house-imposed player limits, and self-exclusion programs. The Commissioner shall require each applicant to submit a responsible gaming plan prior to authorizing the applicant to conduct a sportsbook within the State.

(b) Plan review. At least every five years, each operator shall be subject to an independent review of the operator's responsible gaming plan, as assessed by industry standards and performed by a third party approved by the Department. The Department may require the operator to pay for the independent review.

(c) Problem gambling report. Annually on or before January 15, the Department, in consultation with the Department of Mental Health, shall submit to the General Assembly a report on the impact of sports wagering on problem gambling in Vermont, including an analysis of demographic populations that are disproportionately impacted by problem gambling. The Department may require the operators to pay for the costs associated with preparing and submitting the report.

(d) Operator platform requirements. The Department shall ensure that each operator utilizes a mobile sports wagering platform that:

(1) prohibits an individual from establishing more than one account;

(2) prohibits an individual from using a credit card to establish an account or place wagers;

(3) allows a person to limit the amount of money that may be deposited into an account and spent per day through an account;

(4) establishes a statewide voluntary self-exclusion process to allow a person to:

(A) exclude themselves from establishing an account;

(B) exclude themselves from placing wagers through an account; or

(C) limit the amount such person may spend using such an account;

(5) provides responsible gaming and problem gambling information to participants; and

(6) conspicuously displays on each applicable Internet website or mobile application:

(A) a link to a description of the provisions of this subsection (d);

(B) a link to responsible gaming and problem gambling information;

(C) a telephone number that an individual may use to obtain information about problem gambling;

(D) a link to information about the voluntary self-exclusion process described in subdivision (4) of this subsection (d);

(E) a periodic pop-up message displaying the amount of time an individual has spent on the operator's Internet website or mobile application;

(F) a means to initiate a break in play to discourage excessive play;  
and

(G) a clear display of the amount of money available to the individual in the individual's account.

(e) Advertising restrictions. Sports wagering advertisements shall not:

(1) depict any individual under 21 years of age, except live footage or images of athletes in sporting events on which sports wagering is permitted;

(2) depict any individual under 21 years of age in any way that may be construed as the underage individual participating in or endorsing sports wagering; or

(3) target individuals under 21 years of age, other individuals who are ineligible to participate in sports wagering, individuals with gambling problems, or other vulnerable individuals.

(f) Vermont postsecondary campuses. A postsecondary school located in the State shall not permit sports wagering to be advertised on property belonging to the postsecondary school, except for generally available advertising, including television, radio, and digital advertising. An operator shall not advertise in a manner that targets the area of a college or university campus.

#### § 1341. PROBLEM GAMBLING SPECIAL FUND

(a) There is established the Problem Gambling Special Fund that shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. Annually, the following amounts of the annual sports wagering revenue received by the Department of Liquor and Lottery shall be credited to this Fund:

(1) in fiscal year 2024, five percent but not less than \$250,000.00; and

(2) in fiscal year 2025 and each year thereafter, five percent but not less than \$500,000.00.

(b) This Fund shall be available to the Department of Mental Health for:

(1) providing support to agencies, organizations, and persons that provide education, assistance, awareness, treatment, and recovery services to persons and families experiencing difficulty as a result of addictive or problematic gambling;

(2) promoting public awareness of and providing education about gambling addiction;

(3) establishing and funding programs to certify addiction counselors;

(4) promoting public awareness of assistance programs for gambling addiction; and

(5) funding a helpline with text messaging and online chat capabilities.

(c) On or before January 15 of each year, the Department of Mental Health shall submit to the General Assembly a report detailing the expenditures from the Fund in the preceding fiscal year and summarizing the programs and activities supported by those expenditures.

## Sec. 2. DEPARTMENT OF LIQUOR AND LOTTERY; FANTASY SPORTS CONTEST REPORT AND RECOMMENDATIONS

(a) On or before January 15, 2024, the Department of Liquor and Lottery shall submit to the House Committee on Government Operations and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs a report on the current status of fantasy sports contests in Vermont.

(b) The report shall include:

(1) an examination of the number of fantasy sports contest operators, the amount of players who participate in fantasy sports contests, and the State's compliance monitoring and enforcement of the laws governing fantasy sports contests; and

(2) recommendations for how the current statutes governing fantasy sports contests may be amended to address any issues identified in the report.

## Sec. 3. REPEAL

9 V.S.A. chapter 116 (fantasy sports contests) is repealed.

## Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

**Rep. Beck of St. Johnsbury**, for the Committee on Ways and Means, recommended that the report of the Committee on Government Operations and Military Affairs be amended as follows:

First: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1301 (definitions), in subdivision (7), following "hardware, software, and data networks" by inserting the words "that are" before the words "used to manage"

Second: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1301 (definitions), in subdivision (15)(B), following the words "of this subdivision" by striking out "(16)" and inserting in lieu thereof "(15)"

Third: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1302 (Department of Liquor and Lottery; authority and duties), in subdivision (c)(5), following the period at the end of the subdivision, by inserting the words “The Department shall establish a process that allows a holder of a joint bank account to exclude the joint account from all operator platforms in the State.”

Fourth: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1302 (Department of Liquor and Lottery; authority and duties), by striking out subsection (g) in its entirety and inserting in lieu thereof a new subsection (g) to read as follows:

(g) The Department shall include in its contract with each operator:

(1) a provision that prohibits the use of sports wagering advertisements, logos, trademarks, or brands on products that are sold in Vermont and intended primarily for persons under 21 years of age;

(2) the requirement that the Department and its operators shall cooperatively develop an advertising plan, which shall include strategies to limit unwanted advertising and advertising aimed at persons under 21 years of age; and

(3) a cap on the amount spent by the Department and its operators on sports wagering advertising within the State.

Fifth: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), by striking out section 1304 (revenues to General Fund) in its entirety and inserting in lieu thereof a new section 1304 to read as follows:

#### § 1304. REVENUES TO GENERAL FUND

The revenues and fees received by the Department pursuant to this chapter shall be deposited in the General Fund.

Sixth: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1320 (sports wagering operators; competitive bidding process), in subsection (a), following the period at the end of the sentence, by inserting the following:

It is the intent of the General Assembly that the Department shall be guided by and prioritize the following when conducting the competitive bidding process, selecting operators, and structuring agreements with the operators:

(1) maximizing revenues to the State;

(2) reducing the illegal market and converting wagerers to the legal market; and

(3) protecting Vermonters from problem gambling.

Seventh: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1320 (sports wagering operators; competitive bidding process), by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) The Department shall assess an annual operator fee based on the number of operators that are accepted through the competitive bidding process. The annual operator fee shall be assessed as follows:

- (1) For one operator, \$550,000.00.
- (2) For two operators, \$275,000.00 per operator.
- (3) For three operators, \$200,000.00 per operator.
- (4) For four operators, \$162,500.00 per operator.
- (5) For five operators, \$140,000.00 per operator.
- (6) For six operators, \$125,000.00 per operator.

Eighth: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1320 (sports wagering operators; competitive bidding process), in subsection (d), following the words “through the competitive bidding process” by inserting “, provided that the revenue share shall not be less than 20 percent of adjusted gross sports wagering revenue”

Ninth: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in subchapter 4, by striking out section 1341 (Problem Gambling Special Fund) in its entirety and inserting in lieu thereof a new section 1341 to read as follows:

#### § 1341. PROBLEM GAMBLING PROGRAM

(a) The Department of Mental Health shall manage and administer a problem gambling program to:

- (1) support agencies, organizations, and persons that provide education, assistance, awareness, treatment, and recovery services to persons and families experiencing difficulty as a result of addictive or problematic gambling;
- (2) promote public awareness of and provide education about gambling addiction;
- (3) establish and fund programs for the certification of addiction counselors;
- (4) promote public awareness of assistance programs for gambling addiction; and
- (5) fund a helpline with text messaging and online chat capabilities.

(b) On or before January 15 of each year, the Department of Mental Health shall submit to the General Assembly a report detailing the activities supported by appropriations made for the problem gambling program.

Tenth: By inserting a new section to be Sec. 2a to read as follows:

Sec. 2a. APPROPRIATIONS

(a) The following sums are appropriated to the Department of Mental Health for purposes of establishing and administering a problem gambling program:

(1) in fiscal year 2024, \$250,000.00; and

(2) in fiscal year 2025, \$500,000.00.

(b) In fiscal year 2024, \$550,000.00 is appropriated from the General Fund to the Department of Liquor and Lottery. This appropriation is made in anticipation of receipts from sports wagering operator fees.

**Rep. Harrison of Chittenden**, for the Committee on Appropriations, recommended that the report of the Committee on Ways and Means be amended as follows:

First: In the fifth instance of amendment, by striking out section 1304 and inserting in lieu thereof a new section 1304 to read as follows:

§ 1304. REVENUES TO SPORTS WAGERING FUND

The revenues and fees received by the Department pursuant to this chapter shall be deposited in the Sports Wagering Fund.

Second: By striking out the ninth instance of amendment in its entirety and inserting in lieu thereof a new ninth instance of amendment to read as follows:

Ninth: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), by striking out section 1341 in its entirety and inserting in lieu thereof two new sections to be Secs. 1341 and 1341a to read as follows:

§ 1341. SPORTS WAGERING FUND

(a) The Sports Wagering Fund is established. It shall consist of all revenues and fees received by the Department pursuant to this chapter and all amounts that are from time to time appropriated to the Department for purposes of this chapter.

(b) The Department's administrative and operating costs shall be allocated to and paid from the Fund based on generally accepted accounting principles.

§ 1341a. PROBLEM GAMBLING PROGRAM

(a) The Department of Mental Health shall establish and administer the Problem Gambling Program to:

(1) provide support to agencies, organizations, and persons that provide education, assistance, awareness, treatment, and recovery services to persons and families experiencing difficulty as a result of addictive or problematic gambling;

(2) promote public awareness of and provide education concerning gambling addiction;

(3) establish programs to certify addiction counselors;

(4) promote public awareness of assistance programs for gambling addiction; and

(5) fund a helpline with text messaging and online chat capabilities.

(b) On or before January 15 of each year, the Department of Mental Health shall submit to the General Assembly a report detailing the expenditures related to the Problem Gambling Program in the preceding fiscal year and summarizing the programs and activities supported by those expenditures.

Third: In the tenth instance of amendment, in Sec. 2a (appropriations), by striking out all after the section heading and inserting in lieu thereof the following:

(a) The following sums are appropriated from the Sports Wagering Fund to the Department of Mental Health for purposes of establishing and administering the Problem Gambling Program:

(1) in fiscal year 2024, \$250,000.00; and

(2) in fiscal year 2025, \$500,000.00.

(b) In fiscal year 2024, \$550,000.00 is appropriated from the Sports Wagering Fund to the Department of Liquor and Lottery. This appropriation is made in anticipation of receipts from sports wagering operator fees.

Thereupon, 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. Thereafter, the report of the Committee on Government Operations and Military Affairs was amended as recommended by the Committee on Ways and Means, as amended.



Thereafter, **Rep. Birong of Vergennes** moved to amend the report of the Committee on Government Operations and Military Affairs, as amended, as follows:

In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), by striking out section 1325 (crimes and penalties) in its entirety and inserting in lieu thereof a new section 1325 to read as follows:

§ 1325. CRIMES AND PENALTIES

(a) A person who is not permitted to conduct sports wagering pursuant to this chapter that operates, conducts, or exposes sports wagering for play or accepts a bet or wager associated with sports wagering shall:

(1) for a first violation of this subchapter, be fined not more than \$25,000.00 or imprisoned not more than six months, or both;

(2) for a second violation of this subsection, be fined not more than \$75,000.00 or imprisoned not more than one year, or both; and

(3) for a third or subsequent violation of this subsection, be fined not more than \$150,000.00 or imprisoned not more than two years, or both.

(b) An operator who violates a provision of this chapter shall be fined:

(1) for a first violation, not more than \$25,000.00;

(2) for a second violation, not more than \$75,000.00; and

(3) for a third violation, not more than \$150,000.00.

(c) Upon the violation of a provision of this chapter by an operator, the Department may terminate its contract with the operator and revoke the operator's privilege to offer sports wagering within the State.

Which was agreed to. Thereafter, the bill was amended as recommended by the Committee on Government Operations and Military Affairs, as amended, and third reading ordered.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 157**

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

An act relating to the Vermont basic needs budget

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

Sec. 1. BASIC NEEDS BUDGET TECHNICAL ADVISORY COMMITTEE;  
REPORT

(a) Creation. The Basic Needs Budget Technical Advisory Committee is created to update the methodology utilized in calculating the basic needs budget pursuant to 2 V.S.A. § 526.

(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;

(2) two current members of the Senate, not all from the same political party, who shall be appointed by the Committee on Committees;

(3) the Secretary of Human Services or designee;

(4) one member, appointed by the Vermont Sustainable Jobs Fund;

(5) one member, appointed by the Society for Human Resources Management, Vermont State Council; and

(6) one member, appointed by Capstone Community Action.

(c) Duties.

(1)(A) On or before November 1, 2023, the Committee shall study the topics set forth in subdivision (B) of this subdivision (1) and submit a written report to the Joint Fiscal Committee, the House Committee on General and Housing, and the Senate Committee on Economic Development, Housing and General Affairs that details the Committee's findings and provides recommendations for revisions to the methodology for determining the basic needs budget pursuant to 2 V.S.A. § 526. The report may also include recommendations for legislative action.

(B) In preparing the report required pursuant to subdivision (A) of this subdivision (1), the Committee shall study the following topics:

(i) the current methodology for calculating the basic needs budget and determining what constitutes a livable wage;

(ii) potential changes to the methodology for calculating the basic needs budget and determining what constitutes a livable wage, including the identification of not more than seven household configurations to be utilized in future determinations of the basic needs budget and livable wage; and

(iii) potential changes to 2 V.S.A. § 526 to account for public policy changes, data availability, or any other factors that have had an impact on any aspects of the basic needs budget calculation or the cost to Vermonters of basic needs as that term is defined in 2 V.S.A. § 526(a)(1).

(2) The Committee shall:

(A) take testimony from subject-matter experts to assist with data analysis and methodological considerations; and

(B) take testimony from a variety of stakeholders, including employers and employees and organizations that represent employers and employees.

(d) Assistance. The Committee shall have the administrative and technical assistance of the Joint Fiscal Office, the technical assistance of the Department of Labor's Economic and Labor Market Information Division, and the legal assistance of the Office of Legislative Counsel.

(e) Meetings.

(1) The Joint Fiscal Office shall call the first meeting of the Committee to occur on or before August 15, 2023.

(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 January 30, 2025.

(f) Compensation and reimbursement.

(1) 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 five meetings.

(2) Other members of the Committee who are not State employees shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than five meetings.

(g) Appropriations.

(1) The sum of \$7,000.00 is appropriated to the General Assembly from the General Fund in fiscal year 2024 for per diem compensation and reimbursement of expenses for members of the Committee.

(2) The sum of \$10,000.00 is appropriated to the Joint Fiscal Office from the General Fund in fiscal year 2024 for costs related to retaining experts and other services provided to the Committee by the Joint Fiscal Office.

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**Sec. 2. 2025 BASIC NEEDS BUDGET REPORT; METHODOLOGY**

Notwithstanding any provision of 2 V.S.A. § 526(c) to the contrary, in preparing the basic needs budget report due January 15, 2025, the Joint Fiscal Office shall utilize the methodology and household configurations recommended by the Basic Needs Budget Technical Advisory Committee established pursuant to section 1 of this act.

**Sec. 3. EFFECTIVE DATE**

This act shall take effect on July 1, 2023.

**Rep. Bluemle of Burlington**, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on General and Housing.

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

**Second Reading; Bill Amended; Third Reading Ordered****H. 165**

**Rep. Cole of Hartford**, for the Committee on Agriculture, Food Resiliency, and Forestry, to which had been referred House bill, entitled

An act relating to school food programs and universal school meals

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

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

**Sec. 1. FINDINGS**

The General Assembly finds that:

(1) 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. As a result, some schoolchildren face more challenges than others in succeeding in school and in life. 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 persons in Vermont faced hunger, and families with children were five times more

likely to face hunger. Food insecurity rates remained above prepandemic 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 (UVM) partnered with the Vermont Farm to School Network to measure the economic contribution and impacts of Farm to School programs 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 analyzing trends in food sources and diet quality published in 2021 found that the most nutritious meals consumed by children in the United States are school meals, including when compared to meals cooked at home.

(6) A study conducted by UVM found that universal school meals programs in Vermont were associated with, among other benefits, improved overall school social climate as a result of financial difference being less visible and improved readiness to learn among students overall.

\* \* \* School Food Programs \* \* \*

Sec. 2. 16 V.S.A. chapter 27, subchapter 2 is amended to read:

#### Subchapter 2. School Food Programs

##### § 1261a. DEFINITIONS

As used in this subchapter:

(1) “Food programs” means provision of food to persons under programs meeting standards for assistance under the National School Lunch Act, 42 U.S.C. § 1751 et seq., and in the Child Nutrition Act, 42 U.S.C. § 1771 et seq., each as amended.

(2) “School board” means the governing body of a school district responsible for the administration of a public school.

(3) “Independent school board” means a governing body responsible for the administration of a nonprofit independent school exempt from ~~United States~~ U.S. income taxes.

(4) “Approved independent school” means an independent school physically located in Vermont and approved by the State Board of Education under section 166 of this title.

(5) “Universal meals supplement” means the reimbursement amount paid by the State for the cost of a paid breakfast or lunch under the federal school breakfast and federal school lunch programs.

(A) For breakfast, the universal meals supplement is 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.

(B) For lunch, the universal meals supplement is 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.

§ 1262a. AWARD OF GRANTS

\* \* \*

(e) Universal meals supplements shall be awarded in accordance with section 4017 of this title.

\* \* \*

§ 1264. FOOD PROGRAM

(a)(1)(A) Each school board operating a public school shall cause to operate within the each school in the school district 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.

(B) In addition, 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 Child Nutrition Act and the National School Lunch Act, each as amended, for each attending student every school day at no charge. An approved independent school operating a school lunch and school breakfast program made available to students who qualify for those meals under the Child Nutrition Act and the National School Lunch Act, each as amended, shall offer the same to each attending student every school day at no charge in order to qualify for the universal meals supplement.

(C) 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:

(i) providing breakfast meals that can be picked up by students;

(ii) making breakfast available to students in classrooms after the start of the school day; and

(iii) 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.

(D) A school district and an approved independent school shall count time spent by students consuming school meals during class as instructional time.

\* \* \*

#### § 1265. EXEMPTION; PUBLIC DISCUSSION

~~(a) The school board of a public school district that wishes to be exempt from the provisions of section 1264 of this title may vote at a meeting warned and held for that purpose to exempt itself from the requirement to offer either the school lunch program or the school breakfast program, or both, for a period of one year.~~

~~(b) If a public school is exempt from offering a breakfast or lunch program, its school board shall conduct a discussion annually on whether to continue the exemption. The pending discussion shall be included on the agenda at a regular or special school board meeting publicly noticed in accordance with 1 V.S.A. § 312(c), and citizens shall be provided an opportunity to participate in the discussion. The school board shall send a copy of the notice to the Secretary and to the superintendent of the supervisory union at least ten days prior to the meeting. Following the discussion, the school board shall vote on whether to continue the exemption for one additional year.~~

~~(c) On or before the first day of November prior to the date on which an exemption voted under this section is due to expire, the Secretary shall notify the boards of the affected school district and supervisory union in writing that the exemption will expire.~~

~~(d) Following a meeting held pursuant to subsection (b) of this section, the school board shall send a copy of the agenda and minutes to the Secretary and the superintendent of the supervisory union.~~

~~(e) The Secretary may grant a supervisory union or a school district a waiver from duties required of it under this subchapter upon a demonstration that the duties would be performed more efficiently and effectively in another manner. [Repealed.]~~

\* \* \* Universal Meals Supplement Awards \* \* \*

Sec. 3. 16 V.S.A. § 4017 is added to read:

§ 4017. UNIVERSAL MEALS SUPPLEMENT

(a) Definition. For the purpose of this section, “universal meals supplement” has the same meaning as that term has in subdivision 1261a(5) of this title.

(b) Public schools. From State funds appropriated to the Agency from the Education Fund for the universal meals supplement, the Agency shall provide a universal meals supplement for the cost of each meal actually provided to each student in the district during the previous quarter when meals are offered to all students at no charge pursuant to subdivision 1264(a)(1)(B) of this title.

(1) 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, under 7 C.F.R. § 245.9(f), or Provision 2, under 7 C.F.R. § 245.9(b), 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. At the start of each school year, the Agency of Education may require that a school food authority requesting the universal meals supplement begin a new cycle of the relevant federal provision and group sites in a manner the Agency determines will maximize the drawdown of federal funds.

(2) Second breakfasts, as allowed under 7 C.F.R. § 220.9(a), do not qualify for reimbursement under this subsection.

(3) A nonprofit prequalified private prekindergarten provider that is qualified pursuant to subsection 829(c) of this title and is not also an approved or recognized independent school is eligible for the universal meals supplement under this subsection if it operates a food program under a public school school food authority.

(c) Approved independent schools.

(1) From State funds appropriated to the Agency from the Education Fund for the universal meals supplement, the Agency shall provide a universal meals supplement for the cost of each meal actually provided to each qualifying student on public tuition when meals are offered to all students at no charge pursuant to subdivision 1264(a)(1)(B) of this title, provided that:



(A) If the approved independent school participates in the food programs as a site under a public school school food authority, the public school school food authority shall be reimbursed only for students attending the approved independent school on public tuition.

(B) If the approved independent school participates in the Community Eligibility Provision under 7 C.F.R. § 245.9(f), or is in a year other than the base year of Provision 2 under 7 C.F.R. § 245.9(b), the school shall provide the Agency with the number of students attending the school on public tuition and the total number of students enrolled in the school. The Agency shall calculate the percentage of students attending the school on public tuition and multiply that number by the paid student percentage, the results of which shall be the number of meals the school shall be reimbursed for.

(2) Second breakfasts, as allowed under 7 C.F.R. § 220.9(a), do not qualify for reimbursement under this subsection.

(3) Students attending an approved independent school on public tuition shall include a prekindergarten child if the approved independent school also qualifies as a prequalified private provider and the child's school district of residence pays tuition to the school pursuant to section 829 of this title.

(4) An approved independent school is eligible for the universal meals supplement 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 Child Nutrition Act as amended, to each attending student who qualifies for those meals under these acts every school day.

(5) 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 under 7 C.F.R. § 245.9(f), or Provision 2 under 7 C.F.R. § 245.9(b), 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. At the start of each school year, the Agency of Education may require that a school food authority requesting the universal meals supplement begin a new cycle of the relevant federal provision and group sites in a manner the Agency determines will maximize the drawdown of federal funds.

(d) Universal meals supplement. The universal meals supplement 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 universal meals supplement 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.

\* \* \* Local Foods Incentive Grant \* \* \*

Sec. 4. 16 V.S.A. § 1264a is amended to read:

§ 1264a. **LOCALLY PRODUCED FOODS**

(a) It is a goal of the State that by the year 2023, at least 20 percent of all foods purchased by ~~supervisory unions and supervisory districts, together referred to in this section as “supervisory unions,”~~ eligible entities, as defined by subsection (e) of this section, be locally produced foods. ~~School boards~~ Eligible entities have the discretion to define what foods are included within the definition of “locally produced foods” for the purposes of this subsection and subsection (b) of this section.

(b) On or before December 31, 2021 and annually thereafter, ~~a school board~~ an eligible entity operating a school lunch, breakfast, or summer meals program shall report to the Agency of Education an estimate of the percentage of the cost of all foods purchased by the ~~school board~~ eligible entity for those programs that were locally produced foods during the one-year period ending on June 30 of that year.

(c)(1) Beginning with the 2021–22 school year and thereafter, ~~supervisory unions~~ eligible entities shall be eligible for a local foods incentive grant (grant) from funds appropriated to the Agency of Education for this purpose.

(2) A ~~supervisory union~~ eligible entity may apply for the grant if it has:

(A) developed a locally produced foods purchasing plan that describes the ~~supervisory union’s~~ eligible entity’s goals for purchasing locally produced foods and its plan to achieve those goals;

(B) designated an individual as the food coordinator for locally produced foods, who shall be responsible for implementing the locally produced foods purchasing plan;

(C) developed a process for tracking the purchase of locally produced foods; and

(D) complied with the reporting requirement under subsection (b) of this section.

(3) ~~A supervisory union~~ An eligible entity that has satisfied the conditions under subdivision (2) of this subsection may, on or before January 15, 2022 or on or before January 15 of any year thereafter, apply to the Agency for the grant by submitting a certification, signed by the business manager for the ~~supervisory union~~ eligible entity, that the ~~supervisory union~~ eligible entity satisfies the conditions under subdivision (2) of this subsection.

(4) If ~~a supervisory union~~ an eligible entity is eligible for a grant under subdivision (3) of this subsection, then the Agency shall make the grant payment, subject to appropriation, on or before the following March 31 after submission of the ~~supervisory union's~~ eligible entity's application, which is due on or before January 15 of that year, which shall be equal to \$0.15 per reimbursable school lunch served by the ~~supervisory union~~ eligible entity in the prior school year through the National School Lunch Program. A ~~supervisory union~~ An eligible entity may apply for this grant and receive this grant funding only once.

(5)(A) ~~A supervisory union~~ An eligible entity that has received a grant under subdivision (4) of this subsection (c) may, on or before January 15, 2023 or on or before January 15 of any year thereafter, apply for a further grant by submitting to the Agency of Education information that demonstrates that at least 15 percent of the cost of all foods purchased or grown, raised, or produced by the ~~supervisory union~~ eligible entity during the one-year period ending on June 30 of the previous year were local to Vermont as defined in 9 V.S.A. § 2465a(b), excluding:

(i) foods purchased or grown, raised, or produced by the ~~supervisory union~~ eligible entity that were used to provide catering services for which the ~~supervisory union~~ eligible entity received compensation; and

(ii) fluid milk.

(B) If ~~a supervisory union~~ an eligible entity grows, raises, or produces food, it shall assign a fair market value to that food for the purpose of reporting its cost.

(C) A vendor that contracts with ~~a supervisory union~~ an eligible entity to supply food products shall certify to the supervisory union which of the food products supplied meet the definition of local to Vermont, taking into account the exclusions under subdivision 5(A) of this ~~subsection~~ subdivision (c)(5).

(6) If ~~a supervisory union~~ an eligible entity is eligible for a grant under subdivision (5) of this subsection, the Agency shall, on or before the following April 30 after submission of the ~~supervisory union's~~ eligible entity's

application, which is due on or before January 15 of that year, make the grant payment, subject to appropriation, which shall be determined as follows:

(A) \$0.15 per reimbursable school lunch served in the prior school year through the National School Lunch Program for supervisory unions purchasing at least 15 percent locally produced foods;

(B) \$0.20 per reimbursable school lunch served in the prior school year through the National School Lunch Program for supervisory unions purchasing at least 20 percent locally produced foods; or

(C) \$0.25 per reimbursable school lunch served in the prior school year through the National School Lunch Program for supervisory unions purchasing at least 25 percent locally produced foods.

(7) ~~A supervisory union~~ An eligible entity may apply for and receive grant funding under subdivisions (5) and (6) of this subsection for each year that it qualifies for this grant funding. For applications covering the 2020-2021 school year, meals served through the Summer Food Service Program shall also be counted for this grant payment.

(8) The Agency of Education may perform sample audits for any year that grant funds are paid to ~~supervisory unions~~ eligible entities under subdivision (6) of this subsection to verify that information provided to the Agency under subdivision (5) of this subsection is accurate. If the Agency makes a grant payment under subdivision (6) of this subsection to a ~~supervisory union~~ an eligible entity that was based on inaccurate information reported by the ~~supervisory union~~ eligible entity, the Agency may seek reimbursement from the ~~supervisory union~~ eligible entity for an overpayment or reimburse the ~~supervisory union~~ eligible entity for an underpayment or may adjust future grant amounts under this section to reflect the over- or underpayment.

(d)(1) On or before January 31, 2022 and annually thereafter, the Agency of Education shall submit to the Senate Committees on Agriculture and on Education and the House Committees on Agriculture and Forestry and on Education in an aggregated form:

(A) the information received from ~~supervisory unions~~ eligible entities regarding the percentage of locally produced foods, as the ~~supervisory unions~~ eligible entities define them, that were reported under subsection (b) of this section; and

(B) the percentage of locally produced foods, using the grant funding definition, that were reported under subdivision (c)(5) of this section and the amount of grant funding paid to ~~supervisory unions~~ eligible entities under subdivision (c)(6) of this section in the prior school year.

(2) The provisions of 2 V.S.A. § 20(d) regarding expiration of required reports shall not apply to the reports required by this subsection.

(e) As used in this section, “eligible entity” means:

(1) a supervisory union or supervisory district; or

(2) an approved independent school operating a food program, as defined by subdivision 1261a(1) of this title, that also qualifies for the universal meals supplement pursuant to section 4017 of this title.

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

#### Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

**Rep. Sims of Craftsbury**, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Agriculture, Food Resiliency, and Forestry.

**Rep. Mihaly of Calais**, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Agriculture, Food Resiliency, and Forestry.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Agriculture, Food Resiliency, and Forestry was agreed to, and third reading ordered.

#### **Message from the Senate No. 31**

A message was received from the Senate by Ms. Kucserik, 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. 35.** An act relating to the Town of Hartford’s tax increment financing district.

**S. 36.** An act relating to permitting an arrest without a warrant for assaults and threats against health care workers and disorderly conduct at health care facilities.

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

And has passed the same in concurrence.

### **Adjournment**

At ten o'clock and fifty-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.

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### **Friday, March 24, 2023**

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 Bills Introduced**

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

#### **H. 489**

By Reps. Brumsted of Shelburne and Lalley of Shelburne,

House bill, entitled

An act relating to approval of an amendment to the charter of the Town of Shelburne

To the Committee on Government Operations and Military Affairs.

#### **H. 490**

By Reps. LaBounty of Lyndon and Wilson of Lyndon,

House bill, entitled

An act relating to approving the merger of the Village of Lyndonville with the Town of Lyndon

To the Committee on Government Operations and Military Affairs.

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**Senate Bills Referred**

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

**S. 35**

Senate bill, entitled

An act relating to the Town of Hartford's tax increment financing district  
To the Committee on Ways and Means.

**S. 36**

Senate bill, entitled

An act relating to permitting an arrest without a warrant for assaults and threats against health care workers and disorderly conduct at health care facilities

To the Committee on Judiciary.

**Bill Referred to Committee on Appropriations  
Pending Entry on the Notice Calendar****H. 276**

House bill, entitled

An act relating to creating a rental housing registry

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

**Third Reading; Bills Passed**

House bills of the following titles were severally taken up, read the third time, and passed:

**H. 66**

House bill, entitled

An act relating to paid family and medical leave insurance

**H. 127**

House bill, entitled

An act relating to sports wagering

**H. 157**

House bill, entitled

An act relating to the Vermont basic needs budget

**H. 165**

House bill, entitled

An act relating to school food programs and universal school meals

**H. 481**

House bill, entitled

An act relating to public health initiatives to address death by suicide

**H. 482**

House bill, entitled

An act relating to Vermont Criminal Justice Council recommendations for law enforcement officer training

**Second Reading; Bill Amended; Third Reading Ordered****H. 102**

**Rep. Headrick of Burlington**, for the Committee on Corrections and Institutions, to which had been referred House bill, entitled

An act relating to the Art in State Buildings Program

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

Sec. 1. REPEAL

29 V.S.A. chapter 2 (art in State buildings) is repealed.

Sec. 2. 29 V.S.A. chapter 2 is added to read:

CHAPTER 2. ART IN STATE BUILDINGS§ 41. PURPOSE AND INTENT

(a) Purpose. The State of Vermont recognizes that public art improves the character and quality of State buildings; enhances the workplace of State employees by creating an environment of distinction, enjoyment, and pride; and adds value to the cultural, aesthetic, and economic vitality of the State.

(b) Intent. It is the intent of the General Assembly to support Vermont artists and the benefits of public art by providing ongoing funding for the commissioning of works of art for installation in State buildings and facilities.



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§ 42. DEFINITIONS

As used in this chapter:

(1) “Addition” means any new construction that increases the height or floor area of an existing building or facility.

(2) “Art selection panel” means a Council-appointed group of individuals consisting of the Department of Buildings and General Services project manager, the project architect, a representative or representatives from the occupant agency or agencies, the community, and arts professionals who forward recommendations of artwork to the Advisory Committee for final approval.

(3) “Commissioner” means the Commissioner of Buildings and General Services.

(4) “Contracting agency” means the administrative unit of State government responsible for securing the preparation of plans and specifications of a State building or facility for the purpose of negotiating or advertising for bids for the construction of such building or facility.

(5) “Council” means the Vermont Council on the Arts, Inc.

(6) “Mixed media” means any combination of two or more types of materials used to create a single work of art in two or three dimensions.

(7) “Occupant agency” means that public entity that has or will have principal authority to use or occupy a public building.

(8) “Project cost” means the budgeted cost of a construction or renovation project, which may include an addition, excluding the cost of design and of land acquisition or land improvement.

(9) “Project site” means any State building or facility undergoing new construction or renovation, which may include an addition, with a total project cost of \$1,000,000.00 or more that is funded from an appropriation or appropriations in one or more capital construction act and has been recommended for consideration by the Commissioner pursuant to this chapter.

(10) “State building or facility” means any State building, facility, permanent structure, park, or appurtenant structure thereof, wholly or partially enclosed, owned or leased by State government, that is to be constructed or renovated, which may include an addition, in part or totally with funds from any appropriation from the capital construction act. The term does not include highways, airport runways, or taxi ways, hangars, railroad tracks, sidings or yards, garages, sheds, warehouses, heating plants, sewers, parking lots, bridges, highway garages, or buildings used for storage or that are of a

temporary nature. The term does not include buildings or facilities owned by units of local government, including school districts.

(11) "Work of art" means an original creation of visual art in sculpture, paintings, graphic arts, mosaics, photography, crafts, calligraphy, mixed media, or any other creation that the Advisory Committee deems a visual art. Works of art may be attached to the structure of a State building or facility or may be detached within or outside the structure.

#### § 43. ART IN STATE BUILDINGS PROGRAM

(a) Program established. There is established the Art in State Buildings Program to authorize the State to fund and contract for the design, purchase, commission, fabrication, installation, and integration of permanent works of art during the design of new construction or renovation, which may include an addition, of State buildings and facilities. Works of art may be donated to the Program pursuant to the guidelines established in subdivision (b)(2) of this section, provided the donation meets the purpose and intent of the Program as described in section 41 of this chapter.

##### (b) Administration.

(1) The Vermont Council on the Arts, in coordination with the Department of Buildings and General Services and the Art in State Buildings Advisory Committee, shall administer the Program.

(2) The Commissioner of Buildings and General Services shall establish procedures to administer this chapter, including procedures for communicating with artists interested in donating works of art to the Program and the acceptance of donated works of art to the Program, pursuant to the requirements of 32 V.S.A. § 5.

(3) The Council shall establish contract procedures for commissioning with artists for the design and creation of works of art.

##### (c) Project site selection process.

(1) On or before July 1 each year, the Commissioner of Buildings and General Services shall recommend to the Council project sites for consideration under this chapter for the installation of artwork. In recommending a project site to the Council, the Commissioner shall give priority to buildings and facilities that are frequently visited by members of the public.

(2) The Commissioner and the Council shall present the recommendations to the Art in State Buildings Advisory Committee for final approval.

(d) Project design.

(1) Upon final selection for any approved project site, the contracting agency, in coordination with the Department of Buildings and General Services, shall:

(A) notify the architect of the provisions of this chapter, including the architect's participation on the art selection panel; and

(B) notify the Commissioner and the Council of the selection of the architect and the details of the project.

(2) The Commissioner of Buildings and General Services shall:

(A) ensure that early in the building design phase, the architect will discuss the potential placement and form of artwork with the art selection panel and the selected artist, and that bid specifications will inform potential contractors of the artwork to be installed in the building or facility; and

(B) assist occupant and contracting agencies in locating liability insurance for artwork when necessary.

(e) Artist selection process.

(1) Upon final approval of any project site by the Advisory Committee pursuant to subdivision (c)(2) of this section, the Council shall facilitate a process with the appointed art selection panel that will result in a recommendation of an artist or artist team for each project selected for installation of artwork. Priority in acquisitions and commissions of works of art shall be given to Vermont artists.

(2) The artist or artist team shall collaborate with the design team and the art selection panel during the initial design phase of the project.

(3) The Council shall arrange contracts with artists and order payments from the Art Acquisition Fund for the design and fabrication of such works of art.

(f) Installation of works of art. The Commissioner of Buildings and General Services and the Council shall review the final installation and placement of works of art.

(g) Ownership of works of art. The State of Vermont shall be the sole owner of all works of art acquired or commissioned through the Program. Title shall vest in the State upon completion of installation and final acceptance of the work of art.

§ 44. ADVISORY COMMITTEE

(a) Establishment. There is established the Art in State Buildings Advisory Committee to oversee the administration of the Program.

(b) Members. The Advisory Committee shall consist of the following or designee:

(1) the Commissioner of Buildings and General Services;

(2) the Director of the Arts Council;

(3) the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions;

(4) the State Curator; and

(5) the Chair of the Vermont Board of Architects.

(c) Powers and duties. The Committee shall:

(1) provide final approval of project sites and works of art; and

(2) establish guidelines for the selection, acquisition, and commission of works of art.

(d) Compensation and reimbursements. Legislative members of the Committee shall be entitled to per diem compensation and expense reimbursement for attending Committee meetings pursuant to the provisions of 2 V.S.A. § 23.

§ 45. ART ACQUISITION FUND

(a) Creation. The Art Acquisition Fund, administered by the Council, is created to finance the design, construction, integration, and purchase or commissioning of works of art for the Art in State Buildings Program.

(b) Source of funds. The Fund shall be composed of any amounts transferred or appropriated to it by the General Assembly.

(c) Use of funds. Amounts in the Fund shall be expended upon order of the Council for the acquisition or commissioning of works of art and administration of the Program.

(d) Fund balances. Any balance remaining at the end of the fiscal year shall remain in the Fund.

(e) Administration costs. In each fiscal year, the Council may use not more than 15 percent of funds transferred or appropriated to the Fund for the expenses of administering this chapter.

(f) Funding requests. The Commissioner of Buildings and General Services shall include in the Department's proposed biennial capital budget request, as described in 32 V.S.A. § 310, a separate line item of not less than \$75,000.00 in any single fiscal year for the Art Acquisition Fund.

Sec. 3. 29 V.S.A. § 154a is amended to read:

§ 154a. STATE CURATOR

(a) Creation. The position of State Curator is created within the Department of Buildings and General Services.

(b) Duties. The State Curator's responsibilities shall include:

(1) oversight of the historical integrity of the State House;

(2) interpretation of the State House to the visiting public through exhibits, publications, tours, and other means of communication;

(3) acquisition, management, and care of State collections of art, historic artifacts, and furnishings, provided that all items obtained for the State House are acquired pursuant to the collections policy adopted pursuant to subsection (c) of this section; ~~and~~

(4) oversight and management of the State's historic and contemporary art and collections in other State buildings and on State property; ~~and~~

(5) maintenance and conservation of works of art acquired or commissioned by the State pursuant to chapter 2 of this title.

\* \* \*

(e) Funding. The Curator, upon approval of the Commissioner of Buildings and General Services, is authorized to purchase artwork for the permanent State collection with funds appropriated to the Department for that or other purposes in any capital construction act.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

**Rep. Taylor of Colchester**, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Corrections and Institutions.

**Rep. Bluemle of Burlington**, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Corrections and Institutions.

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 was ordered.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 125**

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

An act relating to boards and commissions

Reported in favor of its passage when amended as follows:

First: By inserting a new section to be Sec. 2a to read as follows:

Sec. 2a. GOVERNMENT ACCOUNTABILITY; SUMMER

GOVERNMENT ACCOUNTABILITY COMMITTEE; REPORT

(a) Creation. There is created the Summer Government Accountability Committee to reexamine the principle of government accountability in the Legislative Branch.

(b) Membership. The Summer Government Accountability Committee shall be composed of the following members:

(1) four current members of the House of Representatives, not from the same political party, who shall be appointed by the Speaker of the House; and

(2) four current members of the Senate, not from the same political party, who shall be appointed by the Committee on Committees.

(c) Powers and duties. The Summer Government Accountability Committee shall consider the issue of accountability in the Legislative Branch, including the following:

(1) ways to ensure that the Legislative Branch is accountable to the people of Vermont by creating new processes and metrics by which to measure accountability;

(2) ways to ensure equity in pay across commissions, boards, and joint legislative committees based on the nature of the service and required skill level; and

(3) codifying mechanisms for controlling and restraining the increasing number of commissions, boards, and joint legislative committees.

(d) Assistance. For purposes of scheduling meetings and preparing recommended legislation, the Summer Government Accountability Committee shall have the assistance of the Office of Legislative Operations and the Office of Legislative Counsel.

(e) Report. On or before January 15, 2024, the Summer Government Accountability Committee shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations with any recommendations for legislative action.

(f) Meetings.

(1) A member of the House of Representatives designated by the Speaker of the House shall call the first meeting of the Summer Government Accountability Committee to occur on or before July 1, 2023.

(2) The Summer Government Accountability Committee shall select a chair from among its members at the first meeting.

(3) A majority of the members of the Summer Government Accountability Committee shall constitute a quorum.

(4) The Summer Government Accountability Committee shall cease to exist on November 1, 2024.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, the members of the Summer Government Accountability 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.

Second: In Sec. 101, 18 V.S.A. § 4201, by striking out subsection (45) in its entirety and inserting in lieu thereof a new subsection (45) to read as follows:

(45) “Benchmark unlawful dosage” means the maximum recommended therapeutic dose, or maximum daily dose, as determined by the Department by rule.

Third: In Sec. 140, effective dates, by striking out “and Sec. 137 (amending 30 V.S.A. § 8015), shall take effect on June 30, 2025” and inserting in lieu thereof “and Sec. 137 (amending 30 V.S.A. § 8015) shall take effect on June 30, 2027.”

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

**Rep. Bluemle of Burlington**, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Government Operations and Military Affairs.

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

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 206**

**Rep. Goldman of Rockingham**, 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 out 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) 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.

(2)(A) Diagnostic, restorative, and endodontic procedures, to a maximum of \$1,000.00 per calendar year, provided that the Department of Vermont Health Access may approve expenditures in excess of that amount when exceptional medical circumstances so require. Exceptional medical circumstances include emergency dental services, as defined by the Department by rule.

(B) The following individuals shall not be subject to the annual maximum benefit amount set forth in this subdivision (2):

(i) individuals served through the Community Rehabilitation and Treatment and Developmental Disability Services programs pursuant to Vermont's Global Commitment to Health Section 1115 demonstration; and

(ii) Medicaid beneficiaries who are pregnant or in the postpartum eligibility period, as defined by the Department by rule.

(3) Other dental services as determined by the Department by rule.



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\* \* \*

Sec. 2. 33 V.S.A. chapter 19, subchapter 1 is amended to read:

Subchapter 1. Medicaid

\* \* \*

§ 1908. MEDICAID; PAYER OF LAST RESORT; RELEASE OF  
INFORMATION

\* \* \*

(d) On and after July 1, 2016, an insurer shall:

(1) ~~accept~~ Accept the Agency's right of recovery and the assignment of rights and shall not charge the Agency or any of its authorized agents fees for the processing of claims or eligibility requests. Data files requested by or provided to the Agency shall provide the Agency with eligibility and coverage information that will enable the Agency to determine the existence of third-party coverage for Medicaid recipients, the period during which Medicaid recipients may have been covered by the insurer, and the nature of the coverage provided, including information such as the name, address, and identifying number of the plan.

(2) If the insurer requires prior authorization for an item or service, accept the Agency's authorization that the item or service is covered under the Medicaid state plan or waiver as if such authorization were the insurer's prior authorization.

\* \* \*

§ 1909. DIRECT PAYMENTS TO AGENCY; DISCHARGE OF  
INSURER'S OBLIGATION

\* \* \*

(c)(1) An insurer that receives notice that the Agency has made payments to the provider shall pay benefits or send notice of denial directly to the Agency. Receipt of an Agency claim form by an insurer constitutes notice that payment of the claim was made by the Agency to the provider and that form supersedes any contract requirements of the insurer relating to the form of submission.

(2) An insurer shall respond to any request made by the Agency regarding a claim for payment for any health care item or service that is submitted not later than three years after the date of the provision of such health care item or service.

(3) An insurer shall not:

(A) deny a claim submitted by the Agency solely on the basis of the date of submission of the claim, the type or format of the claim form, or a failure to present proper documentation at the point-of-sale that is the basis of the claim, if the claim is submitted by the Agency within the three-year period beginning on the date on which the item or service was furnished and any action by the Agency to enforce its rights with respect to a claim is commenced within six years of following the Agency's submission of the claim; or

(B) deny a claim submitted by the Agency on the basis of failing to obtain a prior authorization for the item or service for which the claim is being submitted, if the Agency has transmitted authorization that the item or service is covered by the Medicaid state plan or waiver under subdivision 1908(d)(2) of this title.

\* \* \*

Sec. 3. 18 V.S.A. § 4284 is amended to read:

§ 4284. PROTECTION AND DISCLOSURE OF INFORMATION

\* \* \*

(b)(1) The Department shall provide only the following persons with access to query the VPMS:

(A) a health care provider, dispenser, or delegate who is registered with the VPMS and certifies that the requested information is for the purpose of providing medical or pharmaceutical treatment to a bona fide current patient;

(B) personnel or contractors, as necessary for establishing and maintaining the VPMS;

(C) the Medical Director of the Department of Vermont Health Access and the Director's designee, for the purposes of Medicaid quality assurance, utilization, and federal monitoring requirements with respect to Medicaid recipients for whom a Medicaid claim for a Schedule II, III, or IV controlled substance has been submitted;

(D) a medical examiner or delegate from the Office of the Chief Medical Examiner, for the purpose of conducting an investigation or inquiry into the cause, manner, and circumstances of an individual's death; and

(E) a health care provider or medical examiner licensed to practice in another state, to the extent necessary to provide appropriate medical care to a Vermont resident or to investigate the death of a Vermont resident.

\* \* \*

Sec. 4. **FEDERALLY QUALIFIED HEALTH CENTERS; ALTERNATIVE  
PAYMENT METHODOLOGY; REPORT**

The Department of Vermont Health Access shall collaborate with representatives of Vermont's federally qualified health centers (FQHCs) to develop a mutually agreeable alternative payment methodology for Medicaid payments to the FQHCs. On or before December 15, 2023, the Department shall provide a progress report on the development of the methodology to the House Committee on Health Care and the Senate Committee on Health and Welfare.

Sec. 5. **EFFECTIVE DATE**

This act shall take effect on July 1, 2023.

**Rep. Page of Newport City**, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Health Care.

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 was ordered.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 213**

**Rep. Krasnow of South Burlington**, for the Committee on General and Housing, to which had been referred House bill, entitled

An act relating to creating a study committee on mobile homes and mobile home parks

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

Sec. 1. **MOBILE HOME AND MOBILE HOME PARK STUDY; REPORT**

(a) Creation. There is created the Mobile Home Task Force.

(b) Membership. The Task Force is composed of the following members:

(1) one current member of the House of Representatives, appointed by the Speaker of the House;

(2) one current member of the Senate, appointed by the Committee on Committees;

(3) one member, appointed by the Department of Housing and Community Development;

(4) one member, appointed by the Champlain Valley Office of Economic Opportunity;

(5) one member, appointed by The Housing Foundation Inc.;

(6) one member, appointed by the Speaker of the House, representing mobile home cooperative owners; and

(7) one member, appointed by the Vermont Housing and Conservation Board.

(c) Powers and duties. The Task Force shall study the current landscape for mobile homes and mobile home parks in this State, including the following issues:

(1) the status of mobile homes and mobile home parks within Vermont's housing portfolio;

(2) the condition and needs for mobile home park infrastructure among parks of various sizes;

(3) the current statutory treatment of mobile homes either as personal or real property;

(4) modern construction, energy efficiency, and durability of manufactured housing, and the availability, affordability, and suitability of alternative types of manufactured, modular, or other housing;

(5) the type and scope of data and information collected concerning mobile home residents, mobile homes, and mobile home parks and opportunities to make the data and information more centralized, accessible, and useful for informing policy decisions; and

(6) conversion to cooperative ownership and technical assistance available to prospective and new cooperative owners, including the availability of guidance concerning governance structures, operation, and conflict resolution.

(d) Assistance. For purposes of scheduling meetings and preparing a report and recommendations, the Task Force shall have the assistance of the Office of Legislative Operations, the Office of Legislative Counsel, and the Joint Fiscal Office.

(e) Report. On or before January 15, 2024, the Task Force shall submit a written report to the House Committee on General and Housing and the Senate Committee on Economic Development, Housing and General Affairs with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The House of Representatives' member shall call the first meeting of the Task Force to occur on or before September 1, 2023.

(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 Task Force shall cease to exist on January 15, 2024.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than six meetings.

(2) Other members of the Task Force 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.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

**Rep. Bluemle of Burlington**, for the Committee on Appropriations, recommended that the report of the Committee on General and Housing be amended as follows:

In Sec. 1, by adding a new subdivision (g)(3) to read:

(3) Payments to members of the Task Force authorized under this subsection shall be made from monies appropriated to the General Assembly.

**Rep. Long of Newfane** presiding.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on General and Housing was amended as recommended by the Committee on Appropriations. Report of the Committee on General and Housing, as amended, agreed to and third reading ordered.

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**Second Reading; Bill Amended; Third Reading Ordered**

**H. 270**

**Rep. McCarthy of St. Albans City**, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to miscellaneous amendments to the adult-use and medical cannabis programs

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

Sec. 1. 7 V.S.A. § 843 is amended to read:

§ 843. CANNABIS CONTROL BOARD; DUTIES; MEMBERS

\* \* \*

(h) ~~Advisory committee.~~

~~(1) There is an advisory committee established within the Board that shall be composed of members with expertise and knowledge relevant to the Board's mission. The Board shall collaborate with the advisory committee on recommendations to the General Assembly. The advisory committee shall be composed of the following 14 members:~~

~~(A) one member with an expertise in public health, appointed by the Governor;~~

~~(B) the Secretary of Agriculture, Food and Markets or designee;~~

~~(C) one member with an expertise in laboratory science or toxicology, appointed by the Governor;~~

~~(D) one member with an expertise in systemic social justice and equity issues, appointed by the Speaker of the House;~~

~~(E) one member with an expertise in women and minority-owned business ownership, appointed by the Speaker of the House;~~

~~(F) the Chair of the Substance Misuse Prevention Oversight and Advisory Council or designee;~~

~~(G) one member with an expertise in the cannabis industry, appointed by the Senate Committee on Committees;~~

~~(H) one member with an expertise in business management or regulatory compliance, appointed by the Treasurer;~~

~~(I) one member with an expertise in municipal issues, appointed by the Senate Committee on Committees;~~

~~(J) one member with an expertise in public safety, appointed by the Attorney General;~~

~~(K) one member with an expertise in criminal justice reform, appointed by the Attorney General;~~

~~(L) the Secretary of Natural Resources or designee;~~

~~(M) the Chair of the Cannabis for Symptom Relief Oversight Committee or designee; and~~

~~(N) one member appointed by the Vermont Cannabis Trade Association.~~

~~(2) Initial appointments to the advisory committee as provided in subdivision (1) of this subsection (h) shall be made on or before July 1, 2021.~~

~~(3) The Board may establish subcommittees within the advisory committee to accomplish its work.~~

~~(4) Members of the advisory committee who are not otherwise compensated by the member's employer for attendance at meetings 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 annually. These payments shall be made from the Cannabis Regulation Fund. [Repealed.]~~

## Sec. 2. REPEAL; SUNSET OF CANNABIS CONTROL BOARD

2020 Acts and Resolves No. 164, Sec. 6e is repealed.

Sec. 3. 7 V.S.A. § 861 is amended to read:

### § 861. DEFINITIONS

As used in this chapter:

\* \* \*

(2) "Advertisement" means any written or verbal statement, illustration, or depiction that ~~is calculated to induce~~ would reasonably have the effect of inducing sales of cannabis or cannabis products, including any written, printed, graphic, or other material; billboard, sign, or other outdoor display; other periodical literature, publication, or in a radio or television broadcast; the Internet; or in any other media. The term does not include:

(A) any label affixed to any cannabis or cannabis product or any individual covering, carton, or other wrapper of that container that constitutes a part of the labeling under provisions of these standards;

(B) any editorial or other reading material, such as a news release, in any periodical or publication or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any cannabis establishment, and that is not written by or at the direction of the licensee;

(C) any educational, instructional, or otherwise noncommercial material that is not intended to induce sales and that does not propose an economic transaction, but that merely provides information to the public in an unbiased manner; or

(D) a sign attached to the premises of a cannabis establishment that merely identifies the location of the cannabis establishment.

\* \* \*

(8) “Cannabis establishment” means a cannabis cultivator, propagation cultivator, wholesaler, product manufacturer, retailer, testing laboratory, or integrated licensee licensed by the Board to engage in commercial cannabis activity in accordance with this chapter.

\* \* \*

(31) “Cannabis propagation cultivator” or “propagation cultivator” means a person licensed by the Board to cultivate cannabis clones, immature plants, and mature plants in accordance with this chapter.

Sec. 4. 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)~~(8) of this subsection.

\* \* \*

(3) Rules concerning product manufacturers shall include:

(A) requirements that a single package of a cannabis product shall not contain more than ~~50~~ 100 milligrams of THC, except in the case of:

(i) cannabis products that are not consumable, including topical preparations;

(ii) solid concentrates, oils, and tinctures; and

(iii) cannabis products sold to a dispensary pursuant to 18 V.S.A. chapter 86 and rules adopted pursuant to that chapter;

\* \* \*

(5) Rules concerning retailers shall include:



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\* \* \*

(E) facility inspection requirements and procedures for facility inspection to occur at least annually.

\* \* \*

(8) Rules concerning propagators shall include:

(A) requirements for proper verification of age of customers;

(B) pesticides or classes of pesticides that may be used by propagators, provided that any rules adopted under this subdivision (8) shall comply with and shall be at least as stringent as the Agency of Agriculture, Food and Markets' Vermont Pesticide Control Regulations;

(C) standards for indoor cultivation of cannabis;

(D) procedures and standards for testing cannabis for contaminants, potency, and quality assurance and control;

(E) labeling requirements for cannabis sold to retailers and integrated licensees;

(F) regulation of visits to the establishments, including the number of visitors allowed at any one time and record keeping concerning visitors; and

(G) facility inspection requirements and procedures.

\* \* \*

Sec. 5. 7 V.S.A. § 901 is amended to read:

§ 901. GENERAL PROVISIONS

(a) Except as otherwise permitted by law, a person shall not engage in the cultivation, preparation, processing, packaging, transportation, testing, or sale of cannabis or cannabis products without obtaining a license from the Board.

\* \* \*

~~(h)(1) The following records shall be exempt from public inspection and copying under the Public Records Act and shall be confidential:~~

~~(A) any record in an application for a license relating to security, public safety, transportation, or trade secrets, including information provided in an operating plan pursuant to subdivision 881(a)(1)(B) of this title; and~~

~~(B) any licensee record relating to security, public safety, transportation, trade secrets, or employees.~~

~~(2) Notwithstanding 1 V.S.A. § 317(e), the Public Records Act exemption created in this subsection shall continue in effect and shall not be repealed through operation of 1 V.S.A. § 317(e). [Repealed.]~~

Sec. 6. 7 V.S.A. § 901a is added to read:

§ 901a. ACCESSIBILITY AND CONFIDENTIALITY OF LICENSING  
AND DISCIPLINARY MATTERS

(a) It is the purpose of this section to protect the reputation, security practices, and trade secrets of licensees from undue public disclosure while securing the public's right to know of government licensing actions relevant to the public health, safety, and welfare.

(b) All meetings and hearings of the Board shall be subject to the Open Meeting Law as provided in 1 V.S.A. § 312.

(c) The following shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential:

(1) records related to licensee security, safety, transportation, or trade secrets, including information provided in an operating plan pursuant to subdivision 881(a)(1)(B) of this title; and

(2) records related to investigations, except as provided in subsection (d) of this section.

(d)(1) If a complaint or investigation results in formal action to revoke, suspend, condition, reprimand, warn, fine, or otherwise to penalize a licensee based on noncompliance with law or regulation, the case record, as defined by 3 V.S.A. § 809(e), shall be public.

(2) The Board shall prepare and maintain an aggregated list of all closed investigations into misconduct or noncompliance from whatever source derived. The information contained in the list shall be a public record. The list shall contain the date, nature, and outcome of each complaint. The list shall not contain the identity of the subject licensee unless formal action resulted, as described in subdivision (1) of this subsection.

(e) Notwithstanding 1 V.S.A. § 317(e), the Public Records Act exemption created in this section shall continue in effect and shall not be repealed through operation of 1 V.S.A. § 317(e).

Sec. 7. 7 V.S.A. § 904 is amended to read:

§ 904. CULTIVATOR LICENSE

(a) A cultivator licensed under this chapter may:

(1) cultivate, process, package, label, transport, test, and sell cannabis to a licensed wholesaler, product manufacturer, retailer, integrated licensee, and dispensary ~~and may~~;

(2) purchase and sell cannabis seeds and immature cannabis plants to another licensed cultivator and propagation cultivator; and

(3) possess and sell cannabis products to a licensed wholesaler, product manufacturer, retailer, integrated licensee, and dispensary.

\* \* \*

Sec. 8. 7 V.S.A. § 904b is added to read:

§ 904b. PROPAGATION CULTIVATOR LICENSE

(a) A propagation cultivator licensed under this section may:

(1) cultivate not more than 3,500 square feet of cannabis clones, immature cannabis plants, or mature cannabis plants;

(2) test, transport, and sell cannabis clones and immature cannabis plants to licensed cultivators; and

(3) test, transport, and sell cannabis seeds that meet the federal definition of hemp to a licensed cultivator or retailer or to the public.

(b) A licensed propagation cultivator shall not cultivate mature cannabis plants for the purpose of producing, harvesting, transferring, or selling cannabis flower for or to any person.

Sec. 9. 7 V.S.A. § 905 is amended to read:

§ 905. WHOLESALER LICENSE

A wholesaler licensed under this chapter may:

(1) purchase cannabis ~~from a licensed cultivator and integrated licensee,~~ and cannabis products from a licensed ~~product manufacturer, integrated licensee, and dispensary~~ cannabis establishment;

(2) transport, process, package, and sell cannabis and cannabis products to a licensed ~~product manufacturer, retailer, integrated licensee, and dispensary~~ cannabis establishment; and

(3) sell cannabis seeds or immature cannabis plants to a licensed cultivator.

Sec. 10. 7 V.S.A. § 906 is amended to read:

§ 906. PRODUCT MANUFACTURER LICENSE

A product manufacturer licensed under this chapter may:

(1) purchase cannabis ~~from a licensed cultivator, wholesalers, or integrated licensee,~~ and cannabis products from a licensed ~~wholesaler, product manufacturer, integrated licensee, and dispensary~~ cannabis establishment;

(2) use cannabis and cannabis products to produce cannabis products; and

(3) transport, process, package, and sell cannabis products to a licensed ~~wholesaler, product manufacturer, retailer, integrated licensee, and dispensary~~ cannabis establishment.

Sec. 11. 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~~ cannabis establishment; and

(2) transport, possess, package, and sell cannabis and cannabis products to the public for consumption off the registered premises or for cultivation.

\* \* \*

Sec. 12. 7 V.S.A. § 910 is amended to read:

§ 910. CANNABIS ESTABLISHMENT FEE SCHEDULE

The following fees shall apply to each person or product licensed by the Board:

\* \* \*

(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~~ \$50,000.00 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.

\* \* \*

(7) Propagation cultivators. Propagation cultivators shall be assessed an annual licensing fee of \$500.00.

(8) Employees. Cannabis establishments licensed by the Board shall be assessed an annual licensing fee of \$50.00 for each employee.

(8)(9) Products. Cannabis establishments licensed by the Board 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)(10) 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)(7) 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)(11) 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.

Sec. 13. 7 V.S.A. chapter 35 is amended to read:

#### CHAPTER 35. MEDICAL CANNABIS REGISTRY

##### § 951. DEFINITIONS

As used in this chapter:

\* \* \*

(8) “Qualifying medical condition” means:

(A) cancer, multiple sclerosis, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, glaucoma, Crohn’s disease, Parkinson’s disease, post-traumatic stress disorder, or the treatment of these conditions, if the disease or the treatment results in severe, persistent, and intractable symptoms; or

(B) ~~post-traumatic stress disorder, provided the Department confirms the applicant is undergoing psychotherapy or counseling with a licensed mental health care provider; or~~

(C) a disease or medical condition or its treatment that is chronic, debilitating, and produces one or more of the following intractable symptoms: cachexia or wasting syndrome, chronic pain, severe nausea, or seizures.

\* \* \*

## § 952. REGISTRY

\* \* \*

(b) A person who is a registered patient or a registered caregiver on behalf of a patient may:

(1) Cultivate not more than ~~two~~ six mature and ~~seven~~ 12 immature cannabis plants. Any cannabis harvested from the plants shall not count toward the two-ounce possession limit in subdivision (2) of this subsection, provided it is stored in an indoor facility on the property where the cannabis was cultivated and reasonable precautions are taken to prevent unauthorized access to the cannabis.

(2) Possess not more than two ounces of cannabis.

(3) Purchase cannabis and cannabis products at a licensed medical cannabis dispensary. Pursuant to chapter 37 of this title, a dispensary may offer goods and services that are not permitted at a cannabis establishment licensed pursuant to chapter 33 of this title.

\* \* \*

## § 954. CAREGIVERS

(a) Pursuant to rules adopted by the Board, a person may register with the Board as a caregiver of a registered patient to obtain the benefits of the Registry as provided in section 952 of this title.

~~(b)(1) The Board shall adopt rules that set forth standards for determining whether an applicant should be denied a caregiver card because of his or her criminal history record. An applicant shall not be denied solely on the basis of a criminal conviction that is not listed in 13 V.S.A. chapter 25 or 28~~ conduct a name and date of birth Vermont criminal conviction record background check and obtain information from the Child Protection Registry maintained by the Department for Children and Families and from the Vulnerable Adult Abuse, Neglect, and Exploitation Registry maintained by the Department of Disabilities, Aging, and Independent Living (collectively, the Registries) for any person who applies to be a caregiver. The Departments for Children and Families and of Disabilities, Aging, and Independent Living shall adopt rules governing the process for obtaining information from the Registries and for disseminating and maintaining records of that information under this subsection.

~~(2) The Board shall obtain from the Vermont Crime Information Center a copy of the caregiver applicant's fingerprint-based Vermont criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation.~~

(c) The Board shall adopt rules that set forth standards for determining whether an applicant should be denied a ~~cannabis establishment license caregiver card~~ because of ~~his or her criminal history record~~ the applicant's criminal history record or status on either Registry.

(d)(1) Except as provided in subdivision (2) of this subsection, a caregiver ~~shall serve only one patient~~ may serve not more than two patients at a time, and a patient shall have only one registered caregiver at a time. A patient may serve as a caregiver for one other patient.

(2) A patient who is under 18 years of age may have two caregivers. Additional caregivers shall be at the discretion of the Board.

#### § 955. REGISTRATION; FEES

(a) A registration card shall expire one year after the date of issuance for patients with a qualifying medical condition of chronic pain and the caregivers who serve those patients. For all other patients and the caregivers who serve those patients, a registration card shall expire five years after the date of issuance. A patient or caregiver may renew the card according to protocols adopted by the Board.

(b) The Board shall charge and collect a \$50.00 ~~annual~~ registration and renewal fee for patients and caregivers. Fees shall be deposited in the Cannabis Regulation Fund as provided in section 845 of this title.

#### § 956. RULEMAKING

The Board shall adopt rules for the administration of this chapter. ~~No rule shall be more restrictive than any rule adopted by the Department of Public Safety pursuant to 18 V.S.A. chapter 86.~~

Sec. 14. 7 V.S.A. § 977 is amended to read:

#### § 977. FEES

(a) The Board shall charge and collect the following fees for dispensaries:

(1) a one-time \$2,500.00 application fee;

(2) a ~~\$20,000.00~~ \$10,000.00 registration fee for the first year of operation;

(3) an annual renewal fee of ~~\$25,000.00~~ \$10,000.00 for a subsequent year of operation; and

(4) an annual Registry identification or renewal card fee of \$50.00 to be paid by the dispensary for each owner, principal, financier, and employee of the dispensary.

(b) Fees shall be deposited in the Cannabis Regulation Fund as provided in section 845 of this title.

Sec. 15. 7 V.S.A. § 1002 is amended to read:

§ 1002. LICENSE REQUIRED; APPLICATION; FEE; ISSUANCE

(a)(1) No person shall engage in the retail sale of tobacco products, tobacco substitutes, or tobacco paraphernalia in ~~his or her~~ the person's place of business without a tobacco license obtained from the Division of Liquor Control.

(2) No person shall engage in the retail sale of tobacco substitutes without also obtaining a tobacco substitute endorsement from the Division of Liquor Control.

(3) Tobacco licenses and tobacco substitute endorsements shall expire at midnight, April 30, of each year.

(4) This subsection shall not apply to the retail sale of tobacco paraphernalia by a cannabis establishment licensed in accordance with chapter 33 of this title or a medical cannabis dispensary licensed in accordance with chapter 37 of this title.

\* \* \*

Sec. 16. CANNABIS CONTROL BOARD POSITIONS; CANNABIS  
QUALITY CONTROL PROGRAM; APPROPRIATION

(a) The establishment of the following new permanent classified positions is authorized in the Cannabis Control Board in fiscal year 2024:

(1) two new chemists; and

(2) one new Cannabis Quality Assurance Program Director.

(b) In fiscal year 2024, the amount of \$850,000.00 is transferred from the General Fund to the Cannabis Regulation Fund to acquire laboratory equipment and analytical instruments for the cannabis quality control program established pursuant to 7 V.S.A. § 885. The instruments shall be sufficient to test for cannabinoid content, moisture content, and homogeneity, and conduct analysis on residual solvents, pesticides, heavy metals, and human pathogens.

Sec. 17. 2020 Acts and Resolves No. 164, Sec. 6d is amended to read:

Sec. 6d. AUDITOR OF ACCOUNTS REPORT

On or before November ~~15, 2023~~ 1, 2024, the Auditor of Accounts shall report to the General Assembly regarding the organizational structure and membership of the Cannabis Control Board and whether the structure



continues to be the most efficient for carrying out the statutory duties of the Board.

Sec. 18. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

**Speaker** presiding.

**Rep. Branagan of Georgia**, for the Committee on Ways and Means, recommended that the report of the Committee on Government Operations and Military Affairs be amended as follows:

First: In Sec. 13, 7 V.S.A. chapter 35, in section 954, in subsection (b), by striking out “conduct” and inserting in lieu thereof “Conduct”

Second: By striking out Sec. 14, 7 V.S.A. § 977, in its entirety

and by renumbering the remaining sections to be numerically correct.

**Rep. Scheu of Middlebury**, for the Committee on Appropriations, recommended that the report of the Committees on Government Operations and Military Affairs be amended as follows:

First: In Sec. 13, 7 V.S.A. § 954, by striking out subsection (b) in its entirety and inserting in lieu thereof the following:

(b)(1) The Board shall adopt rules that set forth standards for determining whether an applicant should be denied a caregiver card because of his or her criminal history record. An applicant shall not be denied solely on the basis of a criminal conviction that is not listed in 13 V.S.A. chapter 25 or 28 conduct a name and date of birth Vermont criminal conviction record background check and obtain information from the Child Protection Registry maintained by the Department for Children and Families and from the Vulnerable Adult Abuse, Neglect, and Exploitation Registry maintained by the Department of Disabilities, Aging, and Independent Living (collectively, the Registries) for any person who applies to be a caregiver. The Departments for Children and Families and of Disabilities, Aging, and Independent Living shall adopt rules governing the process for obtaining information from the Registries and for disseminating and maintaining records of that information under this subsection.

(2) The Board shall obtain from the Vermont Crime Information Center a copy of the caregiver applicant’s fingerprint-based Vermont criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation.

Second: By striking out Secs. 15, Cannabis Control Board positions; Cannabis Quality Control Program; appropriation, and 16, Auditor of Accounts; report, in their entireties

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 Government Operations and Military Affairs was amended as recommended by the Committee on Ways and Means. Thereafter, the report of the Committee on Government Operations and Military Affairs, as amended, was further amended as recommended by the Committee on Appropriations.

Thereafter, the bill was amended as recommended by the Committee on Government Operations and Military Affairs, as amended, and third reading ordered.

### **Recess**

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

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

### **Second Reading; Bill Amended; Third Reading Ordered**

#### **H. 291**

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

An act relating to the creation of the Cybersecurity Advisory Council

Reported in favor of its passage when amended as follows:

First: In Sec. 1, 20 V.S.A. chapter 208, in section 4662, in subdivision (b)(11), by striking out “and”, in subdivision (12), by striking out “:” and inserting in lieu thereof “; and” and by adding a subdivision (13) to read as follows:

(13) the President of Vermont Information Technology Leaders or designee.

Second: In Sec. 1, 20 V.S.A. chapter 208, in section 4663, in subdivision (b)(2), by inserting “Care” after “Green Mountain”

Third: 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:

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Sec. 3. REPEAL

20 V.S.A. chapter 208 (Cybersecurity) is repealed on June 30, 2026.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

**Rep. Long of Newfane** 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 Government Operations and Military Affairs and when further amended as follows:

In Sec. 1, 20 V.S.A. chapter 208, in section 4662, by adding a subsection (h) to read as follows:

(h) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Council 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. These payments shall be made from monies appropriated to the General Assembly.

(2) Other members of the Council 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. These payments shall be made from monies appropriated to the Agency of Digital Services.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, amended as recommended by the Committee on Government Operations and Military Affairs, further amended as recommended by the Committee on Appropriations, and third reading ordered.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 414**

**Rep. Goldman of Rockingham**, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to establishing an unused drug repository for Vermont

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

Sec. 1. 18 V.S.A. chapter 91, subchapter 5 is added to read:

Subchapter 5. Unused Drug Repository Program

§ 4671. CREATION OF PROGRAM

The Agency of Human Services may contract or enter into agreements with qualified entities as needed to create and administer an unused drug repository program for the collection and distribution of unused drugs in Vermont, to the extent that funds are appropriated or otherwise made available for this purpose.

§ 4672. AGENCY OF HUMAN SERVICES; RULEMAKING

The Agency of Human Services shall adopt rules for the administration of the program, including rules regarding:

(1) donations to the program, which may include donations from institutional settings in Vermont, such as pharmacies, long-term care facilities, Veterans' Administration facilities, correctional facilities, hospitals, and other facilities, as well as donations from individuals;

(2) what types of drugs may be donated to the program;

(3) safety criteria for donated drugs, which may include packaging requirements and inspections; and

(4) patient eligibility to receive drugs from the program, which shall be available to any patient, with priority given to patients who meet one or more of the following criteria:

(A) patients whose household income is below 400 percent of the federal poverty level;

(B) patients who are uninsured;

(C) patients who are underinsured;

(D) patients who are Medicare beneficiaries and are experiencing a coverage gap in their Medicare prescription drug coverage; and

(E) patients who are on a high-deductible health plan or on a plan with high co-payment requirements for prescription drugs, or both.

§ 4673. LIMITATIONS ON LIABILITY

Except in cases of bad faith, gross negligence, intentional misconduct, or noncompliance with the rules adopted pursuant to section 4672 of this chapter, the following persons shall not be subject to civil or criminal liability or professional disciplinary action for participating in or otherwise complying with the program established by this subchapter or rules adopted pursuant to this subchapter:

(1) a person who donates or gives drugs to an eligible recipient, including a drug manufacturer; wholesaler; reverse distributor pharmacy; third-party logistics provider; governmental entity; hospital or other health care facility, as defined in section 9432 of this title; or long-term care facility licensed under 33 V.S.A. chapter 71;

(2) an eligible recipient, as defined by the Agency by rule pursuant to subdivision 4672(4) of this chapter;

(3) a health care provider, as defined in section 9402 of this title, who prescribes or dispenses a donated drug;

(4) an intermediary that helps administer the program by facilitating the donation or transfer of drugs to eligible recipients;

(5) a manufacturer or repackager of a donated drug; and

(6) any employee, volunteer, trainee, or other staff of any person listed in subdivisions (1)–(5) of this section.

## Sec. 2. UPDATE ON RULEMAKING PROCESS; REPORT

The Agency of Human Services shall provide an update on the status of rulemaking for the administration of the unused drug repository program as part of the Agency’s fiscal year 2024 budget adjustment presentation.

## Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

**Rep. Dickinson of St. Albans Town**, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Health Care.

**Speaker** presiding.

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 was ordered.

**Committee Bill; Favorable Reports; Second Reading;  
Third Reading Ordered**

**H. 472**

**Rep. Pearl of Danville** spoke for the Committee on Agriculture, Food Resiliency, and Forestry.

House bill, entitled

An act relating to miscellaneous agricultural subjects

**Rep. Sims of Craftsbury**, for the Committee on Ways and Means, recommended the bill ought to pass.

**Rep. Toleno of Brattleboro**, 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.

### **Amendment Offered; Third Reading; Bill Passed**

#### **H. 126**

House bill, entitled

An act relating to community resilience and biodiversity protection

Was taken up and, pending third reading of the bill, **Rep. Parsons of Newbury** moved to amend the bill as follows:

First: In Sec. 3, 10 V.S.A. chapter 89, in section 2803, in subsection (b), in subdivision (2), by inserting after “private land” the words “and how much of each is in each county”

Second: In Sec. 3, 10 V.S.A. chapter 89, in section 2804, in subsection (b), by striking out subdivision (2) in its entirety and inserting in lieu thereof the following:

(2) the implementation methods for achieving the vision and goals of this chapter using Vermont Conservation Design as a guide, which should include a geographically equitable distribution of conserved land;

Pending the question, Shall the bill be amended as offered by Rep. Parsons of Newbury?, **Rep. Parsons of Newbury** asked that the question be divided to consider the first and second instances of amendment separately, and the Speaker ruled the question was divisible in that manner.

Thereafter, the question, Shall the bill be amended as offered by Rep. Parsons of Newbury in the first instance of amendment?, was disagreed to. Thereafter, the second instance of amendment offered by **Rep. Parsons of Newbury** was disagreed to, the bill was read the third time, and passed.

### **Message from the Senate No. 32**

A message was received from the Senate by Ms. Kucserik, 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. 47.** An act relating to the transport of individuals requiring psychiatric care.

**S. 73.** An act relating to workers' compensation coverage for firefighters with cancer.

**S. 99.** An act relating to miscellaneous changes to laws related to vehicles.

**S. 103.** An act relating to amending the prohibitions against discrimination.

**S. 112.** An act relating to miscellaneous subjects related to the Public Utility Commission.

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. 57.** House concurrent resolution congratulating the 2023 Mill River Union High School Minutemen Division II championship cheerleading team.

**H.C.R. 58.** House concurrent resolution designating April 2023 as Vermont Habitat for Humanity Month.

**H.C.R. 59.** House concurrent resolution congratulating the 2023 Spaulding High School Crimson Tide Division I championship girls' ice hockey team.

**H.C.R. 60.** House concurrent resolution commemorating the 90th anniversary of the establishment of the Civilian Conservation Corps.

**H.C.R. 61.** House concurrent resolution congratulating the undefeated 2023 Georgia Middle School Chargers girls' basketball team.

**H.C.R. 62.** House concurrent resolution congratulating the undefeated 2022 Georgia Middle School Chargers girls' soccer team.

**H.C.R. 63.** House concurrent resolution congratulating the undefeated 2022–2023 Georgia Middle School Chargers boys' basketball team.

**H.C.R. 64.** House concurrent resolution honoring exemplary Kirby Town Clerk-Treasurer Wanda Grant.

**H.C.R. 65.** House concurrent resolution congratulating the 2023 Winooski High School Spartans Division III championship boys' basketball team.

**H.C.R. 66.** House concurrent resolution congratulating the 2023 North Country Union High School Falcons Division II championship girls' basketball team.

**H.C.R. 67.** House concurrent resolution honoring outstanding Concord Town Clerk Cynthia Gaboriault.

**H.C.R. 68.** House concurrent resolution recognizing March 2023 as Social Work Month in Vermont.

**H.C.R. 69.** House concurrent resolution honoring former President James Earl Carter as a tireless international humanitarian and public servant.

**H.C.R. 70.** House concurrent resolution honoring Heidi Baitz for her outstanding contribution to public education in the Town of Ludlow.

### **Adjournment**

At two o'clock and thirty-two minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, March 28, 2023, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 20.

### **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. 57**

House concurrent resolution congratulating the 2023 Mill River Union High School Minutemen Division II championship cheerleading team

#### **H.C.R. 58**

House concurrent resolution designating April 2023 as Vermont Habitat for Humanity Month

#### **H.C.R. 59**

House concurrent resolution congratulating the 2023 Spaulding High School Crimson Tide Division I championship girls' ice hockey team

#### **H.C.R. 60**

House concurrent resolution commemorating the 90th anniversary of the establishment of the Civilian Conservation Corps

#### **H.C.R. 61**

House concurrent resolution congratulating the undefeated 2023 Georgia Middle School Chargers girls' basketball team

#### **H.C.R. 62**

House concurrent resolution congratulating the undefeated 2022 Georgia Middle School Chargers girls' soccer team



**H.C.R. 63**

House concurrent resolution congratulating the undefeated 2022–2023 Georgia Middle School Chargers boys' basketball team

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House concurrent resolution honoring exemplary Kirby Town Clerk-Treasurer Wanda Grant

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House concurrent resolution congratulating the 2023 North Country Union High School Falcons Division II championship girls' basketball team

**H.C.R. 67**

House concurrent resolution honoring outstanding Concord Town Clerk Cynthia Gaboriault

**H.C.R. 68**

House concurrent resolution recognizing March 2023 as Social Work Month in Vermont

**H.C.R. 69**

House concurrent resolution honoring former President James Earl Carter as a tireless international humanitarian and public servant

**H.C.R. 70**

House concurrent resolution honoring Heidi Baitz for her outstanding contribution to public education in the Town of Ludlow

[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 2023 Biennial Session.]

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**Tuesday, March 28, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rep. Kirk White of Bethel.

**Pledge of Allegiance**

Page Conor Noyes-Urffer of Brattleboro led the House in the Pledge of Allegiance.

**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. 491**

By Rep. Campbell of St. Johnsbury,

House bill, entitled

An act relating to requiring mileage reimbursements

To the Committee on General and Housing.

**H. 492**

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

Pursuant to House Rule 48, placed on the Notice Calendar.

**H. 493**

By the Committee on Corrections and Institutions,

House bill, entitled

An act relating to capital construction and State bonding

To the Committee on Appropriations pursuant to Rule 35(a).

**H. 494**

By the Committee on Appropriations,

House bill, entitled

An act relating to making appropriations for the support of government

Pursuant to House Rule 48, placed on the Notice Calendar.

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**Senate Bills Referred**

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

**S. 47**

Senate bill, entitled

An act relating to the transport of individuals requiring psychiatric care

To the Committee on Health Care.

**S. 73**

Senate bill, entitled

An act relating to workers' compensation coverage for firefighters with cancer

To the Committee on Commerce and Economic Development.

**S. 99**

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles

To the Committee on Transportation.

**S. 103**

Senate bill, entitled

An act relating to amending the prohibitions against discrimination

To the Committee on General and Housing.

**S. 112**

Senate bill, entitled

An act relating to miscellaneous subjects related to the Public Utility Commission

To the Committee on Environment and Energy.

**Ceremonial Reading****H.C.R. 69**

House concurrent resolution honoring former President James Earl Carter as a tireless international humanitarian and public servant

Offered by: All Members of the House

Whereas, as a former Governor of Georgia and 39th President of the United States, Jimmy Carter's place in our nation's history is assured, and

Whereas, his post-presidential years, longer than any of his predecessors', reflect the deep religious belief of a devoted Sunday School teacher, as well as the humanitarian focus of his mother, the indomitable Miss Lillian, who, in retirement, volunteered as a Peace Corps nurse in India, and

Whereas, Jimmy Carter never sought to monetize his fame for excessive personal enrichment, but, rather, he and his wife, Rosalynn, still reside in the same modest Plains home they built in 1961, and he has embarked on academic, health care, humanitarian, and writing endeavors with a broad societal impact, and

Whereas, in 1982, this now-prolific author became a Distinguished Professor at Emory University in Atlanta, Georgia, and established the university-associated Carter Center, a nonpartisan public policy center through which he and the center's staff have engaged in conflict mediation in nations ranging from Bosnia to Uganda, conducted over 100 election-monitoring missions worldwide, led a campaign that has nearly eradicated Guinea worm disease, and vigorously promoted democracy and human rights, and

Whereas, Jimmy and Rosalynn Carter are passionate advocates for and have volunteered in 14 countries on behalf of Habitat for Humanity, an organization that constructs and rehabilitates affordable housing, and

Whereas, in recognition of his extraordinary humanitarian initiatives, the Norwegian Nobel Committee honored former President Jimmy Carter with the 2002 Nobel Peace Prize, and

Whereas, former President Carter has decided to enter hospice care in order to spend his remaining time in contentment and peace, and his life of serving others is a model to emulate, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors former President James Earl Carter as a tireless international humanitarian and public servant, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to former President Jimmy Carter.

Having been adopted in concurrence on Friday, March 24, 2023 in accord with Joint Rule 16b, was read.

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**Third Reading; Bills Passed**

House bills of the following titles were severally taken up, read the third time, and passed:

**H. 102**

House bill, entitled

An act relating to the Art in State Buildings Program

**H. 125**

House bill, entitled

An act relating to boards and commissions

**H. 206**

House bill, entitled

An act relating to miscellaneous changes affecting the duties of the Department of Vermont Health Access

**H. 213**

House bill, entitled

An act relating to creating a study committee on mobile homes and mobile home parks

**H. 270**

House bill, entitled

An act relating to miscellaneous amendments to the adult-use and medical cannabis programs

**H. 291**

House bill, entitled

An act relating to the creation of the Cybersecurity Advisory Council

**H. 414**

House bill, entitled

An act relating to establishing an unused drug repository for Vermont

**H. 472**

House bill, entitled

An act relating to miscellaneous agricultural subjects

**Second Reading; Bill Amended; Third Reading Ordered****H. 31**

**Rep. Bongartz of Manchester**, for the Committee on Environment and Energy, to which had been referred House bill, entitled

An act relating to aquatic nuisance control

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

Sec. 1. AQUATIC NUISANCE CONTROL STUDY COMMITTEE;

REPORT

(a) Creation. The Aquatic Nuisance Control Study Committee is created to assess the environmental and public health effects of the use of pesticides, chemicals other than pesticides, biological controls, and other controls in comparison to the efficacy of their use in controlling aquatic nuisances.

(b) Membership. The Aquatic Nuisance Control Study Committee shall be composed of the following members:

(1) two current members of the House of Representatives, who shall be appointed by the Speaker of the House;

(2) two current members of the Senate, who shall be appointed by the Committee on Committees;

(3) the Commissioner of Health or designee;

(4) a scientist from the Department of Fish and Wildlife, appointed by the Commissioner of Fish and Wildlife; and

(5) a scientist from the Department of Environmental Conservation, appointed by the Commissioner of Environmental Conservation.

(c) Powers and duties. The Aquatic Nuisance Control Study Committee shall submit to the Vermont General Assembly recommendations regarding whether and when pesticides, chemicals other than pesticides, or biological controls should be used to control aquatic nuisances in Vermont. The recommendations of the Committee shall include:

(1) a summary of the use of pesticides, chemicals other than pesticides, and biological controls in the lakes and ponds of Vermont since January 1, 2000, including the types of pesticides, chemicals other than pesticides, and biological controls approved for use and why they were approved instead of nonchemical controls;

(2) an assessment of the use of pesticides, chemicals other than pesticides, or biological controls on the nontarget environment or nontarget species; and

(3) recommended legislative changes to the aquatic nuisance control requirements under 10 V.S.A. chapter 50 to:

(A) implement the use of pesticides, chemicals other than pesticides, or biological controls in a more precautionary manner that ensures the protection of State waters and is designed to protect fish, reptiles, amphibians, and all other aquatic biota;

(B) establish the appropriate standard for approval of the use of pesticides, chemicals other than pesticides, and biological controls for aquatic nuisance control;

(C) amend the process for the application of an aquatic nuisance control permit in a manner that improves the opportunity for interested parties to participate in the permitting process and that ensures full transparency in the permitting process; and

(D) provide other changes that the Study Committee determines are necessary or appropriate for implementation of effective aquatic nuisance control in the State.

(d) Assistance. The Aquatic Nuisance Control Study Committee shall have the administrative, technical, and legal assistance of the Agency of Natural Resources.

(e) Report. On or before December 15, 2023, the Aquatic Nuisance Control Study Committee shall submit a written report to the House Committee on Environment and Energy and the Senate Committee on Natural Resources and Energy with its findings and recommendations.

(f) Meetings.

(1) The Commissioner of Environmental Conservation or designee shall call the first meeting of the Aquatic Nuisance Control Study Committee to occur on or before July 31, 2023.

(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 Aquatic Nuisance Control Study Committee shall cease to exist on April 1, 2024.

(g) Compensation and reimbursement. For attendance at meetings during adjournment of the General Assembly, a legislative member of the Aquatic Nuisance Control Study 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 eight meetings. These payments shall be made from monies appropriated to the General Assembly.

(h) Definitions. As used in this section:

(1) "Aquatic nuisance" has the same meaning as in 10 V.S.A. § 1452.

(2) "Pesticide" has the same meaning as "economic poison" in 6 V.S.A. § 911.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

**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 Environment and Energy.

**Rep. Squirrell of Underhill**, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Environment and Energy.

The bill, having appeared on the Notice Calendar, was taken up and read the second time. Pending the question, Shall the bill be amended as recommended by the Committee on Environment and Energy?, **Rep. Sammis of Castleton** moved to amend the report of the Committee on Environment and Energy by inserting a Sec. 1a to read as follows:

### Sec. 1a. MORATORIUM ON HERBICIDE APPLICATION; LAKE

#### BOMOSEEN

The Secretary of Natural Resources shall not allow the application of the herbicide ProcellaCOR or any other herbicide in the waters of Lake Bomoseen until the report of the Aquatic Nuisance Control Study Committee required under Sec. 1 of this act is submitted to the General Assembly and the General Assembly enacts legislation implementing the legislative recommendations, if any, of the Aquatic Nuisance Control Study Committee.

Pending the question, Shall the report of the Committee on Environment and Energy be amended as offered by Rep. Sammis of Castleton?,

**Rep. Sammis of Castleton** 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 report of the Committee on Environment and



Energy be amended as offered by Rep. Sammis of Castleton?, was decided in the negative. Yeas, 24. Nays, 120.

Those who voted in the affirmative are:

Andriano of Orwell	Harrison of Chittenden	Page of Newport City
Branagan of Georgia	Higley of Lowell	Peterson of Clarendon
Brennan of Colchester	Labor of Morgan	Sammis of Castleton
Canfield of Fair Haven	Laroche of Franklin	Taylor of Milton
Demar of Enosburgh	Marcotte of Coventry	Walker of Swanton
Dickinson of St. Albans Town	Mattos of Milton	Williams of Granby
Graham of Williamstown	McFaun of Barre Town	Wilson of Lyndon
Hango of Berkshire	Morgan of Milton	
	Oliver of Sheldon	

Those who voted in the negative are:

Andrews of Westford	Dolan of Waitsfield	Mulvaney-Stanak of Burlington
Anthony of Barre City	Donahue of Northfield	Nicoll of Ludlow
Arrison of Weathersfield	Durfee of Shaftsbury	Notte of Rutland City
Arsenault of Williston	Elder of Starksboro	Noyes of Wolcott
Austin of Colchester	Emmons of Springfield	Nugent of South Burlington
Bartholomew of Hartland	Farlice-Rubio of Barnet	O'Brien of Tunbridge
Bartley of Fairfax	Galfetti of Barre Town	Ode of Burlington
Beck of St. Johnsbury	Garofano of Essex	Parsons of Rockingham
Berbeco of Winooski	Goldman of Rockingham	Patt of Worcester
Birong of Vergennes	Goslant of Northfield	Pearl of Danville
Black of Essex	Graning of Jericho	Pouech of Hinesburg
Bluemle of Burlington	Gregoire of Fairfield	Priestley of Bradford
Bongartz of Manchester	Headrick of Burlington	Rachelson of Burlington
Bos-Lun of Westminster	Holcombe of Norwich	Rice of Dorset
Boyden of Cambridge	Hooper of Randolph	Roberts of Halifax
Brady of Williston	Hooper of Burlington	Satcowitz of Randolph
Brown of Richmond	Houghton of Essex Junction	Scheu of Middlebury
Brownell of Pownal	Howard of Rutland City	Shaw of Pittsford
Brumsted of Shelburne	Hyman of South Burlington	Sheldon of Middlebury
Burditt of West Rutland	James of Manchester	Sibilia of Dover
Burrows of West Windsor	Jerome of Brandon	Sims of Craftsbury
Buss of Woodstock	Kornheiser of Brattleboro	Small of Winooski
Campbell of St. Johnsbury	Krasnow of South Burlington	Smith of Derby
Carpenter of Hyde Park	LaBounty of Lyndon	Squirrell of Underhill
Carroll of Bennington	Lalley of Shelburne	Stebbins of Burlington
Casey of Montpelier	LaLonde of South Burlington	Stevens of Waterbury
Chapin of East Montpelier	LaMont of Morristown	Stone of Burlington
Chase of Chester	Lanpher of Vergennes	Surprenant of Barnard
Chase of Colchester	Leavitt of Grand Isle	Taylor of Colchester
Chesnut-Tangerman of Middletown Springs	Lipsky of Stowe	Templeman of Brownington
Christie of Hartford	Long of Newfane	Toleno of Brattleboro
Clifford of Rutland City	Maguire of Rutland City	Toof of St. Albans Town
Coffey of Guilford		Torre of Moretown

Cole of Hartford	Masland of Thetford	Troiano of Stannard
Conlon of Cornwall	McCann of Montpelier	Waters Evans of Charlotte
Corcoran of Bennington	McCarthy of St. Albans City	White of Bethel
Cordes of Lincoln	McCoy of Poultney	Whitman of Bennington
Demrow of Corinth	McGill of Bridport	Williams of Barre City
Dodge of Essex	Minier of South Burlington	Wood of Waterbury
Dolan of Essex Junction	Morris of Springfield	
	Morrissey of Bennington	
	Mrowicki of Putney	

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

Burke of Brattleboro	Logan of Burlington	Pajala of Londonderry
Cina of Burlington	Mihaly of Calais	

Thereafter, the report of the Committee on Environment and Energy was agreed to and third reading was ordered.

**Second Reading; Consideration Interrupted;  
Bill Amended; Third Reading Ordered**

**H. 158**

**Rep. Morris of Springfield**, for the Committee on Environment and Energy, to which had been referred House bill, entitled

An act relating to the beverage container redemption system

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

Sec. 1. 10 V.S.A. chapter 53 is amended to read:

CHAPTER 53. BEVERAGE CONTAINERS; DEPOSIT-REDEMPTION  
SYSTEM

§ 1521. DEFINITIONS

As used in this chapter:

(1) “Beverage” means ~~beer or other malt beverages and mineral waters, mixed wine drink, soda water and carbonated soft~~ all drinks in liquid form and intended for human consumption, except for milk, dairy products, plant-based beverages, infant formula, meal replacement drinks, or nonalcoholic cider. ~~“Beverage” also means liquor and ready-to-drink spirits beverage.~~

(2) “Biodegradable material” means ~~material that is capable of being broken down by bacteria into basic elements.~~ [Repealed.]

(3) “Container” means the individual, and separate, bottle, can, or jar, ~~or~~ carton composed of glass, aluminum or other metal, ~~paper, plastic,~~ polyethylene terephthalate, high density polyethylene, or any combination of

those materials, and containing a consumer product beverage. This definition shall does not include containers made of biodegradable material noncarbonated beverage containers with a volume greater than two and one-half liters and carbonated beverage containers with a volume greater than three liters.

(4) “Distributor” means every person who engages in the sale of consumer products in containers to a dealer in this State, including any manufacturer who engages in such sales. Any dealer or retailer who sells, at the retail level, beverages in containers without having purchased them from a person otherwise classified as a distributor ~~shall be~~ is a distributor.

(5) “Manufacturer” means every person bottling, canning, packing, or otherwise filling containers for sale to distributors or dealers.

(6) “Recycling” means the process of sorting, cleansing, treating, and reconstituting waste and other discarded materials for the purpose of reusing the materials in the same or altered form.

(7) “Redemption center” means a store or other location where any person may, during normal business hours, redeem the amount of the deposit for any empty beverage container labeled or certified pursuant to section 1524 of this title.

(8) “Secretary” means the Secretary of Natural Resources.

(9) “Mixed wine drink” means a beverage containing wine and more than 15 percent added plain, carbonated, or sparkling water and that contains added natural or artificial blended material, such as fruit juices, flavors, flavoring, adjuncts, coloring, or preservatives; that contains not more than 16 percent alcohol by volume; or other similar product marketed as a wine cooler.

(10) “Liquor” means spirits as defined in 7 V.S.A. § 2.

(11) “Cider” has the same meaning as in 7 V.S.A. § 2.

(12) “Hard kombucha” means a fermented beverage produced from a mixture of steeped tea and sugar, combined with a culture of yeast strains and bacteria, that has an alcohol content of 0.5 percent or more alcohol by volume.

(13) “Plant-based beverage” means a liquid intended for human consumption that imitates dairy milk, consists of plant material suspended in water, and the primary protein source in the beverage is from plant material or a derivative of plant materials. Plant-based beverages include beverages made from rice, soy, nuts, oats, and hemp.

(14) “Vinous beverages” means all fermented beverages of any name or description manufactured or obtained for sale from the natural sugar content of fruits or other agricultural product, containing sugar, the total alcoholic content of which is not less than one percent nor more than 16 percent by volume at 60 degrees Fahrenheit. As used in this section, “vinous beverages” does not mean cider, hard kombucha, or a mixed wine drink.

§ 1522. BEVERAGE CONTAINERS; DEPOSIT

(a) Except with respect to beverage containers that contain liquor, a deposit of not less than five cents shall be paid by the consumer on each beverage container sold at the retail level and refunded to the consumer upon return of the empty beverage container. With respect to beverage containers that contain a vinous beverage, a deposit of 15 cents shall be paid by the consumer on each beverage container sold at the retail level and refunded to the consumer upon return of the empty beverage container. With respect to beverage containers of volume greater than 50 ml. that contain liquor, a deposit of 15 cents shall be paid by the consumer on each beverage container sold at the retail level and refunded to the consumer upon return of the empty beverage container. The difference between liquor bottle deposits collected and refunds made is hereby retained by the Liquor Control Enterprise Fund for administration of this subsection. Beginning on January 15, 2024 and annually thereafter, the Commissioner of Liquor and Lottery shall report to the Secretary of Natural Resources:

(1) the amount and tonnage of liquor bottles that the Department of Liquor and Lottery collected in the previous calendar year; and

(2) the redemption rate for liquor bottles in the previous calendar year.

(b) A retailer or a person operating a redemption center who redeems beverage containers shall be reimbursed by the manufacturer or distributor of such beverage containers in an amount that is three and one-half cents per container for containers of beverage brands that are part of a commingling program and ~~four~~ five cents per container for containers of beverage brands that are not part of a commingling program.

(c) [Repealed.]

~~(d) Containers shall be redeemed during no fewer than 40 hours per week during the regular operating hours of the establishment. [Repealed.]~~

§ 1522a. RULES

~~The Secretary may adopt rules, in accordance with 3 V.S.A. chapter 25, necessary for the administration of this chapter. These rules may include the following:~~

~~(1) Provisions to ensure that beverage containers not labeled in accordance with section 1524 of this title are not redeemed.~~

~~(2) Provisions to ensure that beverage containers are commingled.~~

~~(3) Administrative penalties for the failure by a redemption center or retailer to remove beverage containers that are not labeled prior to pickup by a distributor or manufacturer. Penalties may include nonpayment of the deposit and handling fee established under section 1522 of this title for a reasonable period of time and for the number of beverage containers that were not labeled.~~

~~(4) Any other provision that may be necessary for the implementation of this chapter. [Repealed.]~~

#### § 1523. ACCEPTANCE OF BEVERAGE CONTAINERS

(a) Except as provided in section 1522 of this title:

(1) A retailer shall not refuse to accept from any person any empty beverage containers, labeled in accordance with section 1524 of this title, of the kind, size, and brand sold by the retailer, or refuse to pay to that person the refund value of a beverage container as established by section 1522 of this title, except as provided in subsection (b) of this section.

(2) A manufacturer or distributor may not refuse to pick up from a retailer that sells its product or a person operating a certified redemption center any empty beverage containers, labeled in accordance with section 1524 of this title, of the kind, size, and brand sold by the manufacturer or distributor, or refuse to pay the retailer or a person operating a redemption center the refund value of a beverage container as established by section 1522 of this title.

~~(b) A retailer, with the prior approval of the Secretary, may refuse to redeem beverage containers if a redemption center or centers are established that serve the public need stewardship plan that meets the requirements of section 1532 of this title has been implemented by the producer responsibility organization in the State and the retailer's building is less than 5,000 square feet.~~

(c) A retailer ~~or that is not exempt,~~ a person operating a redemption center, ~~or any other point of redemption~~ may only refuse to redeem beverage containers that are not clean, or are broken, and shall not redeem beverage containers that are not labeled in accordance with section 1524 of this title.

#### § 1524. LABELING

(a)(1) Every beverage container sold or offered for sale at retail in this State shall clearly indicate by embossing ~~or~~, imprinting on the normal product

~~label, or in the case of a metal beverage container on the top of the container, other approved method secured to the container~~ the word “Vermont” or the letters “VT” and ~~the refund value of the container~~ one of the following in not less than one-eighth inch type size or such other alternate indications as may be approved by the Secretary:

- (A) the refund value of the container;
- (B) the words “refund value”; or
- (C) the letters “RV”.

(2) The label shall be on the top lid of the beverage container, the side of the beverage container, or in a clearly visible location on the beverage container. This subsection does not prohibit including names or abbreviations of other states with deposit legislation comparable to this chapter.

(b) Each beverage container sold or offered for sale in the State that has a deposit pursuant to section 1522 of this title shall include a Universal Product Code and barcode. Each distributor shall provide the Universal Product Code and barcode as part of its beverage registration or within 60 days following March 1, 2025, whichever occurs first.

(c) The Commissioner of Liquor and Lottery may allow, in the case of liquor bottles, a conspicuous, adhesive sticker to be attached to indicate the deposit information required in subsection (a) of this section, provided that the size, placement, and adhesive qualities of the sticker are as approved by the Commissioner. The stickers shall be affixed to the bottles by the manufacturer, except that liquor that is sold in the State in quantities less than 100 cases per year may have stickers affixed by personnel employed by the Division of Liquor Control.

~~(e) This section shall not apply to permanently labeled beverage containers.~~

(d) The Secretary may allow a manufacturer, a distributor, or a retailer of vinous beverage containers to attach a conspicuous adhesive sticker to the beverage containers to indicate the deposit information required in subsection (a) of this section, provided that the size, placement, and adhesive qualities of the sticker are as approved by the Secretary. If the Secretary allows the use of an adhesive sticker under this subsection, the sticker shall be affixed by the manufacturer, the distributor, or the retailer.

\* \* \*

#### § 1527. PENALTY

~~A person who violates a provision of this chapter shall be fined not more than \$1,000.00 for each violation. [Repealed.]~~

\* \* \*

§ 1529. REDEMPTION CENTER CERTIFICATION

A person operating a redemption center may obtain a certification from the Secretary. A redemption center certification shall include the following:

(1) Specification of the name and location of the facility;

~~(2) If the certified redemption center redeems more than 250,000 containers per year, a requirement that the certified redemption center shall participate in an approved commingling agreement; and~~

~~(3) Additional conditions, requirements, and restrictions as the Secretary may deem necessary to implement the requirements of this chapter. This may include requirements concerning reporting, recording, and inspections of the operation of the site.~~

\* \* \*

§ 1531. MANUFACTURER PARTICIPATION IN PRODUCER

RESPONSIBILITY ORGANIZATION

(a) No manufacturer or distributor may sell or distribute a beverage container in this State without participating in a Secretary-approved producer responsibility organization.

(b) On or before January 1, 2024, manufacturers of beverage containers sold or distributed within the State shall apply to the Secretary to form a producer responsibility organization to fulfill the requirement of manufacturers under this chapter.

(c) The Secretary may approve, for a period not longer than 10 years, the producer responsibility organization, provided that:

(1) the producer responsibility organization has the capacity to administer the requirements of a stewardship plan required by section 1532 of this title; and

(2) the producer responsibility organization does not create any unreasonable barriers to joining the producer responsibility organization and shall take into the consideration the needs of small manufacturers that do not generate a significant volume of containers.

(d) After approval, the producer responsibility organization shall maintain a website that identifies:

(1) the name and principal business address of each manufacturer participating in the producer responsibility organization; and

(2) the name of each beverage and the container size covered by the stewardship plan.

(e) If the producer responsibility organization fails to implement the requirements of this chapter, the rules adopted by the Secretary, or an approved stewardship plan, the Secretary may dissolve the producer responsibility organization.

(f) If no producer responsibility organization is formed, the Secretary shall either require the formation of the producer responsibility organization or adopt and administer a plan that meets the requirements of section 1532 of this title. If the Secretary administers the plan adopted under section 1532, the Secretary shall charge each manufacturer the costs of plan administration, the Agency's oversight costs, and a recycling market development assessment of 10 percent of the plan's total cost to be deposited in the Solid Waste Management Assistance Account of the Waste Management Assistance Fund, for the purpose of providing grants to develop markets to recycle materials.

(g) The producer responsibility organization shall reimburse the Agency of Natural Resources for all oversight costs in administering this chapter.

(h) Manufacturers and distributors of liquor are exempt from the requirements of this section and the requirement to implement a stewardship plan under section 1532 of this title.

#### § 1532. STEWARDSHIP PLAN; MINIMUM REQUIREMENTS

(a) Plan elements. On or before October 1, 2024, an approved producer responsibility organization shall submit a stewardship plan to the Secretary. A stewardship plan shall, at a minimum, meet all of the following requirements of this section:

(1) Convenience of collection. A plan shall ensure that consumers have convenient opportunities to redeem beverage containers. The plan shall take reasonable efforts to site points of redemption equitably across all regions of the State to allow for convenient and reasonable access of all Vermonters to redemption opportunities. A plan shall document how redemption services will be available to consumers as follows:

(A) at least three points of redemption per county that provide an immediate return of a deposit to a consumer unless a waiver is granted by the Secretary;

(B) at least one point of redemption per municipality with a population of 7,000 or more persons that provides an immediate return of a deposit to a consumer unless a waiver is granted by the Secretary; and



(C) how sites of redemption are or will be sited in areas with high population density or located in centers designated under 24 V.S.A. chapter 76A.

(2) Fair operation and compensation to redemption centers. The plan shall satisfy all of the following requirements.

(A) The plan shall describe how all locations that redeem beverage containers are fairly compensated for their participation in the collection program.

(B) There shall not be barriers to the participation in the collection program for a redemption center, except for restrictions that are authorized by the Secretary.

(C) The plan shall describe how management and sorting of containers at redemption centers is minimized. The plan shall document how brand sorting will be eliminated at points of redemption.

(D) The plan shall describe how materials will be picked up from redemption centers on a timely basis.

(E) The plan shall maximize the use of existing infrastructure when establishing points of collection under subdivision (1) of this subsection (a).

(3) Education to consumers. The plan shall describe what education efforts will be undertaken to increase the number of beverage containers redeemed in the State.

(4) Consultation with stakeholders. The producer responsibility organization shall consult with stakeholders on the development of the plan. The plan shall include processes for regular consultation, which shall not be less than annually, with stakeholders including the Agency, redemption centers, municipal and private recycling organizations, and other stakeholders.

(b) Reporting. At a frequency required by the Secretary but not less than annually, the producer responsibility organization shall report the following to the Secretary:

(1) the name, address, and business hours of each redemption center participating in the approved stewardship plan;

(2) the amount, in containers and tons, and material type of beverage containers redeemed under the plan and the redemption rate by the following categories of:

(A) vinous beverage containers; and

(B) all other beverage containers;

(3) the location and amount of beverage container material that was recycled and what products that beverage container material was recycled into;

(4) the carbon impacts associated with the administration of the stewardship plan;

(5) the costs associated with administration of the stewardship plan, including the costs of collection, management, and transportation of redeemed containers and the amount received for commodities;

(6) a description of any improvements made in the reporting year to increase ease and convenience for consumers to return beverage containers for redemption;

(7) efforts taken by or on behalf of the manufacturer or distributor to reduce environmental impacts throughout the product life cycle and to increase reusability or recyclability at the end of the life cycle by material type;

(8) efforts taken by or on behalf of the producer responsibility organization to improve the environmental outcomes of the program by improving operational efficiency, such as reduction of truck trips through improved material handling or compaction or the increased use of refillable containers in a local refilling system;

(9) a description and copies of educational materials and educational strategies the producer uses for the purposes of this program; and

(10) any additional information required by the Secretary.

(c) Secretary of Natural Resources approval. The plan shall be submitted to the Secretary, and, after concluding that the elements of the plan will maximize diversion of recyclable materials, provide convenience to users, and create a more circular economy, the Secretary's approval pursuant to this subsection shall be for a period not greater than five years.

#### § 1533. PROGRAM AND FISCAL AUDIT

(a) Program audit. Beginning on March 1, 2030 and every five years thereafter, the producer responsibility organization shall conduct an independent third-party program audit of the operation of the stewardship plan. The audit shall make recommendations to improve the operation of the collection program established by this chapter.

(b) Fiscal audit. Beginning on March 1, 2026 and annually thereafter, the producer responsibility organization shall conduct an independent third-party fiscal audit of the program. The fiscal audit shall provide a transparent fiscal analysis of the producer responsibility organization, its expenditures, the number of beverage containers collected, and the amount of unclaimed

deposits. The audit shall also provide the redemption rate of beverage containers redeemed in the State after approval by the Secretary.

(c) Submission to Secretary. The results of each audit required under subsections (a) and (b) of this section shall be submitted to the Secretary for purposes of reviewing performance of the stewardship plan and for oversight of the requirements of this chapter.

§ 1534. BEVERAGE CONTAINER REDEMPTION RATE GOAL;

REPORT

(a) It is a goal of the State that the following minimum beverage container redemption rates shall be satisfied by the specified dates:

- (1) Beginning on July 1, 2026: 75 percent.
- (2) Beginning on July 1, 2030: 80 percent.
- (3) Beginning on July 1, 2035: 85 percent.
- (4) Beginning on July 1, 2040: 90 percent.

(b) Beginning on July 1, 2025 and annually thereafter, the Secretary of Natural Resources shall submit to the Senate Committees on Natural Resources and Energy and on Finance and the House Committees on Environment and Energy and on Ways and Means a written report containing the current beverage container redemption rate in the State for the following three categories of beverage containers:

- (1) liquor bottles;
- (2) vinous beverage containers; and
- (3) all other beverage containers.

(c) Beginning on January 1, 2028, if the Secretary determines that the redemption rate goal established in subsection (a) of this section was not met for one or more of the beverage container categories listed under subsection (b) of this section for two consecutive years, the beverage container deposit for the category shall increase by five cents, provided that the maximum deposit for any beverage container category shall not exceed 20 cents for vinous beverage containers and liquor bottles and shall not exceed 10 cents for every other container. Within one year following the Secretary's determination under this section, manufacturers and distributors shall comply with the labeling requirements of section 1524 of this title before assessing the relevant deposit established under this subsection for the beverage container.

§ 1535. RULEMAKING

The Secretary may adopt rules, in accordance with 3 V.S.A. chapter 25, necessary for the administration of this chapter.

Sec. 2. 10 V.S.A. § 1530(c)(1) is amended to read:

~~(c)(1) On or before January 1, 2020, and quarterly thereafter, Every quarter,~~ at the time a report is filed pursuant to subsection (d) of this section, each deposit initiator shall remit to the Commissioner of Taxes ~~any 50 percent of the abandoned beverage container deposits from the preceding quarter. The remaining 50 percent of the abandoned beverage container deposits shall be retained by the producer responsibility organization implementing the requirements of this chapter for the deposit initiator.~~ any 50 percent of the abandoned beverage container deposits from the preceding quarter. The remaining 50 percent of the abandoned beverage container deposits shall be retained by the producer responsibility organization implementing the requirements of this chapter for the deposit initiator. The amount of abandoned beverage container deposits for a quarter is the amount equal to the amount of deposits that the deposit initiator collected in the quarter less the amount of the total refund value paid out by the deposit initiator for beverage containers during the quarter.

Sec. 3. 10 V.S.A. § 1530(c)(1) is amended to read:

~~(c)(1) Every quarter, at the time a report is filed pursuant to subsection (d) of this section, each deposit initiator shall remit to the Commissioner of Taxes 50 percent of the any abandoned beverage container deposits from the preceding quarter. The remaining 50 percent of the abandoned beverage container deposits shall be retained by the producer responsibility organization implementing the requirements of this chapter for the deposit initiator. The amount of abandoned beverage container deposits for a quarter is the amount equal to the amount of deposits that the deposit initiator collected in the quarter less the amount of the total refund value paid out by the deposit initiator for beverage containers during the quarter.~~

Sec. 4. 10 V.S.A. § 7714 is amended to read:

§ 7714. TYPE 3 PROCEDURES

(a) Purpose; scope.

(1) The purpose of this section is to establish the public notice and comment requirements that the Department must follow when adopting general permits, except for general permits governed by section 7712 of this chapter, and when considering other permits listed in this section.

(2) The procedures under this section shall be known as Type 3 Procedures. This section governs each of the following:

(A) Each general permit issued pursuant to the Secretary's authority under this title other than a general permit subject to section 7712 of this

chapter. However, this section does not apply to a notice of intent under a general permit.

(B) Issuance of a dam safety order under chapter 43 of this title, except for an unsafe dam order under section 1095 of this title.

(C) An application or request for approval of:

(i) an aquatic nuisance control permit under chapter 50 of this title;

(ii) a change in treatment for a public water supply under chapter 56 of this title;

(iii) a collection plan for mercury-containing lamps under section 7156 of this title;

(iv) an individual plan for the collection and recycling of electronic waste under section 7554 of this title; ~~and~~

(v) a primary battery stewardship plan under section 7586 of this title; and

(vi) approval of a stewardship plan required under chapter 53 of this title.

(b) Notice of application. The Secretary shall provide notice of an administratively complete application through the environmental notice bulletin.

(c) Notice of draft decision; comment period. The Secretary shall provide notice of the draft decision through the environmental notice bulletin and shall post the draft decision to the bulletin. The Secretary shall provide a public comment period.

(d) Public meeting. The Secretary shall hold a public meeting whenever any person files a written request for such a meeting. The Secretary otherwise may hold a public meeting at ~~his or her~~ the Secretary's discretion.

(e) Notice of final decision. The Secretary shall provide notice of the final decision through the environmental notice bulletin and shall post the final decision to the bulletin. The Secretary shall provide a response to comments.

Sec. 5. 10 V.S.A. § 1388 is amended to read:

§ 1388. CLEAN WATER FUND

(a) There is created a special fund to be known as the Clean Water Fund to be administered by the Secretary of Administration. The Fund shall consist of:

(1) revenues from the Property Transfer Tax surcharge established under 32 V.S.A. § 9602a;

(2) other gifts, donations, and impact fees received from any source, public or private, dedicated for deposit into the Fund and approved by the Secretary of Administration;

(3) 50 percent of the unclaimed beverage container deposits (escheats) remitted to the State under chapter 53 of this title;

(4) six percent of the revenues from the meals and rooms taxes imposed under 32 V.S.A. chapter 225; and

(5) other revenues dedicated for deposit into the Fund by the General Assembly.

(b) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7, subchapter 5, unexpended balances and any earnings shall remain in the Fund from year to year.

Sec. 6. 10 V.S.A. § 6618(a) is amended to read:

(a) There is hereby created in the State Treasury a fund to be known as the Waste Management Assistance Fund, to be expended by the Secretary of Natural Resources. The Fund shall have three accounts: one for Solid Waste Management Assistance, one for Hazardous Waste Management Assistance, and one for Electronic Waste Collection and Recycling Assistance. The Hazardous Waste Management Assistance Account shall consist of a percentage of the tax on hazardous waste under the provisions of 32 V.S.A. chapter 237, as established by the Secretary, the toxics use reduction fees under subsection 6628(j) of this title; and appropriations of the General Assembly. In no event shall the amount of the hazardous waste tax that is deposited to the Hazardous Waste Management Assistance Account exceed 40 percent of the annual tax receipts. The Solid Waste Management Assistance Account shall consist of the franchise tax on waste facilities assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13; 50 percent of the unclaimed beverage container deposits remitted to the State under chapter 53 of this title; and appropriations of the General Assembly. The Electronic Waste Collection and Recycling Account shall consist of the program and implementation fees required under section 7553 of this title. All balances in the Fund accounts at the end of any fiscal year shall be carried forward and remain a part of the Fund accounts, except as provided in subsection (e) of this section. Interest earned by the Fund shall be deposited into the appropriate Fund account. Disbursements from the Fund accounts shall be made by the State Treasurer on warrants drawn by the Commissioner of Finance and Management.

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Sec. 7. SYSTEMS ANALYSIS OF BEVERAGE CONTAINER SYSTEM

On or before January 15, 2025, the Agency of Natural Resources shall submit to the House Committee on Environment and Energy and the Senate Committee on Natural Resources and Energy a written report on:

(1) an estimate of the total system costs and savings associated with the implementation of the expanded beverage container redemption system under 10 V.S.A. chapter 53, including climate impacts;

(2) an estimate of the impacts of an expanded beverage container redemption system on the recycling system, including how much additional beverage container material will be collected by the expansion of the bottle bill; the operational savings, if any, on material recovery facilities; the loss to material recovery facilities from the removal of bottle bill material from the recycling system; and an estimate of the impacts on tipping fees at each material recovery facility;

(3) an estimate of the costs of operating a redemption center and other alternate points of redemption under a stewardship plan and a recommendation on whether the handling fee should be altered or replaced with an alternative means of compensating points of redemption;

(4) an estimate of the impact on overall recycling in the State and the redemption rates of beverage containers under 10 V.S.A. chapter 53 if the producer responsibility organization (PRO) implementing the stewardship plan under that chapter were authorized to retain 100 percent, 50 percent, or none of the abandoned beverage container deposits, including:

(A) the estimated number of beverage container redemption sites in the State under the PRO's stewardship plan under each option for the PRO's retention of the abandoned beverage container deposits; and

(B) the geographic distribution of beverage container redemption sites across the State under the PRO's stewardship plan under each option for the PRO's retention of the abandoned beverage container deposits.

(5) an estimate of the impact on the Clean Water Fund and State implementation of the State's water quality programs and regulatory requirements if the abandoned beverage container deposits were not deposited into the Clean Water Fund under 10 V.S.A. § 1388.

Sec. 8. REPEAL

10 V.S.A. § 1528 (beverage registration with ANR) and 10 V.S.A. § 1529 (redemption center certification by ANR) are repealed on March 1, 2025.

## Sec. 9. IMPLEMENTATION; TRANSITION

(a) In the implementation and enforcement of the requirements of this act, the Secretary of Natural Resources may:

(1) allow beverage containers to be sold or redeemed that do not meet the labeling requirements of 10 V.S.A. § 1524;

(2) determine whether a beverage or container is subject to the requirements of 10 V.S.A. chapter 53 due to the nature of the beverage or the composition or size of the container; and

(3) exercise discretion in the administration and enforcement of the requirements of 10 V.S.A. chapter 53 for categories or types of beverages or beverage containers.

(b) This section shall be repealed on March 1, 2028.

## Sec. 10. BOTTLE BILL RECYCLING AND MATERIALS REPORTING

A manufacturer or distributor collecting beverage containers subject to 10 V.S.A chapter 53 shall report recycling information to the Secretary of Natural Resources in the same manner as recycled materials are reported to the Secretary under 10 V.S.A. chapter 159. The information shall include:

(1) the amount in containers and tons and material type of beverage container collected; and

(2) the location and amount of beverage container material and what products the beverage containers were recycled into.

## Sec. 11. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that:

(1) in Sec. 1, 10 V.S.A. § 1521(1) (expansion of the definition of beverage types) and 10 V.S.A. § 1522(a)(deposit for vinous beverages) shall take effect on January 1, 2027;

(2) in Sec. 1, 10 V.S.A. § 1524(b) (requiring a UPC label on containers) shall take effect on March 1, 2025;

(3) in Sec. 1, 10 V.S.A. § 1531(a) (prohibiting the sale or distribution without participating in the producer responsibility organization) shall take effect on March 1, 2025;

(4) Sec. 2 (remittance of abandoned beverage container deposits) shall take effect on January 1, 2026;

(5) Sec. 3. (repeal of remittance of beverage container deposit) shall take effect on July 1, 2031;



(6) Sec. 5 (changing the amount of funds deposited in the Clean Water Fund) shall take effect on July 1, 2031; and

(7) Sec. 6 (Waste Management Assistance Fund) shall take effect on July 1, 2031.

**Rep. Ode of Burlington**, for the Committee on Ways and Means, recommended that the report of the Committee on Environment and Energy be amended as follows:

First: In Sec. 1, 10 V.S.A. chapter 53, in section 1522, in subsection (a), after “a deposit of” and before “five cents shall be paid”, by striking out the “not less than” and inserting in lieu thereof “~~not less than~~”

Second: In Sec. 1, 10 V.S.A. chapter 53, in section 1522, by inserting a new subsection (c) to read:

(c) Alcoholic beverages permitted to be shipped directly to a consumer under 7 V.S.A. § 277 shall be exempt from:

(1) the beverage container deposit requirement of subsection (a) of this section;

(2) the labeling requirements of section 1524 of this title; and

(3) the abandoned beverage container deposit requirements of section 1530 of this title.

Third: In Sec. 1, 10 V.S.A. chapter 53, in section 1523, in subdivision (a)(2), after “A manufacturer or distributor” and before “not refuse” by striking out “may” and inserting in lieu thereof “~~may shall~~”

Fourth: In Sec. 1, 10 V.S.A. chapter 53, in section 1524, in subdivision (a)(1), by striking out “by embossing or, imprinting on the normal product label, or” and inserting in lieu thereof “by embossing or on the normal product label, imprinting on the normal product label, or”

Fifth: In Sec. 1, 10 V.S.A. chapter 53, in section 1529, in the first sentence of the section, after “a redemption center” and before “obtain a certification” by striking out the word “may” and inserting in lieu thereof “~~may shall~~”

and in the newly designated subdivision (2), in the second sentence, after “This” and before “include requirements” by striking out “may” and inserting in lieu thereof “~~may shall~~”

Sixth: In Sec. 1, 10 V.S.A. chapter 53, in section 1531, by striking out subsection (g) in its entirety and inserting in lieu thereof a new subsection (g) to read:

(g) The producer responsibility organization shall reimburse the Secretary for the costs of overseeing the administration of the program under this chapter as follows:

(1) The Secretary shall annually provide an estimate of the costs of overseeing the administration of the program to the producer responsibility program, including staff costs, compliance, and oversight of the system.

(2) The producer responsibility organization shall provide any comments to the Secretary's budget within 30 days of receipt. The Agency of Natural Resource shall respond to all comments provided by the producer responsibility organization and may make changes to its budget in response to those comments. These comments and the responses shall be provided to the General Assembly as a part of the Secretary's budget.

(3) Reimbursement of Agency of Natural Resources costs under this subsection shall be subject to the State budgeting process, and the producer responsibility organization shall not be required to reimburse any Agency cost unless that cost is approved as a part of the Agency's budget.

Seventh: In Sec. 1, 10 V.S.A. chapter 53, in section 1532, in subdivision (b)(9), after "and educational strategies the" and before "uses for the purposes of" by striking out "producer" and inserting in lieu thereof "producer responsibility organization"

Eighth: In Sec. 1, 10 V.S.A. chapter 53, in section 1533, in subsection (b), in the last sentence, after "redeemed in the State" and before the period by striking out "after approval by the Secretary"

and in section 1533, subsection (b), by adding a new last sentence to read:

The Secretary shall approve the audit results and the redemption rate of beverage containers included in the audit.

Ninth: In Sec. 1, 10 V.S.A. chapter 53, in section 1534, by striking out subsection (c) in its entirety and inserting in lieu thereof new subsection (c) to read as follows:

(c) Beginning on July 1, 2025 and every five years thereafter, the Secretary of Natural Resources shall submit to the Senate Committees on Natural Resources and Energy and on Finance and the House Committees on Environment and Energy and on Ways and Means a written report containing:

(1) the current beverage container redemption rate in the State; and

(2) a recommendation of whether the General Assembly should enact legislation to increase the beverage container deposit in order to improve redemption of beverage containers.

Tenth: In Sec. 1, 10 V.S.A. chapter 53, by adding a section 1536 to read:

§ 1536. ANTITRUST; CONDUCT AUTHORIZED

(a) Activity authorized. A manufacturer, group of manufacturers, or producer responsibility organization implementing or participating in an approved collection plan under this chapter for the collection, transport, processing, and management of beverage container 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 producer responsibility organization's chosen system for beverage containers.

(b) Limitations on antitrust activity. Subsection (a) of this section shall not apply to an agreement among producers, groups of manufacturers, retailers, wholesalers, or the producer responsibility organization affecting the price of beverage containers or any agreement restricting the geographic area in which or customers to whom beverage containers shall be sold.

Eleventh: By striking out Secs. 2 and 3, 10 V.S.A. § 1530(c)(1), in their entirety and inserting in lieu thereof the following new Secs. 2–3a to read as follows:

Sec. 2. 10 V.S.A. § 1530(c)(1) is amended to read:

(c)(1) ~~On or before January 1, 2020, and quarterly thereafter, Every quarter,~~ at the time a report is filed pursuant to subsection (d) of this section, each deposit initiator shall remit to the Commissioner of Taxes any abandoned beverage container deposits from the preceding quarter. The Commissioner of Taxes shall deposit the first \$3,000,000.00 of the abandoned beverage container deposits into the Clean Water Fund under 10 V.S.A. § 1388. The Commissioner shall return to the producer responsibility organization implementing the requirements of this chapter any abandoned beverage container deposits in excess of the amount deposited into the Clean Water Fund. The amount of abandoned beverage container deposits for a quarter is the amount equal to the amount of deposits that the deposit initiator collected in the quarter less the amount of the total refund value paid out by the deposit initiator for beverage containers during the quarter.

Sec. 3. 10 V.S.A. § 1530(c)(1) is amended to read:

(c)(1) Every quarter, at the time a report is filed pursuant to subsection (d) of this section, each deposit initiator shall remit to the Commissioner of Taxes any abandoned beverage container deposits from the preceding quarter. The Commissioner of Taxes shall deposit the first ~~\$3,000,000.00~~ \$4,000,000.00 of the abandoned beverage container deposits into the Clean Water Fund under

10 V.S.A. § 1388. The Commissioner shall return to the producer responsibility organization implementing the requirements of this chapter any abandoned beverage container deposits in excess of the amount deposited into the Clean Water Fund. The amount of abandoned beverage container deposits for a quarter is the amount equal to the amount of deposits that the deposit initiator collected in the quarter less the amount of the total refund value paid out by the deposit initiator for beverage containers during the quarter.

Sec. 3a. 10 V.S.A. § 1530(c)(1) is amended to read:

(c)(1) Every quarter, at the time a report is filed pursuant to subsection (d) of this section, each deposit initiator shall remit to the Commissioner of Taxes any abandoned beverage container deposits from the preceding quarter. The Commissioner of Taxes shall deposit the first \$4,000,000.00 of the abandoned beverage container deposits into the Clean Water Fund under 10 V.S.A. § 1388. The Commissioner shall ~~return to the producer responsibility organization implementing the requirements of this chapter~~ deposit into the Solid Waste Management Assistance Account of the Waste Management Assistance Fund any abandoned beverage container deposits in excess of the amount deposited into the Clean Water Fund. The amount of abandoned beverage container deposits for a quarter is the amount equal to the amount of deposits that the deposit initiator collected in the quarter less the amount of the total refund value paid out by the deposit initiator for beverage containers during the quarter.

Twelfth: By striking out Sec. 5, 10 V.S.A. § 1388, in its entirety and inserting in lieu thereof a new Sec. 5 to read:

Sec. 5. 10 V.S.A. § 1388 is amended to read:

§ 1388. CLEAN WATER FUND

(a) There is created a special fund to be known as the Clean Water Fund to be administered by the Secretary of Administration. The Fund shall consist of:

(1) revenues from the Property Transfer Tax surcharge established under 32 V.S.A. § 9602a;

(2) other gifts, donations, and impact fees received from any source, public or private, dedicated for deposit into the Fund and approved by the Secretary of Administration;

(3) the unclaimed beverage container deposits (escheats) ~~remitted to the State~~ required to be deposited to the Fund under chapter 53 of this title;

(4) six percent of the revenues from the meals and rooms taxes imposed under 32 V.S.A. chapter 225; and

(5) other revenues dedicated for deposit into the Fund by the General Assembly.

(b) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7, subchapter 5, unexpended balances and any earnings shall remain in the Fund from year to year.

Thirteenth: In Sec. 6, 10 V.S.A. § 6618(a), by striking out “50 percent of the unclaimed beverage container deposits remitted to the State under chapter 53 of this title;” where it appears and inserting in lieu thereof “the unclaimed beverage container deposits allocated to the Account under chapter 53 of this title;”

Fourteenth: In Sec. 7, systems analysis, in subdivision (2), after “will be collected by the expansion of the” and before the semicolon, by striking out “bottle bill” and inserting in lieu thereof “beverage container redemption system”

and in subdivision (2) after “the loss to material recovery facilities from the removal of” and before “from the recycling system;” by striking out “bottle bill material” and inserting in lieu thereof “material collected under the beverage container redemption system”

Fifteenth: By striking out Sec. 11 (effective dates) in its entirety and inserting in lieu thereof a new Sec. 11 to read as follows:

#### Sec. 11. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that:

(1) in Sec. 1, 10 V.S.A. § 1521(1) (expansion of the definition of beverage types) and 10 V.S.A. § 1522(a)(deposit for vinous beverages) shall take effect on January 1, 2027;

(2) in Sec. 1, 10 V.S.A. § 1524(b) (requiring a UPC label on containers) shall take effect on March 1, 2025;

(3) in Sec. 1, 10 V.S.A. § 1531(a) (prohibiting the sale or distribution without participating in the producer responsibility organization) shall take effect on March 1, 2025;

(4) Sec. 2 (abandoned beverage container deposits; initial Clean Water Fund amount) shall take effect on January 1, 2026;

(5) Sec. 3. (abandoned beverage container deposit; Clean Water Fund amount on expansion) shall take effect on January 1, 2027;

(6) Sec. 3a. (abandoned beverage container deposit; Solid Waste Management Assistance Account) shall take effect on July 1, 2031

(7) Sec. 5 (deposits to Clean Water Fund) shall take effect January 1, 2026.

(8) Sec. 6 (Waste Management Assistance Fund) shall take effect on July 1, 2031.

**Rep. Squirrell of Underhill**, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Environment and Energy, and when further 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.

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

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

Thereafter, the report of the Committee on Environment and Energy was amended as recommended by the Committee on Ways and Means.

Pending the question, Shall the bill be amended as recommended by the Committee on Environment and Energy, as amended?, **Representatives Morris of Springfield, Sheldon of Middlebury, Bongartz of Manchester, Clifford of Rutland City, Logan of Burlington, Patt of Worcester, Satcowitz of Randolph, Sibia of Dover, Smith of Derby, Stebbins of Burlington, and Torre of Moretown** moved that the report of the Committee on Environment and Energy, as amended, be further amended as follows:

First: In Sec. 1, 10 V.S.A. chapter 53, in section 1534, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) Beginning on January 1, 2028, if the Secretary determines that the redemption rate goal established in subsection (a) of this section was not met for one or more of the beverage container categories listed under subsection (b) of this section for two consecutive years, the beverage container deposit for the category shall increase by five cents, provided that the maximum deposit for any beverage container category shall not exceed 20 cents for vinous beverage containers and liquor bottles and shall not exceed 10 cents for every other container. Within one year following the Secretary's determination under this section, manufacturers and distributors shall comply with the labeling requirements of section 1524 of this title before assessing the relevant deposit established under this subsection for the beverage container.

Second: In Sec. 3a, 10 V.S.A. § 1530(c)(1), in the second sentence, by striking out “shall deposit the first \$4,000,000.00 of the abandoned beverage container deposits into the Clean Water Fund” and inserting in lieu thereof “annually shall deposit 50 percent or the first \$4,000,000.00, whichever is greater, of the abandoned beverage container deposits into the Clean Water Fund”

Which was agreed to. Thereupon, the bill was amended as recommended by the Committee on Environment and Energy, as amended.

Pending the question, Shall the bill be read a third time?, **Rep. Beck of St. Johnsbury** 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, 115. Nays, 29.

Those who voted in the affirmative are:

Andrews of Westford	Donahue of Northfield	Mrowicki of Putney
Andriano of Orwell	Durfee of Shaftsbury	Mulvaney-Stanak of Burlington
Anthony of Barre City	Elder of Starksboro	Nicoll of Ludlow
Arsenault of Williston	Emmons of Springfield	Notte of Rutland City
Austin of Colchester	Farlice-Rubio of Barnet	Noyes of Wolcott
Bartholomew of Hartland	Galfetti of Barre Town	Nugent of South Burlington
Berbeco of Winooski	Garofano of Essex	O'Brien of Tunbridge
Birong of Vergennes	Goldman of Rockingham	Ode of Burlington
Black of Essex	Graning of Jericho	Patt of Worcester
Bluemle of Burlington	Gregoire of Fairfield	Pearl of Danville
Bongartz of Manchester *	Headrick of Burlington	Pouech of Hinesburg
Bos-Lun of Westminster	Holcombe of Norwich	Priestley of Bradford
Boyden of Cambridge	Hooper of Randolph	Rachelson of Burlington
Brady of Williston	Hooper of Burlington	Rice of Dorset
Branagan of Georgia	Houghton of Essex Junction	Roberts of Halifax
Brown of Richmond	Howard of Rutland City	Satcowitz of Randolph
Brownell of Pownal	Hyman of South Burlington	Scheu of Middlebury
Brumsted of Shelburne	James of Manchester	Sheldon of Middlebury
Burrows of West Windsor	Jerome of Brandon	Sibilia of Dover
Buss of Woodstock	Kornheiser of Brattleboro	Sims of Craftsbury
Campbell of St. Johnsbury	Krasnow of South Burlington	Small of Winooski
Carpenter of Hyde Park	LaBounty of Lyndon	Smith of Derby
Carroll of Bennington	Lalley of Shelburne	Squirrell of Underhill
Casey of Montpelier	LaLonde of South Burlington	Stebbins of Burlington *
Chase of Chester	Lanpher of Vergennes	Stevens of Waterbury
Chase of Colchester	Leavitt of Grand Isle	Stone of Burlington
Chesnut-Tangerman of Middletown Springs	Lipsky of Stowe	Surprenant of Barnard
Christie of Hartford	Long of Newfane	Taylor of Colchester
Cina of Burlington	Maguire of Rutland City	Templeman of Brownington
Coffey of Guilford	Marcotte of Coventry	Toleno of Brattleboro
Cole of Hartford		Torre of Moretown

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Conlon of Cornwall	Masland of Thetford	Troiano of Stannard
Corcoran of Bennington	McCann of Montpelier	Walker of Swanton
Cordes of Lincoln	McCarthy of St. Albans City	Waters Evans of Charlotte
Demrow of Corinth	McFaun of Barre Town	White of Bethel
Dodge of Essex	McGill of Bridport	Whitman of Bennington
Dolan of Essex Junction	Mihaly of Calais	Williams of Barre City
Dolan of Waitsfield	Minier of South Burlington	Wood of Waterbury
	Morris of Springfield	
	Morrissey of Bennington	

Those who voted in the negative are:

Arrison of Weathersfield	Goslant of Northfield	Oliver of Sheldon
Bartley of Fairfax	Graham of Williamstown	Page of Newport City
Beck of St. Johnsbury	Hango of Berkshire	Parsons of Newbury
Brennan of Colchester	Harrison of Chittenden *	Peterson of Clarendon
Burditt of West Rutland	Higley of Lowell	Sammis of Castleton
Canfield of Fair Haven	Labor of Morgan	Shaw of Pittsford
Clifford of Rutland City	Laroche of Franklin	Taylor of Milton
Demar of Enosburgh	Mattos of Milton	Toof of St. Albans Town
Dickinson of St. Albans Town	McCoy of Poultney	Williams of Granby
	Morgan of Milton	Wilson of Lyndon

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

Burke of Brattleboro	LaMont of Morristown	Pajala of Londonderry
Chapin of East Montpelier	Logan of Burlington	

**Rep. Bongartz of Manchester** explained his vote as follows:

“Madam Speaker:

All recycling is not created equal. Only a redemption system produces materials that manufacturers can use time after time after time. That is why my vote is yes.”

**Rep. Harrison of Chittenden** explained his vote as follows:

“Madam Speaker:

H.158 will increase prices to consumers and complicates recycling. I vote no.”

**Rep. Stebbins of Burlington** explained her vote as follows:

“Madam Speaker:

I vote yes on the expanded bottle bill because it will save energy, save natural resources, increase business efficiency, reduce waste, and support a circular economy.”



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**Second Reading; Bill Amended; Third Reading Ordered****H. 205**

**Rep. Surprenant of Barnard**, for the Committee on Agriculture, Food Resiliency, and Forestry, to which had been referred House bill, entitled

An act relating to establishing the Small Farm Diversification and Transition Program

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

Sec. 1. 6 V.S.A. chapter 207, subchapter 4 is added to read:

Subchapter 4. Small Farmer Diversification and Transition Program

§ 4631. Small Farmer Diversification and Transition Program

(a) The Small Farmer Diversification and Transition Program is created at the Agency of Agriculture, Food and Markets to provide small farmers in Vermont with State financial assistance to diversify production on a farm or to transition from one form of farming to another. Assistance under the Program shall be in the form of grants. Small Farmer Diversification and Transition Program grants shall be used for costs of:

- (1) diversifying the farm products produced by the applicant;
- (2) transitioning the applicant from one form of farming to another;
- (3) processing of farm products on the farm owned or controlled by the applicant; and
- (4) development of an accessory on-farm business by the applicant.

(b) An applicant for a Small Farmer Diversification and Transition Program grant shall demonstrate to the Secretary of Agriculture, Food and Markets that:

- (1) the applicant is a small farmer;
- (2) the applicant houses not more than the number of animals specified under section 4857 of this title;
- (3) there is potential from the proposed diversification or transition to create additional income for the small farmer;
- (4) the applicant has a proposed plan for diversification or transition that includes possible markets for the proposed product and probable income; and
- (5) the applicant is not permitted as a medium farm or large farm at the time of application.

(c)(1) The Secretary of Agriculture, Food and Markets shall issue Small Farmer Diversification and Transition Program grants under this section when funds are available for the Program. The maximum amount of a grant under this section shall be \$15,000.00 per farmer per year, and all projects funded by the grant shall be completed within 12 months of receipt of the grant by the small farmer.

(d)(1) The Secretary shall provide public notice of available grants and shall provide applicants with technical assistance in complying with application requirements. The Secretary shall publicize the Small Farmer Diversification and Transition Program in newsletters, press releases, e-mail, and other communications from the Agency of Agriculture, Food and Markets.

(2) The Secretary shall hold the application process open beginning November 1 of each year and shall close the application period on December 31 of each year.

(3) Applications shall not be processed until the Secretary determines that the application is administratively complete and includes all required documentation required by the Secretary.

(4)(A) The Secretary shall evaluate applications based on the following criteria, which shall be weighted equally:

(i) the potential from the proposed diversification or transition to create additional income for the small farmer; and

(ii) the viability of the possible markets identified in the plan for the proposed product.

(B) The Secretary shall award grants to the applicants according to the total weighted scores beginning with the highest score until all funds are expended.

(e) As used in this subchapter:

(1) "Farm products" means:

(A) crops grown, growing, or to be grown, including:

(i) plants grown for food, feed, and fiber, but excluding trees grown for timber purposes;

(ii) Christmas trees;

(iii) maple sap;

(iv) horticultural, viticultural, or orchard crops, and

(v) pasture; and

(B) livestock, born or unborn, including goods produced in aquacultural operations; or

(C) products of crops or livestock produced by the small farmer.

(2) “Small farmer” means any person who:

(A) earns at least one-half of the person’s annual gross income from the business of farming as that term is defined in Regulation 1.175-3 issued under the Internal Revenue Code of 1986;

(B) is engaged in “farming” as that term is defined in 10 V.S.A. § 6001(22), regardless of the size of the parcel, and whose gross income from the sale of the farm products equals at least one-half of the farmer’s annual gross income; or

(C) a small farm subject to the Required Agricultural Practices.

## Sec. 2. APPROPRIATION

In addition to any other funds appropriated to the Agency of Agriculture, Food and Markets in fiscal year 2024, \$500,000.00 is appropriated from the General Fund to the Agency of Agriculture, Food and Markets for purposes of the Small Farmer Diversification and Transition Program. Funds appropriated under this section that are unexpended in fiscal year 2024 shall carry forward for use by the Agency of Agriculture, Food and Markets in fiscal year 2025 for purpose of awarding grants under 6 V.S.A. § 4631 for the Small Farmer Diversification and Transition Program.

## Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

and that after passage the title of the bill be amended to read “An act relating to establishing the Small Farmer Diversification and Transition Program”

**Rep. Toleno of Brattleboro**, for the Committee on Appropriations, recommended that the report of the Agriculture, Food Resiliency, and Forestry be amended as follows:

First: In Sec. 1, 6 V.S.A. chapter 207, subchapter 4, in section 4631, in subsection (a), after the first sentence and before the second sentence by adding a new sentence to read:

The Agency staff that support the Working Lands Enterprise Board shall administer the Program.

Second: By striking out Sec. 2 , appropriation, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

## Sec. 2. APPROPRIATION

In addition to any other funds appropriated to the Agency of Agriculture, Food and Markets in fiscal year 2024, \$350,000.00 of one-time funds are appropriated from the General Fund in fiscal year 2024 to the Agency of Agriculture, Food and Markets for purposes of implementing of the Small Farmer Diversification and Transition Program.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Agriculture, Food Resiliency, and Forestry was amended as recommended by the Committee on Appropriations. The report of the Committee on Agriculture, Food Resiliency, and Forestry, as amended, was agreed to and third reading ordered.

**Second Reading; Bill Amended; Third Reading Ordered****H. 222**

**Rep. Whitman of Bennington**, for the Committee on Human Services, to which had been referred House bill, entitled

An act relating to reducing overdoses

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

\* \* \* Needle and Syringe Disposal Expansion \* \* \*

Sec. 1. 18 V.S.A. § 4224 is amended to read:

§ 4224. UNUSED PRESCRIPTION DRUG, NEEDLE, AND SYRINGE DISPOSAL PROGRAM

(a) The Department of Health shall establish and maintain the statewide Unused Prescription Drug, Needle, and Syringe Disposal Program to provide for the safe disposal of Vermont residents' unused and unwanted prescription drugs, needles, and syringes. 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.

\* \* \*

Sec. 2. REGIONAL STAKEHOLDER MEETINGS; PUBLIC NEEDLE AND SYRINGE DISPOSAL PROGRAMS

(a) Between July 1 and December 31, 2023, the Department of Health and the Blueprint for Health's Accountable Communities for Health shall facilitate a series of regional stakeholder meetings regarding public needle and syringe disposal programs. The meetings shall include representatives from municipalities, hospitals, individuals with lived experience of injection drug

use, and substance use disorder service providers, with the goal of determining the appropriate placement of public needle and syringe disposal programs based on local needs, best practices, and rural access.

(b) On or before January 15, 2024, the Department shall present information to the House Committee on Human Services and to the Senate Committee on Health and Welfare regarding the progress of the regional stakeholder meetings required pursuant to this section and the statewide establishment of public needle and syringe disposal programs.

Sec. 3. APPROPRIATION; COMMUNITY NEEDLE AND SYRINGE  
DISPOSAL PROGRAMS

In fiscal year 2024, \$150,000.00 is appropriated from the Evidence-Based Education and Advertising Fund in 33 V.S.A. 2004a to the Department of Health's Division of Substance Use Programs to provide grants and consultations for municipalities, hospitals, community health centers, and other publicly available community needle and syringe disposal programs that participated in a stakeholder meeting pursuant to Sec. 2 of this act.

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

§ 2004. MANUFACTURER FEE

(a) Annually, each pharmaceutical manufacturer or labeler of prescription drugs that are paid for by the Department of Vermont Health Access for individuals participating in Medicaid, Dr. Dynasaur, or VPharm shall pay a fee to the Agency of Human Services. The fee shall be ~~1.75~~ 2.25 percent of the previous calendar year's prescription drug spending by the Department and shall be assessed based on manufacturer labeler codes as used in the Medicaid rebate program.

\* \* \*

Sec. 3b. PRESENTATION; NEEDLE AND SYRINGE SERVICES

On or before February 15, 2024, the Department of Health, in consultation with stakeholders, including needle and syringe service providers, individuals with lived experience of injection-use drugs, other community-based service providers, and representatives from regions of the State without a fixed site for syringe service programs, shall present to the House Committee on Human Services and to the Senate Committee on Health and Welfare information addressing:

- (1) unmet needle and syringe service needs throughout the State;
- (2) required resources to ensure equitable access to needle and syringe services throughout the State; and

(3) who is best positioned to provide needle and syringe services.

\* \* \* Opioid Antagonists \* \* \*

Sec. 4. 18 V.S.A. § 4240 is amended to read:

§ 4240. PREVENTION AND TREATMENT OF OPIOID-RELATED  
OVERDOSES

(a) As used in this section:

(1) “Health care professional” means a physician licensed pursuant to 26 V.S.A. chapter 23 or 33, a physician assistant licensed to prescribe and dispense prescription drugs pursuant to 26 V.S.A. chapter 31, an advanced practice registered nurse authorized to prescribe and dispense prescription drugs pursuant to 26 V.S.A. chapter 28, or a pharmacist licensed pursuant to 26 V.S.A. chapter 36.

(2) “Opioid antagonist” means a drug that, when administered, negates or neutralizes in whole or part the pharmacological effects of an opioid in the body.

(3) “Victim” means the person who has overdosed on an opioid ~~drug~~ or who is believed to have overdosed on an ~~opiate drug~~ opioid.

(b) For the purpose of addressing prescription and nonprescription opioid overdoses in Vermont, the Department shall develop and implement a prevention, intervention, and response strategy, depending on available resources, that shall:

(1) provide educational materials on opioid overdose prevention to the public free of charge, ~~including to substance abuse treatment providers, health care providers, opioid users, and family members of opioid users;~~

(2) increase community-based prevention programs aimed at reducing risk factors that lead to opioid overdoses;

(3) increase timely access to treatment services for opioid users, including ~~medication-assisted treatment~~ medication for opioid use disorder;

(4)(A) educate substance ~~abuse~~ use treatment providers on methods to prevent opioid overdoses;

(B) provide education, information, and training on overdose prevention, intervention, and response, including the status of legal possession of substances and harm reduction supplies, to individuals living with ~~addiction~~ opioid use disorder and participating in ~~opioid treatment programs~~, needle and syringe exchange programs, recovery programs, residential drug substance use disorder treatment programs, or correctional services;

~~(5) facilitate overdose prevention, drug treatment, and addiction recovery services by implementing and expanding~~ implement and expand hospital referral services for individuals treated for an opioid overdose; and

(6) develop a statewide opioid antagonist ~~pilot~~ program that emphasizes access to opioid antagonists to and for the benefit of individuals with a ~~history~~ of opioid use disorder;

~~(7) distribute opioid antagonists to entities in a position to assist those at risk of experiencing an opioid-related overdose; and~~

(8) establish opioid antagonist dispensing kiosks in locations accessible to those at risk of experiencing an opioid-related overdose.

(c)(1) A health care professional acting in good faith and within ~~his or her~~ the professional's scope of practice may directly or by standing order prescribe, dispense, and distribute an opioid antagonist to the following persons, ~~provided the person has been educated about opioid-related overdose prevention and treatment in a manner approved by the Department:~~

(A) a person at risk of experiencing an opioid-related overdose; or

(B) a family member, friend, or other person in a position to assist a person at risk of experiencing an opioid-related overdose.

(2) A health care professional who prescribes, dispenses, or distributes an opioid antagonist in accordance with subdivision (1) of this subsection shall be immune from civil or criminal liability with regard to the subsequent use of the opioid antagonist, unless the health professional's actions with regard to prescribing, dispensing, or distributing the opioid antagonist constituted recklessness, gross negligence, or intentional misconduct. The immunity granted in this subdivision shall apply whether or not the opioid antagonist is administered by or to a person other than the person for whom it was prescribed.

(d)(1) A person may administer an opioid antagonist to a victim if ~~he or she~~ the person believes, in good faith, that the victim is experiencing an opioid-related overdose.

~~(2) After a person has administered an opioid antagonist pursuant to subdivision (1) of this subsection (d), he or she shall immediately call for emergency medical services if medical assistance has not yet been sought or is not yet present.~~

(3) A person shall be immune from civil or criminal liability for administering an opioid antagonist to a victim pursuant to subdivision (1) of this subsection unless the person's actions constituted recklessness, gross negligence, or intentional misconduct. The immunity granted in this

subdivision shall apply whether or not the opioid antagonist is administered by or to a person other than the person for whom it was prescribed.

(e) A person acting on behalf of a community-based overdose prevention program or a licensed pharmacist shall be immune from civil or criminal liability for providing education on opioid-related overdose prevention or for purchasing, acquiring, distributing, or possessing an opioid antagonist unless the person's actions constituted recklessness, gross negligence, or intentional misconduct.

(f) Any health care professional who treats a victim and who has knowledge that the victim has been administered an opioid antagonist within the preceding 30 days shall refer the victim to professional substance ~~abuse~~ use disorder treatment services.

\* \* \* Operation of Needle and Syringe Service Programs \* \* \*

Sec. 5. 18 V.S.A. § 4475 is amended to read:

§ 4475. DEFINITIONS

(a) As used in this chapter:

(1) The term “drug paraphernalia” means all equipment, products, devices, and materials of any kind that are used, or promoted for use or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a regulated drug in violation of chapter 84 of this title. “Drug paraphernalia” does not include needles ~~and~~, syringes, or other harm reduction supplies distributed or possessed as part of an organized community-based needle exchange program.

\* \* \*

\* \* \* Prescribing Medications to Treat Opioid Use Disorder \* \* \*

Sec. 6. 8 V.S.A. § 4089i is amended to read:

\* \* \*

(e)(1) A health insurance or other health benefit plan offered by a health insurer or by a pharmacy benefit manager on behalf of a health insurer that provides coverage for prescription drugs and uses step-therapy protocols shall not require failure on the same medication on more than one occasion for continuously enrolled members or subscribers.



(2) Nothing in this subsection shall be construed to prohibit the use of tiered co-payments for members or subscribers not subject to a step-therapy protocol.

(3) Notwithstanding subdivision (1) of this subsection, a health insurance or other health benefit plan offered by an insurer or by a pharmacy benefit manager on behalf of a health insurer that provides coverage for prescription drugs shall not utilize a step-therapy, “fail first,” or other protocol that requires documented trials of a medication, including a trial documented through a “MedWatch” (FDA Form 3500), before approving a prescription for the treatment of substance use disorder.

\* \* \*

Sec. 6a. 18 V.S.A. § 4750 is amended to read:

§ 4750. DEFINITIONS

As used in this chapter:

\* \* \*

~~(2) “Medication-assisted treatment~~ Medication for opioid use disorder” means the use of U.S. Food and Drug Administration-approved medications, in combination with counseling and behavioral therapies, to provide a whole patient approach to the treatment of substance use disorders.

Sec. 6b. 18 V.S.A. § 4752 is amended to read:

§ 4752. ~~OPIOID ADDICTION~~ USE DISORDER TREATMENT SYSTEM

(a) The Departments of Health and of Vermont Health Access shall establish by rule in accordance with 3 V.S.A. chapter 25 a regional system of ~~opioid addiction~~ use disorder treatment.

(b) ~~The rules shall include the following requirements:~~ may address requirements for pharmacological treatment, including initial assessments, ongoing follow-up, provider education, and diversion prevention.

~~(1) Patients shall receive appropriate, comprehensive assessment and therapy from a physician or advanced practice registered nurse and from a licensed clinical professional with clinical experience in addiction treatment, including a psychiatrist, master’s or doctorate-level psychologist, mental health counselor, clinical social worker, or drug and alcohol abuse counselor.~~

~~(2) A medical assessment shall be conducted to determine whether pharmacological treatment, which may include methadone, buprenorphine, and other federally approved medications to treat opioid addiction, is medically appropriate.~~

~~(3) A routine medical assessment of the appropriateness for the patient of continued pharmacological treatment based on protocols designed to encourage cessation of pharmacological treatment as medically appropriate for the individual treatment needs of the patient.~~

~~(4)(c) Controlled substances for use in federally approved pharmacological treatments for treating opioid addiction use disorder shall be dispensed only by:~~

~~(A)(1) a treatment program authorized by the Department of Health; or~~

~~(B)(2) a physician or advanced practice registered nurse health care provider who is not affiliated with an authorized treatment program but who meets federal requirements for use of controlled substances in the pharmacological treatment of opioid addiction use disorder.~~

~~(5) Comprehensive education and training requirements shall apply for health care providers, pharmacists, and the licensed clinical professionals listed in subdivision (1) of this subsection, including relevant aspects of therapy and pharmacological treatment.~~

~~(6) Patients shall abide by rules of conduct, violation of which may result in discharge from the treatment program, including:~~

~~(A) provisions requiring urinalysis at such times as the program may direct;~~

~~(B) restrictions on medication dispensing designed to prevent diversion of medications and to diminish the potential for patient relapse; and~~

~~(C) such other rules of conduct as a provider authorized to provide treatment under subdivision (4) of this subsection (b) may require.~~

~~(d) Controlled substances for use in treatment of opioid use disorder may be prescribed via telehealth in accordance with federal requirements.~~

~~(e) The Department of Vermont Health Access shall not require a health care provider to document a patient's adverse reaction to a medication prior to prescribing an alternative medication for opioid use disorder to the patient.~~

Sec. 6c. 18 V.S.A. § 4753 is amended to read:

#### § 4753. CARE COORDINATION

Prescribing physicians and collaborating health care and addictions professionals may coordinate care for patients receiving ~~medication-assisted treatment for substance~~ medication for opioid use disorder, which may include monitoring adherence to treatment, coordinating access to recovery supports,

and providing counseling, contingency management, and case management services.

\* \* \* Prior Authorization of Medication for Opioid Use Disorder for Medicaid Beneficiaries \* \* \*

Sec. 7. 33 V.S.A. § 19011 is added to read:

§ 19011. MEDICATION FOR OPIOID USE DISORDER

(a) The Agency of Human Services shall provide coverage to Medicaid beneficiaries for medically necessary medication 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) Pending 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. 8. PRIOR AUTHORIZATION; MEDICATION FOR OPIOID USE  
DISORDER; COMMUNITY REENTRY

On or before November 1, 2023, the Joint Legislative Justice Oversight Committee shall provide recommendations to the House Committee on Human Services and to the Senate Committee on Health and Welfare regarding any legislative action needed to ensure continuity of treatment for individuals reentering the community after discharge from a correctional setting, including eliminating prior authorization for medication for opioid use disorder.

Sec. 8a. REPORT; PRIOR AUTHORIZATION; SUBSTANCE USE  
DISORDER TREATMENT

The Department of Vermont Health Access shall research, in consultation with individuals representing diverse professional perspectives, the feasibility and costs of administering a gold card program for substance use disorder treatment in which the Agency of Human Services shall not require a health care provider to obtain prior authorization for substance use disorder treatment if, in the most recent six-month evaluation period, the Agency has approved or would have approved not less than 90 percent of the prior authorization requests submitted by the health care provider for the medication. On or before December 1, 2023, the Department's research shall be submitted to the Drug Utilization Review Board and Clinical Utilization Review Board for review, consideration, and the provision recommendations. On or before April 1, 2024, the Drug Utilization Review Board and Clinical Utilization Review Board shall each submit their recommendations to the

House Committee on Human Services and to the Senate Committee on Health and Welfare.

Sec. 8b. RULEMAKING; PRIOR AUTHORIZATION; BUPRENOPRHINE

The Department of Vermont Health Access shall amend its rules pursuant to 3 V.S.A. chapter 25 to enable health care providers in office-based opioid-treatment programs to prescribe 24 milligrams of buprenorphine without prior authorization.

\* \* \* Recovery Residences \* \* \*

Sec. 9. 24 V.S.A. § 4412 is amended to read:

§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:

(1) Equal treatment of housing and required provisions for affordable housing.

\* \* \*

(G) A residential care home or group home to be operated under State licensing or registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. § 4501, and a recovery residence serving not more than eight persons, shall be considered by right to constitute a permitted single-family residential use of property. This subdivision (G) does not require a municipality to allow a greater number of residential care homes or group homes on a lot than the number of single-family dwellings allowed on the lot. As used in this subdivision, "recovery residence" means a shared living residence supporting persons recovering from a substance use disorder that:

(i) Provides tenants with peer support, ~~an environment that prohibits the use of alcohol and the illegal use of prescription drugs or other illegal substances,~~ and assistance accessing support services and community resources available to persons recovering from substance use disorders.

(ii) Is certified by an organization approved by the Department of Health and that is either a Vermont affiliate of the National Alliance for Recovery Residences or another approved organization or is pending such certification. If certification is pending beyond 45 days, the municipality shall retain its right to consider the residence pursuant to zoning bylaws adopted in compliance with 24 V.S.A. § 4411.

\* \* \*

\* \* \* Remove Future Repeal of Buprenorphine Exemption \* \* \*

Sec. 10. REPEAL

2021 Acts and Resolves No. 46, Sec. 3 (repeal of buprenorphine exemption) and 4(b) (effective date; repeal of buprenorphine exemption) are repealed.

\* \* \* Effective Dates \* \* \*

Sec. 11. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 8 (medication for opioid use disorder) shall take effect on September 1, 2023.

**Rep. Kornheiser of Brattleboro**, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Human Services.

**Rep. Dickinson of St. Albans Town**, for the Committee on Appropriations, recommended the report of the Committee on Human Services be amended as follows:

First: In Sec. 3, appropriation; community needle and syringe disposal programs, by striking out the word "appropriated" and inserting in lieu thereof "authorized"

Second: In Sec. 4, 18 V.S.A. § 4240, in subsection (b), in subdivision (7), by removing the phrase "to entities in a position"

Third: In Sec. 9, 24 V.S.A. § 4412, in subdivision (1)(G)(i), by removing the phrase "an environment that prohibits the use of alcohol and the illegal use of prescription drugs or other illegal substances,"

Fourth: In Sec. 11, effective dates, by striking out "8" and inserting in lieu thereof "7"

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.

Pending the question, Shall the bill be amended as recommended by the Committee on Human Services, as amended?, **Rep. Wood of Waterbury** 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 Human Services, as amended?, was decided in the affirmative. Yeas, 138. Nays, 1.

Those who voted in the affirmative are:

Andrews of Westford	Dodge of Essex *	Mihaly of Calais
Andriano of Orwell	Dolan of Essex Junction	Minier of South Burlington
Anthony of Barre City	Dolan of Waitsfield	Morgan of Milton
Arrison of Weathersfield	Donahue of Northfield	Morris of Springfield
Arsenault of Williston	Durfee of Shaftsbury	Morrissey of Bennington
Austin of Colchester	Elder of Starksboro	Mulvaney-Stanak of Burlington
Bartholomew of Hartland	Emmons of Springfield	Nicoll of Ludlow
Bartley of Fairfax	Farlice-Rubio of Barnet	Notte of Rutland City
Beck of St. Johnsbury	Galfetti of Barre Town	Noyes of Wolcott
Berbeco of Winooski	Garofano of Essex *	Nugent of South Burlington
Birong of Vergennes	Goldman of Rockingham	Ode of Burlington
Black of Essex	Goslant of Northfield	Oliver of Sheldon
Bluemle of Burlington	Graning of Jericho	Page of Newport City
Bongartz of Manchester	Gregoire of Fairfield	Parsons of Newbury
Bos-Lun of Westminster	Hango of Berkshire	Patt of Worcester
Boyden of Cambridge	Harrison of Chittenden	Pouch of Hinesburg
Brady of Williston	Headrick of Burlington	Priestley of Bradford
Branagan of Georgia	Higley of Lowell	Rachelson of Burlington *
Brennan of Colchester	Holcombe of Norwich	Rice of Dorset
Brown of Richmond *	Hooper of Randolph	Roberts of Halifax
Brownell of Pownal	Hooper of Burlington	Sammis of Castleton
Brumsted of Shelburne	Houghton of Essex Junction	Satcowitz of Randolph
Burditt of West Rutland	Howard of Rutland City	Scheu of Middlebury
Burke of Brattleboro	Hyman of South Burlington	Shaw of Pittsford
Burrows of West Windsor	James of Manchester	Sheldon of Middlebury
Buss of Woodstock	Jerome of Brandon	Sibilia of Dover
Campbell of St. Johnsbury	Kornheiser of Brattleboro	Sims of Craftsbury
Canfield of Fair Haven	Krasnow of South Burlington	Small of Winooski
Carpenter of Hyde Park	Labor of Morgan	Smith of Derby
Carroll of Bennington	LaBounty of Lyndon	Squirrell of Underhill
Casey of Montpelier	Lalley of Shelburne	Stebbins of Burlington
Chase of Chester	LaLonde of South Burlington	Stevens of Waterbury
Chase of Colchester	LaMont of Morristown	Stone of Burlington
Chesnut-Tangerman of Middletown Springs	Lanpher of Vergennes	Taylor of Milton
Christie of Hartford	Laroche of Franklin	Taylor of Colchester
Cina of Burlington	Lipsky of Stowe	Templeman of Brownington
Clifford of Rutland City	Long of Newfane *	Toleno of Brattleboro
Coffey of Guilford	Maguire of Rutland City	Toof of St. Albans Town
Cole of Hartford	Marcotte of Coventry	Torre of Moretown
Conlon of Cornwall	Masland of Thetford	Troiano of Stannard
Corcoran of Bennington	Mattos of Milton	Walker of Swanton
Cordes of Lincoln	McCann of Montpelier	Waters Evans of Charlotte
Demar of Enosburgh	McCarthy of St. Albans City	White of Bethel
Demrow of Corinth	McCoy of Poultney	Whitman of Bennington
Dickinson of St. Albans Town	McFaun of Barre Town	Williams of Barre City
	McGill of Bridport	Williams of Granby
		Wood of Waterbury

Those who voted in the negative are:

Peterson of Clarendon

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

Chapin of East Montpelier

Mrowicki of Putney

Surprenant of Barnard

Graham of Williamstown

O'Brien of Tunbridge

Wilson of Lyndon

Leavitt of Grand Isle

Pajala of Londonderry

Logan of Burlington

Pearl of Danville

**Rep. Brown of Richmond** explained her vote as follows:

“Madam Speaker:

H.222 takes significant steps to address Vermont’s overdose epidemic, which is a serious public health issue that impacts every corner of our State. This bill will help Vermonters access lifesaving treatments and promote equitable access to services and programs. I voted yes to aid and support Vermonters on their path to recovery.”

**Rep. Dodge of Essex** explained her vote as follows:

“Madam Speaker:

I rise to thank the House today for H.222, and to honor my nephew, who had just turned 20 when he tragically died of an overdose.”

**Rep. Garofano of Essex** explained her vote as follows:

“Madam Speaker:

Vermont is on track to break yet another record in overdose deaths, meaning that we will lose more than 237 lives to overdoses in 2023. We heard from various experts and those with lived experience. The stories that have stayed with me and from parents who have lost their children to this epidemic, folks who have found their way to recovery, despite struggling with access and transportation to services, and the service providers who work tirelessly every day to prevent another senseless death!”

**Rep. Long of Newfane** explained her vote as follows:

“Madam Speaker:

Tragically, Vermont has experienced its third record-breaking year for fatal overdoses. H.222 makes it easier for Vermonters to access treatment, for communities to establish recovery housing, and for providers to prescribe lifesaving medication via telehealth. I voted yes for a bill that will save lives.”

**Rep. Rachelson of Burlington** explained her vote as follows:

“Madam Speaker:

According to the CDC, people who utilized syringe exchange services are 3 1/2 times more likely to cease injecting compared to drug users who are not using syringe programs. Enough is enough. Overdose deaths are preventable. H.222 is thoughtful, comprehensive, and will result in saving the lives of our relatives, friends, and neighbors from drug overdoses.”

Thereupon, third reading was ordered.

**Committee Bill; Second Reading; Bill Amended;  
Third Reading Ordered**

**H. 480**

**Rep. Kornheiser of Brattleboro** spoke for the Committee on Ways and Means.

House bill, entitled

An act relating to property valuation and reappraisals

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

First: In Sec. 4, one-time appropriations; Department of Taxes, in subsection (b), by striking out “2025” following “fiscal year” and inserting in lieu thereof “2026”

Second: In Sec. 14, effective dates, by striking out subdivisions (2) and (3) in their entireties and inserting in lieu thereof new subdivisions (2) and (3) to read as follows:

(2) Sec. 3, 32 V.S.A. § 4041a(a), (repeal of per parcel fee) shall take effect on January 1, 2026; and

(3) Secs. 5, 32 V.S.A. § 4041a, (repeal of municipal requirement to conduct reappraisals), 6, 32 V.S.A. § 5413, (State appraisal, reappraisal, and litigation assistance program), and 7, 32 V.S.A. § 5405(f), (per parcel fee) shall take effect on July 1, 2026.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, amended as recommended by the Committee on Appropriations, and third reading ordered.



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**Message from the Senate No. 33**

A message was received from the Senate by Ms. Kucserik, 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. 27.** An act relating to reducing the imposition of cash bail.

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. 21.** Joint resolution relating to weekend adjournment.

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

**Adjournment**

At six o'clock and forty minutes in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

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**Wednesday, March 29, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rep. John Arrison of Weathersfield.

**House Bills Introduced**

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

**H. 495**

By Reps. Scheu of Middlebury, McGill of Bridport, and Sheldon of Middlebury,

House bill, entitled

An act relating to the approval of the amendment to the charter of the Town of Middlebury

To the Committee on Government Operations and Military Affairs.

**H. 496**

By Rep. Nicoll of Ludlow,

House bill, entitled

An act relating to recovery-friendly workplaces

To the Committee on Commerce and Economic Development.

**H. 497**

By Rep. Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to appraising properties with accessibility or environmental features

To the Committee on Ways and Means.

**H. 498**

By Rep. Sammis of Castleton,

House bill, entitled

An act relating to requiring legislative approval prior to closing or reducing the size or scope of any Vermont State College Library

To the Committee on Education.

**H. 499**

By Reps. Small of Winooski and Berbeco of Winooski,

House bill, entitled

An act relating to the approval of the amendment of the charter of the City of Winooski

To the Committee on Government Operations and Military Affairs.

**H. 500**

By Reps. Durfee of Shaftsbury, Cina of Burlington, Cordes of Lincoln, Goldman of Rockingham, and Hooper of Burlington,

House bill, entitled

An act relating to prohibiting the involuntary sterilization of individuals with an intellectual disability

To the Committee on Human Services.

**H. 501**

By Reps. Roberts of Halifax, Bartley of Fairfax, Campbell of St. Johnsbury, Goslant of Northfield, Krasnow of South Burlington, Mulvaney-Stanak of Burlington, Pouech of Hinesburg, Stebbins of Burlington, and Templeman of Brownington,

House bill, entitled

An act relating to disclosure of energy code compliance

To the Committee on Environment and Energy.

**H. 502**

By Rep. Shaw of Pittsford,

House bill, entitled

An act relating to requiring legislative approval prior to closing or reducing the size or scope of any Vermont State College Library

To the Committee on Education.

**Senate Bill Referred****S. 27**

Senate bill, entitled

An act relating to reducing the imposition of cash bail

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

**Joint Resolution Adopted in Concurrence****J.R.S. 21**

By Senator Baruth,

**J.R.S. 21.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, March 31, 2023, it be to meet again no later than Tuesday, April 4, 2023.

Was taken up, read, and adopted in concurrence.

**Committee Bill; Second Reading;  
Bill Amended; Third Reading Ordered**

**H. 483**

**Rep. Conlon of Cornwall** spoke for the Committee on Education.

House bill, entitled

An act relating to the accountability and oversight of approved independent schools that are eligible to receive public tuition

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. Conlon of Cornwall** moved to amend the bill as follows:

First: In Sec. 2, 16 V.S.A. § 166, by striking out subdivision (b)(9)(A)(vi) (admissions process) in its entirety and inserting in lieu thereof a new subdivision (b)(9)(A)(vi) to read as follows:

(vi) the school shall not use an admissions process for publicly tuitioned students that includes mandatory interviews, academic entrance exams, academic history, mandatory campus visits, or consideration of ability to pay for any costs or fees, provided that:

(I) the school may request proof of a student's most recently completed grade;

(II) the school may set a capacity limit on the number of publicly tuitioned students the school will accept; and

(III) the school shall establish a nondiscriminatory selection process when the number of publicly tuitioned student applicants exceeds any capacity limits;

Second: In Sec. 2, 16 V.S.A. § 166, by striking out subdivision (b)(9)(B) (private right of action and enforcement) in its entirety and inserting in lieu thereof a new subdivision (b)(9)(B) to read as follows:

(B) No private right of action is created by this subdivision (9) against an approved independent school approved by the State Board as eligible to receive public tuition for failure to comply with any of the requirements in this subdivision (9). The State Board is authorized to use its powers under subdivision (5) of this subsection (b) to revoke, suspend, or impose conditions on the eligibility of an approved independent school to receive public tuition for failure to comply with these requirements. Complaints of noncompliance shall be received, investigated, and resolved in

accordance with subdivision (5) of this subsection (b) and State Board of Education rules. A person shall not coerce, threaten, interfere, or otherwise discriminate against any individual who alleges noncompliance with the requirements under this subdivision (9).

Third: In Sec. 8, 16 V.S.A. § 828 (effective until July 1, 2024), in subsection (a), after “approved independent school”, by inserting the words “eligible to receive public tuition”

Fourth: In Sec. 8, 16 V.S.A. § 828 (effective until July 1, 2024), in subdivision (b)(3), after “provided that subdivisions”, by striking out “166(b)(9)(vi) and (xi) of this title shall not apply.” and inserting in lieu thereof “166(b)(9)(v) and (x) of this title shall not apply. The school shall attest to compliance with this subdivision on or before August 1 of each year.”

Fifth: In Sec. 9, 16 V.S.A. § 828 (effective July 1, 2024), in subsection (a), after “approved independent school”, by inserting the words “eligible to receive public tuition”

Sixth: In Sec. 15, Agency of Education; forms; report, in subsection (b), by striking out “September 1, 2023” and inserting in lieu thereof “July 1, 2023”

Seventh: By striking out Sec. 16, accreditation transition, in its entirety and inserting in lieu thereof a new Sec. 16 to read as follows:

Sec. 16. [Deleted.]

Eighth: By striking out Sec. 18, moratorium on approval of new approved independent schools, in its entirety and inserting in lieu thereof a new Sec. 18 to read as follows:

Sec. 18. MORATORIUM ON NEW APPROVED INDEPENDENT  
SCHOOLS ELIGIBLE TO RECEIVE PUBLIC TUITION

Notwithstanding any provision of law to the contrary, the State Board of Education shall be prohibited from providing initial approval for an approved independent school to be eligible to receive public tuition to any school that submits an initial attestation pursuant 16 V.S.A. § 166(b)(9)(x) after August 1, 2023. The moratorium created under this section shall remain in effect until further direction by the General Assembly.

Ninth: In Sec. 19, position development; report, following “an approved independent school eligible to receive public tuition,” and prior to “the Agency of Education”, by inserting “on or before January 15, 2024,”

Tenth: In Sec. 20, 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, Sec. 10 (repeal), and in Sec. 15, subdivision (b) (compliance attestation) shall take effect on passage.

Which was agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Christie of Hartford** moved to amend the bill as follows:

By adding a reader assistance heading and a new section to be Sec. 14a to read as follows:

\* \* \* Public Accommodations Act \* \* \*

Sec. 14a. 9 V.S.A. § 4501 is amended to read:

§ 4501. DEFINITIONS

As used in this chapter:

(1) “Place of public accommodation” means any school, restaurant, store, establishment, or other facility at which services, facilities, goods, privileges, advantages, benefits, or accommodations are offered to the general public. As used in this chapter, the term “school” includes public schools, independent schools, regional career technical education centers, postsecondary career technical education centers, adult career technical education centers, comprehensive high schools, approved education programs, tutorial programs, distance learning schools, postsecondary schools, and any other type of school or educational institution.

\* \* \*

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. 31**

House bill, entitled

An act relating to aquatic nuisance control

#### **H. 158**

House bill, entitled

An act relating to the beverage container redemption system

**H. 205**

House bill, entitled

An act relating to establishing the Small Farm Diversification and Transition Program

**H. 222**

House bill, entitled

An act relating to reducing overdoses

**H. 480**

House bill, entitled

An act relating to property valuation and reappraisals

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 276**

**Rep. Stevens of Waterbury**, for the Committee on General and Housing, to which had been referred House bill, entitled

An act relating to creating a rental housing registry

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

\* \* \* Rental Housing Registration \* \* \*

Sec. 1. 20 V.S.A. § 2678 is added to read:

§ 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 licensed or registered with another program.

(A) Local rental housing health and safety program.

(i) 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.

(ii) 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.

(B) 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.

(C) Registered mobile home lot.

(i) 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 pursuant to 10 V.S.A. § 6254; and

(II) the owner does not own a mobile home on the lot.

(ii) 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).



(2) 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;

(C) housing provided to a person who provides personal care to the owner or a member of the owner's household; and

(D) housing provided as a benefit of farm employment, as defined in 9 V.S.A. § 4469a(a)(3).

(3) Non-permanent residence; inadequate facilities. The registration and fee requirements imposed in subsection (a) of this section do not apply to a unit that is not designed or constructed for use as a permanent residence, including a unit that does not have adequate potable water or sanitation facilities, electricity, heat, or insulation.

(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.

(d) Protection, permissible use, and disclosure of data.

(1) 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).

(2) The Department may only disclose data it collects pursuant to this section:

(A) to other State, municipal, or regional government entities;

(B) to nonprofit organizations; or

(C) to other persons for the purposes of protecting public health and safety.

(3) The Department:

(A) shall not disclose data it collects pursuant to this section for a commercial purpose; and

(B) 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.

(e) 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 to design and implement the registry created in, and to administer and enforce the registry requirements of, this section.

\* \* \* 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.

\* \* \* Positions Authorized \* \* \*

Sec. 3. 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 to the extent funds become available from an appropriation for that purpose or from the Rental Housing Safety Special Fund created and maintained pursuant to 20 V.S.A. § 2678(e).

\* \* \* ADS; Project Scope \* \* \*

Sec. 4. AGENCY OF DIGITAL SERVICES; PROJECT SCOPE

APPROPRIATION

(a) On or before January 15, 2024, the Agency of Digital Services, in coordination with the Department of Housing and Community Development and the Rental Housing Advisory Board, shall conduct a project assessment, through and including a Request for Information, to assess the costs for creating and maintaining a rental housing registration database consistent with Sec. 1 of this act, and shall report its findings, recommendations, and cost estimates to the House Committees on General and Housing and on Appropriations and the Senate Committees on Economic Development, Housing and General Affairs and on Appropriations.

(b) In fiscal year 2024 the amount of \$25,000.00 is appropriated from the General Fund to the Agency of Digital Services to implement this section.

\* \* \* Crisis Standards of Housing; Homelessness Response Analysis \* \* \*

Sec. 5. CRISIS STANDARDS OF HOUSING

On or before November 1, 2023, the Department for Children and Families shall develop and submit a plan to implement crisis standards for housing to the House Committees on Human Services and on General and Housing and to the Senate Committees on Economic Development, Housing and General Affairs and on Health and Welfare. In developing the plan, the Department shall consult with stakeholders who specialize in homelessness prevention and mitigation, including those organizations who participated in developing the Vermont Roadmap to End Homelessness developed pursuant to 2016 Acts and Resolves No. 172, Sec. B.1102(a).

Sec. 6. HOMELESSNESS RESPONSE SYSTEMS ANALYSIS

(a) On or before September 1, 2023, the Agency of Human Services shall convene a working group, including individuals with lived experience of homelessness, local and statewide representatives of the Continuums of Care Program, representatives of housing- and homelessness-related organizations, to review, develop, and provide recommendations on Vermont's homelessness response and prevention programs and governance system, including any success measures that incorporate recent and relevant assessments and statewide plans.

(b)(1) On or before March 1, 2024, the working group established pursuant to subsection (a) of this section shall submit its findings and recommendations to the House Committees on Human Services and on General and Housing and to the Senate Committees on Health and Welfare and on Economic

Development, Housing and General Affairs to align with the federal goal to reduce homelessness by 25 percent by 2025, in accordance with the Federal Strategic Plan to Prevent and End Homelessness, including strategies to:

(A) address racial and other disparities, as well as the multiplier effects of two or more concurrent risk factors, among people experiencing homelessness;

(B) justify State and local action through research of quantitative and qualitative data, including the perspectives of individuals who have or are currently experiencing homelessness;

(C) eliminate the silos between State and local governments and organizations; public, private, and philanthropic sectors; and individuals who have or are currently experiencing homelessness;

(D) increase the supply of and access to safe, affordable, and accessible housing and tailored supports for individuals at risk of or currently experiencing homelessness;

(E) improve response systems to meet the urgent crisis of homelessness, especially unsheltered homelessness; and

(F) reduce the risk of housing instability for households most likely to experience homelessness.

(2) On or before January 1, 2024, the working group shall submit an interim report on its work pursuant to subdivision (1) of this subsection (b) to the House Committees on Human Services and on General and Housing and to the Senate Committees on Health and Welfare and on Economic Development, Housing and General Affairs.

#### Sec. 7. EFFECTIVE DATES

(a) This section and Secs. 5–6 (crisis housing; homelessness) shall take effect on passage.

(b) Sec. 4 (ADS report) shall take effect on July 1, 2023.

(c) Sec. 1 (registration) and Sec. 3 (DHCD positions) take effect on July 1, 2025.

(d) Sec. 2 (administrative penalty for failure to register) takes effect on March 1, 2026.

**Rep. Long of Newfane** presiding.

**Rep. Sims of Craftsbury**, for the Committee on Ways and Means, recommended that the report of the Committee on General and Housing be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Rental Housing Registry; ADS; Project Scope \* \* \*

Sec. 1. RENTAL HOUSING REGISTRY; PROJECT SCOPE; REPORT

(a) The Agency of Digital Services, in coordination with the Department of Housing and Community Development and the Rental Housing Advisory Board, shall conduct a project assessment, through and including a Request for Information, to assess the design, implementation, and associated costs for creating and maintaining a rental housing registry, including:

(1) using an existing framework, including the landlord certificate and associated data collected pursuant to 32 V.S.A. § 6069; and

(2) using a new framework for an annual registration requirement for long-term and short-term rental housing.

(b) For each assessment, the report shall address:

(1) the operating cost, including the amount of any new registration fee, necessary to support the design, implementation, and maintenance of a registry;

(2) the technological requirements and associated administrative costs for transferring data between a registry and other registration and licensing programs, including local housing programs and other State registries or sources of housing data; and

(3) the technological requirements and recommended best practices for ensuring data security and privacy.

(c) On or before December 15, 2024, the Agency, Department, and Board shall report their findings, recommendations, and cost estimates to the House Committees on General and Housing, on Ways and Means, and on Appropriations and the Senate Committees on Economic Development, Housing and General Affairs, on Finance, and on Appropriations.

Sec. 2. AGENCY OF DIGITAL SERVICES; PROJECT SCOPE

APPROPRIATION

In fiscal year 2024, the amount of \$25,000.00 is appropriated from the General Fund to the Agency of Digital Services to implement Sec. 1 of this act.

\* \* \* Crisis Standards of Housing; Homelessness Response Analysis \* \* \*

### Sec. 3. CRISIS STANDARDS OF HOUSING

On or before November 1, 2023, the Department for Children and Families shall develop and submit a plan to implement crisis standards for housing to the House Committees on Human Services and on General and Housing and to the Senate Committees on Economic Development, Housing and General Affairs and on Health and Welfare. In developing the plan, the Department shall consult with stakeholders who specialize in homelessness prevention and mitigation, including those organizations who participated in developing the Vermont Roadmap to End Homelessness developed pursuant to 2016 Acts and Resolves No. 172, Sec. B.1102(a).

### Sec. 4. HOMELESSNESS RESPONSE SYSTEMS ANALYSIS

(a) On or before September 1, 2023, the Agency of Human Services shall convene a working group, including individuals with lived experience of homelessness, local and statewide representatives of the Continuums of Care Program, and representatives of housing- and homelessness-related organizations, to review, develop, and provide recommendations on Vermont's homelessness response and prevention programs and governance system, including any success measures that incorporate recent and relevant assessments and statewide plans.

(b)(1) On or before March 1, 2024, the working group established pursuant to subsection (a) of this section shall submit its findings and recommendations to the House Committees on Human Services and on General and Housing and to the Senate Committees on Health and Welfare and on Economic Development, Housing and General Affairs to align with the federal goal to reduce homelessness by 25 percent by 2025, in accordance with the Federal Strategic Plan to Prevent and End Homelessness, including strategies to:

(A) address racial and other disparities, as well as the multiplier effects of two or more concurrent risk factors, among people experiencing homelessness;

(B) justify State and local action through research of quantitative and qualitative data, including the perspectives of individuals who have or are currently experiencing homelessness;

(C) eliminate the silos between State and local governments and organizations; public, private, and philanthropic sectors; and individuals who have or are currently experiencing homelessness;

(D) increase the supply of and access to safe, affordable, and accessible housing and tailored supports for individuals at risk of or currently experiencing homelessness;

(E) improve response systems to meet the urgent crisis of homelessness, especially unsheltered homelessness; and

(F) reduce the risk of housing instability for households most likely to experience homelessness.

(2) On or before January 1, 2024, the working group shall submit an interim report on its work pursuant to subdivision (1) of this subsection to the House Committees on Human Services and on General and Housing and to the Senate Committees on Health and Welfare and on Economic Development, Housing and General Affairs.

#### Sec. 5. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 2 (ADS appropriation) shall take effect on July 1, 2023.

**Rep. Harrison of Chittenden**, for the Committee on Appropriations, recommended that the report of the Committee on Ways and Means be amended as follows:

By striking out Secs. 3 and 4 in their entireties and by renumbering Sec. 5 as Sec. 3.

The bill, having appeared on the Notice Calendar and appearing on the Action 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.

**Speaker** presiding.

Pending the question, Shall the report of the Committee on General and Housing be amended as recommended by the Committee on Ways of Means, as amended?, **Rep. Sims of Craftsbury** moved to further amend the report of the Committee on Ways and Means as follows:

In Sec. 1(c) by striking out “2024” and inserting in lieu thereof “2023”

Which was agreed to. Thereafter, the report of the Committee on General and Housing was amended as recommended by the Committee on Ways and Means, as amended, the bill was amended as recommended by the Committee on General and Housing, as amended, and third reading ordered.

**Action on Bill Postponed****H. 282**

House bill, entitled

An act relating to the Psychology Interjurisdictional Compact

Was taken up and, pending second reading, on motion of **Rep. Houghton of Essex Junction**, action on the bill was postponed until April 5, 2023.

**Committee Bill; Second Reading;  
Bill Amended; Third Reading Ordered**

**H. 479**

**Rep. Coffey of Guilford** 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. Demrow of Corinth**, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as follows:

By striking out Secs. 35, Agency of Transportation positions, and 36, effective dates, and their reader assistance headings in their entirety and inserting in lieu thereof the following:

\* \* \* Fees \* \* \*

\* \* \* Enhanced Driver's License \* \* \*

Sec. 35. 23 V.S.A. § 7 is amended to read:

§ 7. ENHANCED DRIVER'S LICENSE; MAINTENANCE OF DATABASE INFORMATION; FEE

\* \* \*

(d) The fee for an enhanced license shall be ~~\$30.00~~ \$36.00 in addition to the fees otherwise established by this title.

\* \* \*

\* \* \* Department of Motor Vehicles \* \* \*

Sec. 36. 23 V.S.A. § 114 is amended to read:

§ 114. FEES

(a) The Commissioner shall be paid the following fees for miscellaneous transactions:



(1) Listings of 1 through 4 registrations	\$8.00		
<u>\$10.00</u>			
(2) Certified copy of registration application	\$8.00		
<u>\$10.00</u>			
(3) Sample plates	\$18.00		
<u>\$22.00</u>			
(4) Lists of registered dealers, transporters, periodic inspection stations, fuel dealers, and distributors, including gallonage sold or delivered and rental vehicle companies	\$8.00	\$10.00	per page
(5) [Repealed.]			
(6) Periodic inspection sticker record	\$8.00		
<u>\$10.00</u>			
(7) Certified copy individual crash report	\$12.00		
<u>\$15.00</u>			
(8) Certified copy police crash report	\$18.00		
<u>\$22.00</u>			
(9) Certified copy suspension notice	\$8.00		
<u>\$10.00</u>			
(10) Certified copy mail receipt	\$8.00		
<u>\$10.00</u>			
(11) Certified copy proof of mailing	\$8.00		
<u>\$10.00</u>			
(12) Certified copy reinstatement notice	\$8.00		
<u>\$10.00</u>			
(13) Certified copy operator's license application	\$8.00		
<u>\$10.00</u>			
(14) Certified copy three-year operating record	\$14.00		
<u>\$17.00</u>			
(15) [Repealed.]			
(16) Government official photo identification card	\$6.00		
<u>\$8.00</u>			
(17) Listing of operator's licenses of 1 through 4	\$8.00		
<u>\$10.00</u>			
(18) Statistics and research	\$42.00	\$51.00	per hour

(19) Insurance information on crash	\$8.00
<u>\$10.00</u>	
(20) Certified copy complete operating record	\$20.00
<u>\$24.00</u>	
(21) Records not otherwise specified	\$8.00 <u>\$10.00</u> per
page	
(22) Public records request for Department records requiring custom computer programming	\$100.00 per hour, but not less than \$500.00
(23) Public records request for Department records requiring custom computer programming (updated)	\$119.00
<u>\$143.00</u>	

\* \* \*

Sec. 37. 23 V.S.A. § 115 is amended to read:

§ 115. NONDRIVER IDENTIFICATION CARDS

(a) Any Vermont resident may make application to the Commissioner and be issued an identification card that is attested by the Commissioner as to true name, correct age, residential address unless the listing of another address is requested by the applicant or is otherwise authorized by law, and any other identifying data as the Commissioner may require that shall include, in the case of minor applicants, the written consent of the applicant's parent, guardian, or other person standing in loco parentis. Every application for an identification card shall be signed by the applicant and shall contain such evidence of age and identity as the Commissioner may require, consistent with subsection (1) of this section. New and renewal application forms shall include a space for the applicant to request that a "veteran" designation be placed on the applicant's identification card. If a veteran, as defined in 38 U.S.C. § 101(2), requests a veteran designation and provides a Department of Defense Form 214 or other proof of veteran status specified by the Commissioner, and the Office of Veterans Affairs confirms the veteran's status as an honorably discharged veteran or a veteran discharged under honorable conditions, the identification card shall include the term "veteran" on its face. The Commissioner shall require payment of a fee of ~~\$24.00~~ \$29.00 at the time application for an identification card is made, except that an initial nondriver identification card shall be issued at no charge to an individual who surrenders ~~his or her~~ the individual's license in connection with a suspension or revocation under subsection 636(b) of this title due to a physical or mental condition.

(b) Every identification card shall expire, unless earlier canceled, at 12:00 midnight on the eve of the fourth anniversary of the date of birth of the cardholder following the date of original issue; and may be renewed every four years upon payment of a ~~\$24.00~~ \$29.00 fee. A renewed identification card shall expire, unless earlier canceled, at 12:00 midnight on the eve of the fourth anniversary of the date of birth of the cardholder following the expiration of the card being renewed. At least 30 days before an identification card will expire, the Commissioner shall mail first-class to the cardholder or send the cardholder electronically an application to renew the identification card; a cardholder shall be sent the renewal notice by mail unless the cardholder opts in to receive electronic notification. An individual born on February 29 shall, for the purposes of this section, be considered as born on March 1.

(c) In the event an identification card is lost, destroyed, mutilated, or a new name is acquired, a replacement may be obtained upon furnishing satisfactory proof to the Commissioner and paying a ~~\$20.00~~ \$24.00 fee.

\* \* \*

\* \* \* Registration; General Provisions \* \* \*

Sec. 38. 23 V.S.A. § 304 is amended to read:

§ 304. REGISTRATION CERTIFICATES; NUMBER PLATES; VANITY  
AND OTHER SPECIAL PLATES

\* \* \*

(b) The authority to issue vanity motor vehicle number plates or special number plates for safety organizations and service organizations shall reside with the Commissioner. Determination of compliance with the criteria contained in this section shall be within the discretion of the Commissioner. Series of number plates for safety and service organizations that are authorized by the Commissioner shall be issued in order of approval, subject to the operating considerations in the Department as determined by the Commissioner. The Commissioner shall issue vanity and special organization number plates in the following manner:

(1) Vanity plates. Subject to the restrictions of this section, vanity plates shall be issued at the request of the registrant of a motor vehicle unless the vehicle is registered under the International Registration Plan, upon application and upon payment of an annual fee of ~~\$48.00~~ \$58.00 in addition to the annual fee for registration. The Commissioner shall not issue two sets of plates bearing the same initials or letters unless the plates also contain a distinguishing number. Vanity plates are subject to reassignment if not renewed within 60 days of expiration of the registration.

## (2) Special organization plates.

\* \* \*

(B) The officer of a safety organization or service organization may apply to the Commissioner to approve special plates indicating membership in a qualifying organization to be issued to organization members for a ~~\$17.00~~ \$21.00 special fee for each set of plates in addition to the annual fee for registration. The application shall include designation of an officer or member to serve as the principal contact with the Department and a distinctive name or emblem, or both, for use on the proposed special plate. The name and emblem shall not be objectively obscene or confusing to the general public and shall not promote, advertise, or endorse a product, brand, or service provided for sale. The organization's name and emblem must not infringe on or violate a trademark, trade name, service mark, copyright, or other proprietary or property right, and the organization must have the right to use the name and emblem. After consulting with the principal contact, the Commissioner shall determine the design of the special plate on the basis that the primary purpose of motor vehicle number plates is vehicle identification. An organization may have only one design, regardless of the number of individual organizational units, squads, or departments within the State that may conduct the same or substantially similar activities.

(C) After the plate design is finalized and an officer or the principal contact provides the Commissioner a written statement authorizing issuance of the plates, the organization shall deposit ~~\$2,200.00~~ \$2,600.00 with the Commissioner. Of this deposit, \$500.00 shall be retained by the Department to recover costs of developing the organization plate. Notwithstanding 32 V.S.A. § 502, the Commissioner may charge the actual costs of production of the plates against the fees collected and the balance shall be deposited in the Transportation Fund. Upon application, special plates shall be issued to a registrant of a vehicle registered at the pleasure car rate or of a truck registered for less than 26,001 pounds (but excluding trucks registered under the International Registration Plan) who furnishes the Commissioner satisfactory proof that ~~he or she~~ the registrant is a member of an organization that has satisfied the requirements of this subdivision (b)(2). For each of the first 100 applicants to whom sets of plates are issued, the ~~\$17.00~~ \$21.00 special plate fee shall not be collected and shall be subtracted from the balance of the deposit. When the ~~\$1,700.00~~ \$2,100.00 balance of the deposit is depleted, applicants shall be required to pay the ~~\$17.00~~ \$21.00 fee as provided for in subdivision (2)(B) of this subsection. No organization shall charge its members any additional fee or premium charge for the authorization, right, or privilege to display special number plates, but any organization may recover up to ~~\$1,700.00~~ \$2,100.00 from applicants for the special plates.

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\* \* \*

(f) Upon the request of a registrant of a motor vehicle with the previous issue number plates, the Commissioner shall issue current issue number plates bearing the same number as shown on the previous issue plates that are being replaced. The initial one-time fee for the plates shall be ~~\$24.00~~ \$29.00 in addition to the regular registration fee. Official plates and plates with numbers of 9999 or lower are specifically exempted.

\* \* \*

Sec. 39. 23 V.S.A. § 304b is amended to read:

§ 304b. CONSERVATION MOTOR VEHICLE REGISTRATION PLATES

(a) The Commissioner shall, upon application, issue conservation registration plates for use only on vehicles registered at the pleasure car rate, on trucks registered for less than 26,001 pounds, and on vehicles registered to State agencies under section 376 of this title, but excluding vehicles registered under the International Registration Plan. Plates so acquired shall be mounted on the front and rear of the vehicle. The Commissioners of Motor Vehicles and of Fish and Wildlife shall determine the graphic design of the special plates in a manner that serves to enhance the public awareness of the State's interest in restoring and protecting its wildlife and major watershed areas. The Commissioners of Motor Vehicles and of Fish and Wildlife may alter the graphic design of these special plates, provided that plates in use at the time of a design alteration shall remain valid subject to the operator's payment of the annual registration fee. Applicants shall apply on forms prescribed by the Commissioner and shall pay an initial fee of ~~\$26.00~~ \$32.00 in addition to the annual fee for registration. In following years, in addition to the annual registration fee, the holder of a conservation plate shall pay a renewal fee of ~~\$26.00~~ \$32.00. The Commissioner may adopt rules under 3 V.S.A. chapter 25 to implement the provisions of this subsection.

\* \* \*

Sec. 40. 23 V.S.A. § 304c is amended to read:

§ 304c. MOTOR VEHICLE REGISTRATION PLATES: BUILDING  
BRIGHT SPACES FOR BRIGHT FUTURES FUND

(a) The Commissioner shall, upon application, issue "Building Bright Spaces for Bright Futures Fund," referred to as "the Bright Futures Fund," registration plates for use only on vehicles registered at the pleasure car rate, on trucks registered for less than 26,001 pounds, on vehicles registered to State agencies under section 376 of this title, and excluding vehicles registered under the International Registration Plan. Plates so acquired shall be mounted

on the front and rear of the vehicle. The Commissioner of Motor Vehicles shall utilize the graphic design recommended by the Commissioner for Children and Families for the special plates to enhance the public awareness of the State's interest in supporting children's services. Applicants shall apply on forms prescribed by the Commissioner of Motor Vehicles and shall pay an initial fee of ~~\$24.00~~ \$29.00 in addition to the annual fee for registration. In following years, in addition to the annual registration fee, the holder of a Bright Futures Fund plate shall pay a renewal fee of ~~\$24.00~~ \$29.00. The Commissioner of Motor Vehicles shall adopt rules under 3 V.S.A. chapter 25 to implement the provisions of this subsection.

\* \* \*

Sec. 41. 23 V.S.A. § 307 is amended to read:

§ 307. CARRYING OF REGISTRATION CERTIFICATE; REPLACEMENT  
AND CORRECTED CERTIFICATES

\* \* \*

(b) In case of the loss, mutilation, or destruction of a certificate, the owner of the vehicle described in it shall forthwith notify the Commissioner and remit a fee of ~~\$16.00~~ \$20.00, upon receipt of which the Commissioner shall furnish the owner with a duplicate certificate.

(c) A corrected registration certificate shall be furnished by the Commissioner upon request and receipt of a fee of ~~\$16.00~~ \$20.00.

(d) An operator cited for violating subsection (a) of this section with respect to a pleasure car, motorcycle, or truck that could be registered for less than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00, which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if ~~he or she~~ the operator is cited within the 14 days following the expiration of the motor vehicle's registration.

Sec. 42. 23 V.S.A. § 323 is amended to read:

§ 323. TRANSFER FEES

A person who transfers the ownership of a registered motor vehicle to another, upon the filing of a new application and upon the payment of a fee of ~~\$25.00~~ \$30.00, may have registered in ~~his or her~~ the person's name another motor vehicle for the remainder of the registration period without payment of any additional registration fee, provided the proper registration fee of the motor vehicle sought to be registered is the same as the registration fee of the transferred motor vehicle. However, if the proper registration fee of the motor vehicle sought to be registered by such person is greater than the registration

fee of the transferred motor vehicle, the applicant shall pay, in addition to such fee of ~~\$25.00~~ \$30.00, the difference between the registration fee of the motor vehicle previously registered and the proper fee for the registration of the motor vehicle sought to be registered.

\* \* \* Registration; Fees and Exemptions \* \* \*

Sec. 43. 23 V.S.A. § 361 is amended to read:

§ 361. PLEASURE CARS

The annual registration fee for ~~registration of any motor vehicle of the a~~ pleasure car type, as defined in subdivision 4(28) of this title, and all vehicles powered by electricity, shall be ~~\$74.00~~ \$89.00, and the biennial fee shall be ~~\$136.00~~ \$163.00.

Sec. 44. 23 V.S.A. § 364 is amended to read:

§ 364. MOTORCYCLES

The annual fee for registration of a motorcycle, with or without sidecar, shall be ~~\$46.00~~ \$56.00.

Sec. 45. 23 V.S.A. § 364a is amended to read:

§ 364a. MOTOR-DRIVEN CYCLES: REGISTRATION; FINANCIAL  
RESPONSIBILITY

(a) The annual fee for registration of a motor-driven cycle shall be ~~\$28.00~~ \$34.00.

\* \* \*

Sec. 46. 23 V.S.A. § 364b is amended to read:

§ 364b. ALL-SURFACE VEHICLES; REGISTRATION

(a) The annual fee for registration of an all-surface vehicle (ASV) shall be the sum of the fees established by sections 3305 and 3504 of this title, plus ~~\$26.00~~ \$32.00.

\* \* \*

Sec. 47. 23 V.S.A. § 367 is amended to read:

§ 367. TRUCKS

(a)(1) The annual fee for registration of tractors, truck-tractors, or motor trucks except truck cranes, truck shovels, road oilers, bituminous distributors, and farm trucks used as specified in subsection (f) of this section shall be based on the total weight of the truck-tractor or motor truck, including body and cab plus the heaviest load to be carried. In computing the fees for

registration of tractors, truck-tractors, or motor trucks with trailers or semi-trailers attached, except trailers or semi-trailers with a gross weight of less than 6,000 pounds, the fee shall be based upon the weight of the tractor, truck-tractor, or motor truck, the weight of the trailer or semi-trailer, and the weight of the heaviest load to be carried by the combined vehicles. In addition to the fee set out in the following schedule, the fee for vehicles weighing between 10,000 and 25,999 pounds inclusive shall be an additional ~~\$35.50~~ \$42.53, the fee for vehicles weighing between 26,000 and 39,999 pounds inclusive shall be an additional ~~\$70.98~~ \$85.03, the fee for vehicles weighing between 40,000 and 59,999 pounds inclusive shall be an additional ~~\$248.48~~ \$297.68, and the fee for vehicles 60,000 pounds and over shall be an additional ~~\$390.48~~ \$467.80. The fee shall be computed at the following rates per 1,000 pounds of weight determined pursuant to this subdivision and rounded up to the nearest whole dollar; the minimum fee for registering a tractor, truck-tractor, or motor truck to 6,000 pounds shall be the same as for the pleasure car type:

~~\$15.20~~ \$18.21 when the weight exceeds 6,000 pounds but does not exceed 8,000 pounds.

~~\$17.39~~ \$20.83 when the weight exceeds 8,000 pounds but does not exceed 12,000 pounds.

~~\$19.17~~ \$22.97 when the weight exceeds 12,000 pounds but does not exceed 16,000 pounds.

~~\$20.50~~ \$24.56 when the weight exceeds 16,000 pounds but does not exceed 20,000 pounds.

~~\$21.46~~ \$25.71 when the weight exceeds 20,000 pounds but does not exceed 30,000 pounds.

~~\$21.92~~ \$26.26 when the weight exceeds 30,000 pounds but does not exceed 40,000 pounds.

~~\$22.45~~ \$26.90 when the weight exceeds 40,000 pounds but does not exceed 50,000 pounds.

~~\$22.65~~ \$27.13 when the weight exceeds 50,000 pounds but does not exceed 60,000 pounds.

~~\$23.42~~ \$28.06 when the weight exceeds 60,000 pounds but does not exceed 70,000 pounds.

~~\$24.21~~ \$29.00 when the weight exceeds 70,000 pounds but does not exceed 80,000 pounds.

~~\$24.99~~ \$29.94 when the weight exceeds 80,000 pounds but does not exceed 90,000 pounds.



\* \* \*

(b) The annual fee for registration of a category I special purpose vehicle shall be ~~\$178.00~~ \$214.00, and the annual fee for a category II special purpose vehicle shall be ~~\$415.00~~ \$498.00.

\* \* \*

Sec. 48. 23 V.S.A. § 371 is amended to read:

§ 371. TRAILER AND SEMI-TRAILER

(a)(1) The one-year and two-year fees for registration of a trailer or semi-trailer, except a contractor's trailer or farm trailer, shall be as follows:

(A) ~~\$27.00~~ \$33.00 and ~~\$51.00~~ \$62.00, respectively, when such trailer or semi-trailer has a gross weight of trailer and load of 1,500 pounds or less;

(B) ~~\$52.00~~ \$63.00 and ~~\$102.00~~ \$123.00, respectively, when such trailer or semi-trailer has a gross weight of trailer and load of more than 1,500 pounds and is drawn by a vehicle of the pleasure car type;

(C) ~~\$52.00~~ \$63.00 and ~~\$102.00~~ \$123.00, respectively, when such trailer or semi-trailer is drawn by a motor truck or tractor, when such trailer or semi-trailer has a gross weight of more than 1,500 pounds but less than 3,000 pounds;

(D) ~~\$52.00~~ \$63.00 and ~~\$102.00~~ \$123.00, respectively, when such trailer or semi-trailer is used in combination with a truck-tractor or motor truck registered at the fee provided for combined vehicles under section 367 of this title. Excepting for the fees, the provisions of this subdivision shall not apply to trailer coaches as defined in section 4 of this title nor to modular homes being transported by trailer or semi-trailer.

(2) The one-year and two-year fees for registration of a contractor's trailer shall be ~~\$197.00~~ \$237.00 and ~~\$394.00~~ \$473.00, respectively.

\* \* \*

Sec. 49. 23 V.S.A. § 372 is amended to read:

§ 372. MOTOR BUS

The annual fee for registration of a motor bus shall be based on the actual weight of such bus, plus passenger carrying capacity at 150 pounds per person, and shall be ~~\$2.00~~ \$2.40 per 100 pounds of such weight, except for motor buses registered under section 372a or 376 of this title. Fractions of a hundred-weight shall be disregarded. The minimum fee for the registration of any motor bus shall be \$43.00.

Sec. 50. 23 V.S.A. § 372a is amended to read:

§ 372a. LOCAL TRANSIT PUBLIC TRANSPORTATION SERVICE

(a) The annual registration fee for any motor bus used in local transit or public transportation service shall be ~~\$62.00~~ \$75.00, except for those vehicles owned by a municipality for such service that are subject to the provisions of section 376 of this title. In the event a bus registered for local transit or public transportation service is subsequently registered for general use during the same registration year, such fee shall be applied toward the fee for general registration.

\* \* \*

Sec. 51. 23 V.S.A. § 373 is amended to read:

§ 373. EXHIBITION VEHICLES; YEAR OF MANUFACTURE PLATES

(a) The annual fee for the registration of a motor vehicle that is maintained for use in exhibitions, club activities, parades, and other functions of public interest and that is not used for general daily transportation of passengers or property on any highway shall be ~~\$24.00~~ \$26.00, in lieu of fees otherwise provided by law. Permitted use shall include:

\* \* \*

Sec. 52. 23 V.S.A. § 376 is amended to read:

§ 376. STATE, MUNICIPAL, FIRE DEPARTMENT, AND RESCUE  
ORGANIZATION MOTOR VEHICLES

\* \* \*

(b) The fee for registration of a motor vehicle owned by any municipality in this State and used entirely by it or any other municipality for municipal purposes shall be ~~\$12.00~~ \$15.00 in lieu of fees otherwise specified in this chapter. ~~As used in~~ For purposes of this subsection, the term municipality shall include county-owned vehicles. The Commissioner shall issue specially designed registration plates for county-owned sheriffs' departments' vehicles.

(c) The registration fee for registration of a motor truck, trailer, ambulance, or other motor vehicle, owned by a volunteer fire department or other volunteer ~~fire-fighting~~ firefighting organization or other organization conducting rescue operations and used solely for fire fighting or rescue purposes shall be ~~\$12.00~~ \$15.00 in lieu of fees otherwise specified in this chapter. A motor vehicle or trailer registered under this section shall be plainly marked on both sides of the body or cab to indicate its ownership.

\* \* \*

(f) A replacement registration plate shall be provided by the Commissioner upon the payment of a fee of ~~\$9.00~~ \$11.00.

(g)(1) The fee for registration of a motor vehicle obtained from the government as excess government property, or a vehicle purchased with 100 percent federal funds and used for federally supported local programs, shall be \$14.00, in lieu of fees otherwise specified in this chapter. The Commissioner shall determine the eligibility as to whether or not the motor vehicle qualifies for this registration and ownership of the vehicle shall be plainly marked on both sides of the body or cab.

\* \* \*

Sec. 53. 23 V.S.A. § 382 is amended to read:

§ 382. DIESEL-POWERED PLEASURE CARS

Notwithstanding any other provision of law, the annual registration fee for a pleasure car or tractor, truck-tractor, or motor truck up to 6,000 pounds powered by fuel as defined in section 3002 of this title shall be ~~\$74.00~~ \$89.00, and the biennial fee shall be ~~\$136.00~~ \$163.00.

\* \* \* Registration; Registration of Dealers and Transporters \* \* \*

Sec. 54. 23 V.S.A. § 453 is amended to read:

§ 453. FEES AND NUMBER PLATES

(a)(1) An application for registration as a dealer in new or used cars or motor trucks shall be accompanied by a fee of ~~\$503.00~~ \$603.00 for each certificate issued in such dealer's name. The Commissioner shall furnish free of charge with each dealer's registration certificate three number plates showing the distinguishing number assigned such dealer. The Commissioner may furnish additional plates according to the volume of the dealer's sales in the prior year or, in the case of an initial registration, according to the dealer's reasonable estimate of expected sales, as follows:

\* \* \*

(2) If the issuance of additional plates is authorized under subdivision (1) of this subsection, up to two plates shall be provided free of charge, and the Commissioner shall collect ~~\$55.00~~ \$66.00 for each additional plate thereafter.

(b) Application by a "dealer in farm tractors or other self-propelled farm implements," which shall mean a person actively engaged in the business of selling or exchanging new or used farm tractors or other self-propelled farm implements, for such dealer registration shall annually be accompanied by a fee of ~~\$78.00~~ \$94.00. The Commissioner shall furnish free of charge with each such dealer registration certificate two sets of number plates showing the

distinguishing number assigned such dealer and in ~~his or her~~ the Commissioner's discretion may furnish further sets of plates at a fee of \$12.00 per set; such number plates may, however, be displayed only upon a farm tractor or other self-propelled farm implement.

(c) Application by a "dealer in motorized highway building equipment and road making appliances," which shall mean a person actively engaged in the business of selling or exchanging new or used motorized highway building equipment or road making appliances, for such dealer registration shall annually be accompanied by a fee of ~~\$123.00~~ \$148.00. The Commissioner shall furnish free of charge with each such dealer registration certificate two sets of number plates showing the distinguishing number assigned such dealer and in ~~his or her~~ the Commissioner's discretion may furnish further sets of plates at a fee of \$30.00 per set; such number plates may, however, be displayed only upon motorized highway building equipment or road making appliances.

(d) If a dealer is engaged only in the business of selling or exchanging motorcycles or motor-driven cycles, the registration fee shall be ~~\$62.00~~ \$75.00, which shall include three number plates. The Commissioner may, in ~~his or her~~ the Commissioner's discretion, furnish further sets of plates at a fee of \$10.00 for each set.

(e) If a dealer is engaged only in the business of selling or exchanging trailers, semi-trailers, or trailer coaches, the registration fee shall be ~~\$123.00~~ \$148.00, which shall include three number plates; such number plates may, however, be displayed only upon a trailer, semi-trailer, or trailer coach. The Commissioner may, in ~~his or her~~ the Commissioner's discretion, furnish further plates at a fee of \$10.00 for each such plate.

\* \* \*

Sec. 55. 23 V.S.A. § 457 is amended to read:

#### § 457. TEMPORARY PLATES

At the time of the issuance of a registration certificate to a dealer as provided in this chapter, the Commissioner shall furnish the dealer with a sufficient number of number plates and temporary validation stickers, temporary number plates, or temporary decals for use during the 60-day period immediately following sale of a vehicle or motorboat by the dealer. The plates and decals shall have the same general design as the plates or decals furnished individual owners, but the plates and decals may be of a material and color as the Commissioner may determine. The Commissioner shall collect a fee of ~~\$5.00~~ \$6.00 for each temporary plate issued.

Sec. 56. 23 V.S.A. § 463 is amended to read:

§ 463. SALE OF VEHICLE TO GO OUT OF STATE

A registered motor vehicle dealer is authorized to issue an in-transit registration permit for the purpose of movement over the highways of certain motor vehicles otherwise required to be registered when these vehicles are sold in this State to be transported to and registered in another state or province. The Commissioner of Motor Vehicles shall, upon request, provide registered motor vehicle dealers with such numbers of applications and special in-transit number plates for vehicles sold in this State to be transported to and registered in another state or province as shall be necessary. The Commissioner is authorized to charge a fee of ~~\$6.00~~ \$8.00 for the processing of the plate application and the issuance of the plate. The dealer, upon the sale of a motor vehicle to be transported to and registered in another state or province, shall cause the application to be filled out and transmitted to the Commissioner and shall attach to the vehicle the in-transit number plate corresponding to the application. No registered motor vehicle dealer shall sell, exchange, give, or transfer any application or in-transit plate to any person other than the person to whom the dealer sells or exchanges a motor vehicle to be registered in another state or province. The application shall be in a form prescribed and furnished by the Commissioner. The special in-transit number plate to be attached to the vehicle will be issued in the form and design as prescribed by the Commissioner and shall be valid for a period of 30 days from the date of issue.

Sec. 57. 23 V.S.A. § 476 is amended to read:

§ 476. MOTOR VEHICLE WARRANTY FEE

A motor vehicle warranty fee of ~~\$6.00~~ \$8.00 is imposed on the registration of each new motor vehicle in this State, not including trailers, tractors, motorized highway building equipment, road-making appliances, snowmobiles, motorcycles, motor-driven cycles, or trucks with a gross vehicle weight over 12,000 pounds.

Sec. 58. 23 V.S.A. § 494 is amended to read:

§ 494. FEES

The annual fee for a transporter's registration certificate, number plate, or validation sticker is ~~\$123.00~~ \$148.00.

## \* \* \* Registration; Display of Number Plates \* \* \*

Sec. 59. 23 V.S.A. § 514 is amended to read:

§ 514. REPLACEMENT NUMBER PLATES

(a) In case of the loss of a number plate, the owner of the motor vehicle to which it was assigned shall immediately notify the Commissioner of such loss, and the Commissioner shall furnish such owner with a new plate. The fee charged shall be ~~\$12.00~~ \$15.00 for each plate. The owner of a motor vehicle who has lost one number plate may operate ~~his or her~~ the owner's vehicle with only one number plate attached, until a new plate is furnished ~~him or her~~ to the owner, provided ~~he or she~~ the owner notified the Commissioner as required under this section.

(b) Any replacement number plate shall be issued at a fee of ~~\$12.00~~ \$15.00. However, if the Commissioner, in ~~his or her~~ the Commissioner's discretion, determines that a plate has become illegible as a result of deficiencies in the manufacturing process or by use of faulty materials, the replacement fee shall be waived.

Sec. 60. 23 V.S.A. § 516 is amended to read:

§ 516. SALE OF VEHICLE TO GO OUT OF STATE BY A PERSON  
OTHER THAN DEALER

The Commissioner of Motor Vehicles is authorized to issue an in-transit registration permit for the purpose of movement over the highways of certain motor vehicles otherwise required to be registered when the vehicles are sold in this State by a person, other than a registered motor vehicle dealer, to be transported to and registered in another state or province. The registration may be obtained by submitting an application on a form prescribed and furnished by the Commissioner of Motor Vehicles. The Commissioner is authorized to charge a fee of ~~\$6.00~~ \$8.00 for the processing of the application and the issuance of the plate. The in-transit registration plate pursuant to this section shall be valid for a period of 30 days from issuance and shall be in the form and design prescribed by the Commissioner of Motor Vehicles. Issuance of an in-transit plate for vehicles sold by a registered motor vehicle dealer to a person to be transported to and registered in another state or province shall be governed by the provisions of section 463 of this title.

Sec. 61. 23 V.S.A. § 517 is amended to read:

§ 517. INTRASTATE IN-TRANSIT PERMIT

The Commissioner may issue an intrastate in-transit registration permit to authorize the movement within Vermont of a motor vehicle otherwise required

to be registered, if the vehicle is sold in this State by a person other than a registered motor vehicle dealer. The permit may be obtained after submission of an application on a form prescribed and furnished by the Commissioner and payment of a ~~\$6.00~~ \$8.00 fee. The permit shall be valid for a period of 10 days from the date of issuance and shall be in the form and design prescribed by the Commissioner.

\* \* \* Operator's License; General Provisions \* \* \*

Sec. 62. 23 V.S.A. § 608 is amended to read:

§ 608. FEES

(a) The four-year fee required to be paid the Commissioner for licensing an operator of motor vehicles or for issuing an operator's privilege card shall be ~~\$51.00~~ \$62.00. The two-year fee required to be paid the Commissioner for licensing an operator or for issuing an operator's privilege card shall be ~~\$32.00~~ \$39.00, and the two-year fee for licensing a junior operator or for issuing a junior operator's privilege card shall be ~~\$32.00~~ \$39.00.

(b) An additional fee of ~~\$3.00~~ \$4.00 per year shall be paid for a motorcycle endorsement. The endorsement may be obtained for either a two-year or four-year period, to be coincidental with the length of the operator's license.

Sec. 63. 23 V.S.A. § 613 is amended to read:

§ 613. REPLACEMENT LICENSE

(a) In case of the loss, mutilation, or destruction of a license or error in a license, the licensee shall forthwith notify the Commissioner who shall furnish such licensee with a replacement on receipt of ~~\$20.00~~ \$24.00.

\* \* \*

Sec. 64. 23 V.S.A. § 617 is amended to read:

§ 617. LEARNER'S PERMIT

\* \* \*

(b)(1) Notwithstanding the provisions of subsection (a) of this section, any licensed person may apply to the Commissioner of Motor Vehicles for a learner's permit for the operation of a motorcycle in the form prescribed by the Commissioner. The Commissioner shall offer both a motorcycle learner's permit that authorizes the operation of three-wheeled motorcycles only and a motorcycle learner's permit that authorizes the operation of any motorcycle. The Commissioner shall require payment of a fee of ~~\$20.00~~ \$24.00 at the time application is made.

(2) After the applicant has successfully passed all parts of the applicable motorcycle endorsement examination, other than a skill test, the Commissioner may issue to the applicant a learner's permit that entitles the applicant, subject to subsection 615(a) of this title, to operate a three-wheeled motorcycle only, or to operate any motorcycle, upon the public highways for a period of 120 days from the date of issuance. The fee for the examination shall be ~~\$9.00~~ \$11.00.

(3) A motorcycle learner's permit may be renewed only twice upon payment of a ~~\$20.00~~ \$24.00 fee. If, during the original permit period and two renewals the permittee has not successfully passed the applicable skill test or motorcycle rider training course, ~~he or she~~ the permittee may not obtain another motorcycle learner's permit for a period of 12 months from the expiration of the permit unless:

\* \* \*

(d) An applicant shall pay ~~\$20.00~~ \$24.00 to the Commissioner for each learner's permit or a duplicate or renewal thereof.

\* \* \*

\* \* \* Operator's License; General Provisions \* \* \*

Sec. 65. 23 V.S.A. § 634 is amended to read:

§ 634. FEE FOR EXAMINATION

(a) The fee for an examination for a learner's permit shall be ~~\$32.00~~ \$39.00. The fee for an examination to obtain an operator's license when the applicant is required to pass an examination pursuant to section 632 of this title shall be ~~\$19.00~~ \$23.00. The fee for a motorcycle skill test to obtain a motorcycle endorsement shall be ~~\$19.00~~ \$23.00.

(b) A scheduling fee of ~~\$24.00~~ \$29.00 shall be paid by the applicant before ~~he or she~~ the applicant may schedule the road test required under section 632 of this title. Unless an applicant gives the Department at least 48 hours' notice of cancellation, if the applicant does not appear as scheduled, the ~~\$24.00~~ \$29.00 scheduling fee is forfeited. If the applicant appears for the scheduled road test, the fee shall be applied toward the license examination fee. The Commissioner may waive the scheduling fee until the Department is capable of administering the fee electronically.

\* \* \*



\* \* \* Operator's License; Suspension and Revocation \* \* \*

Sec. 66. 23 V.S.A. § 675 is amended to read:

§ 675. FEE PRIOR TO TERMINATION OR REINSTATEMENT OF  
SUSPENSION OR REVOCATION OF LICENSE

(a) Before a suspension or revocation issued by the Commissioner of a person's operator's license or privilege of operating a motor vehicle may be terminated or before a person's operator's license or privilege of operating a motor vehicle may be reinstated, there shall be paid to the Commissioner a fee of ~~\$80.00~~ \$96.00 in addition to any other fee required by statute. This section shall not apply to suspensions issued under the provisions of chapter 11 of this title nor suspensions issued for physical disabilities or failing to pass reexamination. The Commissioner shall not reinstate the license of a driver whose license was suspended pursuant to section 1205 of this title until the Commissioner receives certification from the court that the costs due the State have been paid.

\* \* \*

\* \* \* Operator's License; Driver Training School Licenses \* \* \*

Sec. 67. 23 V.S.A. § 702 is amended to read:

§ 702. TRAINING SCHOOL AND INSTRUCTOR'S LICENSES

A person shall not operate a driver training school or act as an instructor unless the person has secured a license from the Commissioner. Applications for such licenses may be filed with the Commissioner and shall contain the information and shall be on the forms the Commissioner may prescribe. Each application for a driver's training school license shall be accompanied by an application fee of ~~\$150.00~~ \$180.00, which shall not be refunded. If the application is approved by the Commissioner, the applicant upon payment of an additional fee of ~~\$225.00~~ \$270.00 shall be granted a license, which shall become void two years after the first day of the month of issue unless sooner revoked as provided in this subchapter. The renewal fee shall be ~~\$225.00~~ \$270.00. Each application for an instructor's license shall be accompanied by an application fee of ~~\$105.00~~ \$126.00, which shall not be refunded. If the application is approved by the Commissioner, the applicant upon payment of an additional fee of ~~\$75.00~~ \$90.00 shall be granted a license, which shall become void two years after the first day of the month of issue unless sooner revoked as provided in this subchapter. The renewal fee shall be ~~\$75.00~~ \$90.00.

Sec. 68. 23 V.S.A. § 703 is amended to read:

§ 703. POSSESSION OF LICENSE

Each person granted a driver's training school license shall display the same conspicuously on the school premises. Each person granted an instructor's license shall carry the same in ~~his or her~~ the person's possession while engaged in giving driver training. In case of loss, mutilation, or destruction of a license certificate, the Commissioner shall issue a duplicate certificate upon payment of a fee of ~~\$8.00~~ \$10.00.

\* \* \* Operation of Vehicles; Equipment \* \* \*

Sec. 69. 23 V.S.A. § 1230 is amended to read:

§ 1230. CHARGE

For each inspection certificate issued by the Department of Motor Vehicles, the Commissioner shall be paid ~~\$6.00~~ \$8.00, provided that State and municipal inspection stations that inspect only State or municipally owned and registered vehicles shall not be required to pay a fee. All vehicle inspection certificate charge revenue shall be allocated to the Transportation Fund with one-half reserved for bridge maintenance activities.

\* \* \* Operation of Vehicles; Weight, Size, Loads \* \* \*

Sec. 70. 23 V.S.A. § 1392 is amended to read:

§ 1392. GROSS WEIGHT LIMITS ON HIGHWAYS

\* \* \*

(13) Despite the axle-load provisions of section 1391 of this title and the maximum gross load of subdivision (4) of this section, a special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following date of issue, may be issued to a person or corporation operating on designated routes on the State Highway System for a fee of ~~\$415.00~~ \$498.00 for each vehicle that must be registered for a weight of 80,000 pounds. This special permit shall be issued only for a combination of vehicle and semi-trailer or trailer equipped with five or more axles, with a distance between axles that meets the minimum requirements of registering the vehicle to 80,000 pounds as allowed under subdivision (4) of this section. The maximum gross load under this special permit shall be 90,000 pounds. Unless authorized by federal law, this subdivision shall not apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways.

(14) Despite the axle-load provisions of section 1391 of this title and the axle spacing and maximum gross load provisions of subdivision (4) of this section, a special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following date of issue, may be issued to a person or corporation transporting loads on vehicles on designated routes on the State Highway System for the following fees for each vehicle unit. Unless authorized by federal law, the provisions of this subdivision regarding weight limits, tolerances, or both, shall not apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways. This special permit shall be issued for the following vehicles and conditions:

(A) 3-axle trucks with a single steering axle and a rear tandem axle that have a maximum gross weight of not more than 60,000 pounds when registered for a minimum gross weight of not more than 55,000 pounds, the permit fee shall be ~~\$156.00~~ \$187.00.

(B) 4-axle trucks with a single steering axle and a rear tri-axle unit that have a maximum gross weight of not more than 69,000 pounds when registered for a minimum weight of 60,000 pounds, the permit fee shall be ~~\$352.00~~ \$422.00.

(C) 4-axle tractor semi-trailer or truck trailer combination with a maximum gross weight of not more than 72,000 pounds, provided the distance between the second axle of the tractor and the rear axle of the trailer is at least 24 feet measured to the nearest foot. For each foot or fraction of a foot less than 24 feet, measured to the nearest foot, a reduction of 2,000 pounds in the maximum gross weight shall be made. The permit fee shall be ~~\$15.00~~ \$18.00.

(D) 5- or more axle tractor semi-trailer or truck trailer combination with a maximum gross weight of not more than 76,000 pounds, provided that the distance between the first and last axle of two consecutive sets of tandem axles is at least 24 feet measured to the nearest foot. For each foot or fraction of a foot less than 24 feet, measured to the nearest foot, a reduction of 2,000 pounds in the maximum gross weight shall be made. The permit fee shall be ~~\$15.00~~ \$18.00.

\* \* \*

(16) Notwithstanding the axle load provisions of section 1391 of this title and the maximum gross load of subdivision (4) of this section, a five or more axle truck tractor, semi-trailer combination, or truck trailer combination, when the load consists solely of unprocessed milk products as defined in subdivision 4(55) of this title, may be registered for and operated with a maximum gross weight of 90,000 pounds on State highways without permit

and upon posted State and town highways and those highways designated as the Dwight D. Eisenhower National System of Interstate and Defense Highways when the vehicle has been issued a permit in compliance with the provisions of section 1400 of this title; however:

\* \* \*

(C) The fee for the annual permit as provided in this subdivision (16) shall be ~~\$10.00~~ \$12.00 when the fee has been paid to register the vehicle for 90,000 pounds or ~~\$382.00~~ \$458.00 when the vehicle is registered for 80,000 pounds.

(17) Notwithstanding the gross vehicle weight provisions of subdivision (4) of this section, a truck trailer combination or truck tractor, semi-trailer combination with six or more load-bearing axles shall be allowed to bear a maximum of 99,000 pounds by special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following the date of issue, for operating on designated routes on State and town highways, subject to the following:

\* \* \*

(F) The fee for the annual permit as provided in this subdivision (17) shall be ~~\$415.00~~ \$498.00 for vehicles bearing up to 90,000 pounds and ~~\$560.00~~ \$671.00 for vehicles bearing up to 99,000 pounds.

\* \* \*

Sec. 71. 23 V.S.A. § 1402 is amended to read:

§ 1402. OVERWEIGHT, WIDTH, HEIGHT, AND LENGTH PERMITS;

FEES

(a) Overweight, overwidth, indivisible overlength, and overheight permits. Overweight, overwidth, indivisible overlength, and overheight permits shall be signed by the Commissioner or by ~~his or her~~ the Commissioner's agent and a copy shall be kept in the office of the Commissioner or in a location approved by the Commissioner. Except as provided in subsection (c) of this section, a copy shall also be available in the towing vehicle and must be available for inspection on demand of a law enforcement officer. Before operating a traction engine, tractor, trailer, motor truck, or other motor vehicle, the person to whom a permit to operate in excess of the weight, width, indivisible overlength, and height limits established by this title is granted shall pay a fee of ~~\$40.00~~ \$48.00 for each single trip permit or ~~\$112.00~~ \$135.00 for a blanket permit, except that the fee for a fleet blanket permit shall be ~~\$112.00~~ \$135.00 for the first unit and ~~\$6.00~~ \$8.00 for each unit thereafter. At the option of a

carrier, an annual permit for the entire fleet, to operate over any approved route, may be obtained for ~~\$112.00~~ \$135.00 for the first tractor and ~~\$6.00~~ \$8.00 for each additional tractor, up to a maximum fee of \$1,000.00. The fee for a fleet permit shall be based on the entire number of tractors owned by the applicant. An applicant for a fleet permit may apply for any number of specific routes, each of which shall be reviewed with regard to the characteristics of the route and the type of equipment operated by the applicant. When the weight or size of the vehicle-load are considered sufficiently excessive for the routing requested, the Agency of Transportation shall, on request of the Commissioner, conduct an engineering inspection of the vehicle-load and route, for which a fee of \$300.00 will be added to the cost of the permit if the load is a manufactured home. For all other loads of any size or with gross weight limits less than 150,000 pounds, the fee shall be \$800.00 for any engineering inspection that requires up to eight hours to conduct. If the inspection requires more than eight hours to conduct, the fee shall be \$800.00 plus \$60.00 per hour for each additional hour required. If the vehicle and load weigh 150,000 pounds or more but not more than 200,000 pounds, the engineering inspection fee shall be \$2,000.00. If the vehicle and load weigh more than 200,000 pounds but not more than 250,000 pounds, the engineering inspection fee shall be \$5,000.00. If the vehicle and load weigh more than 250,000 pounds, the engineering inspection fee shall be \$10,000.00. The study must be completed prior to the permit being issued. Prior to the issuance of a permit, an applicant whose vehicle weighs 150,000 pounds or more, or is 15 or more feet in width or height, shall file with the Commissioner a special certificate of insurance showing minimum coverage of \$250,000.00 for death or injury to one person, \$500,000.00 for death or injury to two or more persons, and \$250,000.00 for property damage, all arising out of any one crash.

(b) Overlength permits. Except as provided in subsections 1432(c) and (e) of this title, it shall be necessary to obtain an overlength permit as follows:

(1) For vehicles with a trailer or semitrailer longer than 75 feet, anywhere in the State on highways approved by the Agency of Transportation. In such cases, the vehicle may be operated with a single trip overlength permit issued by the Department of Motor Vehicles for a fee of ~~\$28.00~~ \$34.00. If the vehicle is 100 feet or more in length, the permit applicant shall file with the Commissioner of Motor Vehicles a special certificate of insurance showing minimum coverage of \$250,000.00 for death or injury to one person, \$500,000.00 for death or injury to two or more persons, and \$250,000.00 for property damage, all arising out of any one crash.

\* \* \*

## \* \* \* Title to Motor Vehicles; General Provisions \* \* \*

Sec. 72. 23 V.S.A. § 2002 is amended to read:

§ 2002. FEES

(a) The Commissioner shall be paid the following fees:

(1) for any certificate of title, including a salvage certificate of title, or an exempt vehicle title, ~~\$35.00~~ \$42.00;

(2) for each security interest noted upon a certificate of title, including a salvage certificate of title, ~~\$11.00~~ \$14.00;

(3) for a certificate of title after a transfer, ~~\$35.00~~ \$42.00;

(4) for each assignment of a security interest noted upon a certificate of title, ~~\$11.00~~ \$14.00;

(5) for a duplicate certificate of title, including a salvage certificate of title, ~~\$35.00~~ \$42.00;

(6) for an ordinary certificate of title issued upon surrender of a distinctive certificate, ~~\$35.00~~ \$42.00;

(7) for filing a notice of security interest, ~~\$11.00~~ \$14.00;

(8) for a certificate of search of the records of the Department of Motor Vehicles, for each motor vehicle searched against, ~~\$22.00~~ \$27.00;

(9) for filing an assignment of a security interest, ~~\$11.00~~ \$14.00;

(10) for a certificate of title after a security interest has been released, ~~\$35.00~~ \$42.00;

(11) for a certificate of title for a motor vehicle acquired by a veteran with financial assistance from the U.S. Department of Veterans Affairs and exempt from registration fees pursuant to section 378 of this title, no fee;

(12) for a corrected certificate of title, ~~\$35.00~~ \$42.00.

\* \* \*

\* \* \* Titling of Vessels, Snowmobiles, and All-terrain Vehicles \* \* \*

Sec. 73. 23 V.S.A. § 3802 is amended to read:

§ 3802. FEES

(a) The Commissioner shall be paid the following fees:

(1) for filing an application for a first certificate of title, ~~\$22.00~~ \$27.00;

(2) for each security interest noted upon a certificate of title, ~~\$11.00~~ \$14.00;

- (3) for a certificate of title after a transfer, ~~\$22.00~~ \$27.00;
- (4) for each assignment of a security interest noted upon a certificate of title, ~~\$11.00~~ \$14.00;
- (5) for a duplicate certificate of title, ~~\$22.00~~ \$27.00;
- (6) for an ordinary certificate of title issued upon surrender of a distinctive certificate, ~~\$22.00~~ \$27.00;
- (7) for filing a notice of security interest, ~~\$11.00~~ \$14.00;
- (8) for a certificate of search of the records of the Department of Motor Vehicles for each vessel, snowmobile, or all-terrain vehicle searched against, ~~\$22.00~~ \$27.00;
- (9) for filing an assignment of a security interest, ~~\$11.00~~ \$14.00;
- (10) for a certificate of clear title after the security interest or interests have been released, ~~\$22.00~~ \$27.00;
- (11) for a corrected certificate of title, ~~\$22.00~~ \$27.00.

\* \* \*

\* \* \* Commercial Driver's License Act \* \* \*

Sec. 74. 23 V.S.A. § 4108 is amended to read:

§ 4108. COMMERCIAL DRIVER'S LICENSE, COMMERCIAL  
LEARNER'S PERMIT QUALIFICATION STANDARDS

\* \* \*

(f) The fee for a knowledge test and the fee for a skills test shall each be ~~\$32.00~~ \$39.00. The fee for an endorsement test shall be ~~\$14.00~~ \$17.00. In the event that an applicant fails a test three times, ~~he or she~~ the applicant may not take the test again for at least six months. A fee of ~~\$24.00~~ \$29.00 shall be paid by the applicant before ~~he or she~~ the applicant may schedule a skills test. If an applicant does not appear for the scheduled skills test, the ~~\$24.00~~ \$29.00 scheduling fee is forfeited, unless the applicant has given the Department of Motor Vehicles at least 48 hours' notice of cancellation of the test. If the applicant appears for the skills test, the ~~\$24.00~~ \$29.00 scheduling fee for that test will be used as part of the test fee. Use of an interpreter is prohibited during the administration of the knowledge or skills tests.

\* \* \*

Sec. 75. 23 V.S.A. § 4110 is amended to read:

§ 4110. APPLICATION FOR COMMERCIAL DRIVER'S LICENSE OR  
COMMERCIAL LEARNER'S PERMIT

\* \* \*

(8) The proper fee.

(A) The four-year fee for a commercial driver's license shall be ~~\$90.00~~ \$108.00. The two-year fee shall be ~~\$60.00~~ \$72.00. In those instances where the applicant surrenders a valid Vermont Class D license, the total fees due shall be reduced by:

\* \* \*

(B) The fee for a commercial learner's permit is ~~\$15.00~~ \$18.00.

\* \* \*

(b) When a licensee or permittee changes ~~his or her~~ the licensee's or permittee's name, mailing address, or residence or in the case of the loss, mutilation, or destruction of a license or permit, the licensee or permittee shall forthwith notify the Commissioner and apply in person for a duplicate license or permit in the same manner as set forth in subsection (a) of this section. The fee for a duplicate license or permit shall be ~~\$15.00~~ \$18.00.

\* \* \*

\* \* \* Motor Vehicle Purchase and Use Tax \* \* \*

Sec. 76. 32 V.S.A. § 8903 is amended to read:

§ 8903. TAX IMPOSED

(a)(1) There is hereby imposed upon the purchase in Vermont of a motor vehicle by a resident a tax at the time of such purchase, payable as hereinafter provided. The amount of the tax shall be six percent of the taxable cost of a:

\* \* \*

(2) For any other motor vehicle, it shall be six percent of the taxable cost of the motor vehicle or ~~\$2,075.00~~ \$2,486.00 for each motor vehicle, whichever is smaller, except that pleasure cars that are purchased, leased, or otherwise acquired for use in short-term rentals shall be subject to taxation under subsection (d) of this section.

(b)(1) There is hereby imposed upon the use within this State a tax of six percent of the taxable cost of a:

\* \* \*



(2) For any other motor vehicle, it shall be six percent of the taxable cost of the motor vehicle or ~~\$2,075.00~~ \$2,486.00 for each motor vehicle, whichever is smaller, by a person at the time of first registering or transferring a registration to such motor vehicle payable as hereinafter provided, except no use tax shall be payable hereunder if the tax imposed by subsection (a) of this section has been paid, or the vehicle is a pleasure car that was purchased, leased, or otherwise acquired for use in short-term rentals, in which case the vehicle shall be subject to taxation under subsection (d) of this section.

\* \* \*

\* \* \* Agency of Transportation Positions \* \* \*

#### Sec. 77. AGENCY OF TRANSPORTATION POSITIONS

(a) The conversion of the following limited-service positions to permanent classified positions is authorized in fiscal year 2024: nine State Airport Maintenance Workers and one State Airport Operations Specialist.

(b) The establishment of the following new permanent classified positions is authorized in fiscal year 2024: one Transportation Operations Technician III and one Transportation Technician IV within Highway Maintenance.

\* \* \* Effective Dates \* \* \*

#### Sec. 78. EFFECTIVE DATES

(a) This section and Secs. 16 (authority to modify eBike Incentive Program eligibility requirements) and 33 (extension of sunset for Agency of Transportation's P3 authority) shall take effect on passage.

(b) Secs. 35–76 (DMV fees) shall take effect on January 1, 2024.

(c) All other sections shall take effect on July 1, 2023.

**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 and when further amended as follows:

First: In Sec. 2, highway maintenance, in subdivision (b)(1), by striking out “the fiscal year 2023 budget adjustment act” and inserting in lieu thereof “2023 Acts and Resolves No. 3”

Second: In Secs. 17–19, reallocation of funding, in the section headings, by striking out “the fiscal year 2023 budget adjustment act” and inserting in lieu thereof “2023 Acts and Resolves No. 3” in each section heading

Third: By striking out Sec. 77, Agency of Transportation positions, and its reader assistance heading in their entirety

and by renumbering the remaining section to be numerically correct.

The bill, 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 amended as recommended by the Committee on Ways and Means?, **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 be amended as recommended by the Committee on Ways and Means?, was decided in the affirmative. Yeas, 101. Nays, 32.

Those who voted in the affirmative are:

Andrews of Westford	Demrow of Corinth	Morris of Springfield
Anthony of Barre City	Dodge of Essex	Mrowicki of Putney
Arrison of Weathersfield	Dolan of Essex Junction	Mulvaney-Stanak of Burlington
Arsenault of Williston	Dolan of Waitsfield	Notte of Rutland City
Austin of Colchester	Durfee of Shaftsbury	Noyes of Wolcott
Bartholomew of Hartland	Elder of Starksboro	Nugent of South Burlington
Berbeco of Winooski	Emmons of Springfield	O'Brien of Tunbridge
Birong of Vergennes	Farlice-Rubio of Barnet	Ode of Burlington
Black of Essex	Garofano of Essex	Patt of Worcester
Bluemle of Burlington	Goldman of Rockingham	Pouech of Hinesburg
Bongartz of Manchester	Graning of Jericho	Priestley of Bradford
Bos-Lun of Westminster	Headrick of Burlington	Rachelson of Burlington
Boyden of Cambridge	Holcombe of Norwich	Rice of Dorset
Brady of Williston	Hooper of Randolph	Roberts of Halifax
Brown of Richmond	Hooper of Burlington	Satcowitz of Randolph
Brownell of Pownal	Houghton of Essex Junction	Scheu of Middlebury
Brumsted of Shelburne	Howard of Rutland City	Sheldon of Middlebury
Burke of Brattleboro	James of Manchester	Sibilia of Dover
Burrows of West Windsor	Jerome of Brandon	Sims of Craftsbury
Buss of Woodstock	Kornheiser of Brattleboro	Squirrell of Underhill
Campbell of St. Johnsbury	Krasnow of South Burlington	Stebbins of Burlington
Carpenter of Hyde Park	LaBounty of Lyndon	Stevens of Waterbury
Carroll of Bennington	Lalley of Shelburne	Stone of Burlington
Casey of Montpelier	LaLonde of South Burlington	Taylor of Colchester
Chapin of East Montpelier	LaMont of Morristown	Templeman of Brownington
Chase of Chester	Lanpher of Vergennes	Toleno of Brattleboro
Chesnut-Tangerman of Middletown Springs	Leavitt of Grand Isle	Torre of Moretown
Christie of Hartford	Long of Newfane	Troiano of Stannard
Cina of Burlington	Masland of Thetford	Waters Evans of Charlotte
Coffey of Guilford	McCann of Montpelier	White of Bethel
Cole of Hartford	McCarthy of St. Albans City	Whitman of Bennington
Conlon of Cornwall	McGill of Bridport	Williams of Barre City
Corcoran of Bennington	Mihaly of Calais	Wood of Waterbury
Cordes of Lincoln	Minier of South Burlington	

Those who voted in the negative are:

Beck of St. Johnsbury	Goslant of Northfield	Morgan of Milton
Branagan of Georgia	Hango of Berkshire	Morrissey of Bennington
Brennan of Colchester	Harrison of Chittenden	Oliver of Sheldon
Burditt of West Rutland	Higley of Lowell	Parsons of Newbury
Canfield of Fair Haven	Laroche of Franklin	Peterson of Clarendon
Clifford of Rutland City	Lipsky of Stowe	Shaw of Pittsford
Demar of Enosburgh	Maguire of Rutland City	Small of Winooski
Dickinson of St. Albans Town	Marcotte of Coventry	Taylor of Milton
Donahue of Northfield	Mattos of Milton	Toof of St. Albans Town
Galfetti of Barre Town	McCoy of Poultney	Walker of Swanton
	McFaun of Barre Town	Williams of Granby

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

Andriano of Orwell	Labor of Morgan	Sammis of Castleton
Bartley of Fairfax	Logan of Burlington	Smith of Derby
Chase of Colchester	Nicoll of Ludlow	Surprenant of Barnard
Graham of Williamstown	Page of Newport City	Wilson of Lyndon
Gregoire of Fairfield	Pajala of Londonderry	
Hyman of South Burlington	Pearl of Danville	

Thereafter, the report of the Committee on Appropriations was agreed to, and third reading ordered.

**Committee Bill; Second Reading; Bill Amended;  
Third Reading Ordered**

**H. 486**

**Rep. Brady of Williston** spoke for the Committee on Education.

House bill, entitled

An act relating to school construction

**Rep. Beck of St. Johnsbury**, for the Committee on Ways and Means, recommended the bill ought to pass.

**Rep. Mihaly of Calais**, for the Committee on Appropriations, recommended the bill ought to pass when amended as follows:

First: In Sec. 1, School Construction Aid Task Force; report, in subsection (b), by striking out subdivisions (1) and (2) in their entireties and inserting in lieu thereof the following:

(1) two current members of the House of Representatives, who shall be appointed by the Speaker of the House;

(2) two current members of the Senate, who shall be appointed by the Committee on Committees;

Second: In Sec. 1, School Construction Aid Task Force; report, in subdivision (d)(2), after “technical assistance from a school construction expert” and before the period, by inserting “and any administrative, technical, financial, or legal assistance required by the Task Force”

Third: In Sec. 1, School Construction Aid Task Force; report, in subsection (h), after “fiscal year 2024” and before “the Task Force” by striking out “to hire a school construction expert to assist” and inserting in lieu thereof “to retain any administrative, technical, financial, legal, or construction experts required by”

The bill, having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up, read the second time, the report of the Committee on Appropriations agreed to, and third reading ordered.

#### **Message from the Senate No. 34**

A message was received from the Senate by Ms. Kucserik, 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. 33.** An act relating to miscellaneous judiciary procedures.

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

#### **Adjournment**

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

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**Thursday, March 30, 2023**

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

#### **Devotional Exercises**

Devotional exercises were conducted by Rep. Ashley Bartley of Fairfax.

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**House Bill Introduced****H. 503**

By Reps. Beck of St. Johnsbury and Campbell of St. Johnsbury,  
House bill, entitled

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

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

**Senate Bill Referred****S. 33**

Senate bill, entitled

An act relating to miscellaneous judiciary procedures

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

**Ceremonial Reading****H.C.R. 70**

House concurrent resolution honoring Heidi Baitz for her outstanding contribution to public education in the Town of Ludlow

Offered by: Representative Nicoll of Ludlow

Offered by: Senators Clarkson, McCormack, and White

Whereas, for nearly four decades, elementary school students in the Town of Ludlow have derived great educational benefit from the academic mentoring of Heidi Baitz, who, as the granddaughter of a former Black River High School principal, has continued a family pedagogic tradition, and

Whereas, originally a special education teacher, and, as a dedicated lifelong learner, Heidi Baitz earned a master's degree at the University of Vermont, and later, a certificate of advanced graduate studies from the University of Southern New Hampshire, and

Whereas, Heidi Baitz has developed a living history project in collaboration with the Black River Academy Museum, and in one instance, her sixth graders each selected an historic home and its past owner, a leading Ludlow personality, to study, and then portrayed the individual owners as part of a public walking tour, and

Whereas, as the school's wellness leader, Heidi Baitz has organized healthy lunch days, with menus she often prepared personally, hosted speakers on diet

and wellness, arranged a master chef competition, and facilitated afterschool classes in yoga and Pilates, and

Whereas, personal wellness is important for Heidi Baitz as she regularly hikes and practices yoga, as well as bikes, does circuit training, dances, skates, swims, and, at home, she is a prolific gardener, and

Whereas, Heidi Baitz is a person of deep spirituality, who has a meaningful association with the Benedictine Monks of the Weston Priory, and

Whereas, in June 2023, Heidi Baitz will conclude her stellar teaching career, but she will no doubt remain active in Ludlow, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors Heidi Baitz for her outstanding contribution to public education in the Town of Ludlow, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Heidi Baitz.

Having been adopted in concurrence on Friday, March 24, 2023 in accord with Joint Rule 16b, was read.

### **Third Reading; Bill Passed**

#### **H. 276**

House bill, entitled

An act relating to creating a rental housing registry

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

### **Third Reading; Bill Passed**

#### **H. 479**

House bill, entitled

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation

Was taken up and read the third time.

Pending the question, Shall the bill pass?, **Rep. Long of Newfane** 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, 100. Nays, 39.

Those who voted in the affirmative are:

Andrews of Westford  
Anthony of Barre City

Demrow of Corinth  
Dodge of Essex

Mihaly of Calais  
Minier of South Burlington

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

Those who voted in the negative are:

Bartley of Fairfax	Gregoire of Fairfield	Oliver of Sheldon
Beck of St. Johnsbury	Hango of Berkshire	Page of Newport City
Branagan of Georgia	Harrison of Chittenden	Parsons of Newbury
Brennan of Colchester	Higley of Lowell	Peterson of Clarendon
Burditt of West Rutland	Labor of Morgan	Sammis of Castleton *
Canfield of Fair Haven	Laroche of Franklin	Shaw of Pittsford
Clifford of Rutland City	Lipsky of Stowe	Smith of Derby
Demar of Enosburgh	Maguire of Rutland City	Taylor of Milton
Dickinson of St. Albans Town	Mattos of Milton	Toof of St. Albans Town
Donahue of Northfield	McCoy of Poultney	Walker of Swanton
Galfetti of Barre Town	McFaun of Barre Town	Williams of Granby
Goslant of Northfield	Morgan of Milton	Wilson of Lyndon
Graham of Williamstown	Morrissey of Bennington	
	Noyes of Wolcott	

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

Andriano of Orwell	Marcotte of Coventry	Pearl of Danville
Brownell of Pownal	Notte of Rutland City	Whitman of Bennington
Chapin of East Montpelier	Ode of Burlington	
LaBounty of Lyndon	Pajala of Londonderry	

**Rep. Coffey of Guilford** explained her vote as follows:

“Madam Speaker:

I vote yes on H.479. This bill will invest \$850 million to maintain critical infrastructure that reaches all counties in Vermont and helps us reach our climate goals. This is a fiscally responsible act.”

**Rep. Kornheiser of Brattleboro** explained her vote as follows:

“Madam Speaker:

I vote yes because I know that Vermonters care for their roads and want them to sustain into the future.”

**Rep. Sammis of Castleton** explained his vote as follows:

“Madam Speaker:

I would like to take this opportunity to remind this body any extra fees in a program are a burden to the most economically vulnerable Vermonters in a time of stagnant wages, record high inflation, and record high cost of living. For these reasons, I cannot in good conscious support this bill. Thank you.”

**Rep. Sibia of Dover** explained her vote as follows:

“Madam Speaker:

This bill includes significant funding for rural charging infrastructure – a priority of the rural caucus. I vote yes.”

### **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 29th day of March 2023, he signed a bill originating in the House of the following title:

**H. 411 An act relating to extending COVID-19 health care regulatory flexibility**



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**Recess**

At one o'clock and thirty-seven 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.

**Committee Bill; Second Reading; Third Reading Ordered****H. 492**

**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.

**Amendment Offered; Third Reading; Bill Passed****H. 483**

House bill, entitled

An act relating to the accountability and oversight of approved independent schools that are eligible to receive public tuition

Was taken up and, pending third reading of the bill, **Rep. Labor of Morgan** moved to amend the bill as follows:

In Sec. 8, 16 V.S.A. § 828, by adding a subsection (c) to read as follows:

(c) Notwithstanding subsection (a) of this section or any other provision of law to the contrary, Stanstead College in Stanstead, Quebec, Canada, shall be eligible to receive public tuition if it complies with the requirements of subsection (b) of this section, including implementing policies and procedures to comply with all antidiscrimination laws applicable to public schools in the province where the school is located and making reasonable efforts to enforce those policies and procedures even if those laws by their terms do not apply to the school.

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

**Amendment Offered; Consideration Interrupted;  
Amendment Offered; Third Reading; Bill Passed**

**H. 486**

House bill, entitled

An act relating to school construction

Was taken up and, pending third reading of the bill, **Rep. Higley of Lowell** moved to amend the bill as follows:

In Sec. 2, testing pause; polychlorinated biphenyls in schools, by striking out subdivision (c)(1)(C) in its entirety

Which was disagreed to.

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

At four o'clock and forty-two minutes in the afternoon, the Speaker called the House to order.

Pending third reading of the bill, **Rep. Walker of Swanton** moved to amend the bill as follows:

By adding a Section to be Sec. 2a to read as follows:

**Sec. 2a. BURLINGTON SCHOOL DISTRICT; REIMBURSEMENT**

If the Burlington School District is awarded damages in any litigation for the remediation of polychlorinated biphenyls (PCBs) at Burlington High School, the Burlington School District shall reimburse the State for any damages awarded to the School District for the costs of demolition and removal of PCBs from the High School up to the amount of the grant awarded to the Burlington School District under Sec. 2(c)(1)(C) of this act. Any monies reimbursed to the State under this section shall be deposited into the Education Fund and reserved for use for school construction as subsequently approved by the General Assembly.

Pending the question, Shall the bill be amended as offered by Rep. Walker of Swanton?, **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 be amended as offered by Rep. Walker of Swanton?, was decided in the negative. Yeas, 41. Nays, 98.

Those who voted in the affirmative are:

Arrison of Weathersfield  
Bartley of Fairfax  
Beck of St. Johnsbury

Goslant of Northfield  
Graham of Williamstown  
Gregoire of Fairfield

Morris of Springfield  
Morrissey of Bennington  
Oliver of Sheldon

Branagan of Georgia	Hango of Berkshire	Page of Newport City
Brennan of Colchester	Harrison of Chittenden	Pajala of Londonderry
Burditt of West Rutland	Higley of Lowell	Peterson of Clarendon
Canfield of Fair Haven	Labor of Morgan	Sammis of Castleton
Clifford of Rutland City	Laroche of Franklin	Shaw of Pittsford
Corcoran of Bennington	Lipsky of Stowe	Sibilia of Dover
Demar of Enosburgh	Maguire of Rutland City	Smith of Derby
Dickinson of St. Albans Town	Marcotte of Coventry	Taylor of Milton
Donahue of Northfield	Mattos of Milton	Toof of St. Albans Town
Galfetti of Barre Town	McCoy of Poultney	Walker of Swanton
	McFaun of Barre Town	Williams of Granby

Those who voted in the negative are:

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

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

Andriano of Orwell	Notte of Rutland City	Pearl of Danville
Brownell of Pownal	Nugent of South Burlington	Wilson of Lyndon
LaBounty of Lyndon	Ode of Burlington	
Morgan of Milton	Parsons of Newbury	

**Rep. Mrowicki of Putney** explained his vote as follows:

“Madam Speaker:

My vote is to support the longhand work of the committee and the committee process. My vote also affirms something I learned early in my time in the Legislature – that floor amendments leave no time for the process that a good idea deserves – and a good idea is a good idea last week or next week. So, if this is a good idea there will be time in the future for it.”

Thereupon, the bill was read a third time and passed.

**Committee Bill; Second Reading; Bill Amended;  
Third Reading Ordered**

**H. 493**

**Rep. Emmons of Springfield** spoke for the Committee on Corrections and Institutions.

House bill, entitled

An act relating to capital construction and State bonding

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

**Rep. Harrison of Chittenden**, for the Committee on Appropriations, recommended the bill ought to pass.

Pending the question, Shall the bill be read a third time?, **Representatives Harrison of Chittenden, Bluemle of Burlington, Brennan of Colchester, Dickinson of St. Albans Town, Dolan of Waitsfield, Holcombe of Norwich, Lanpher of Vergennes, Mihaly of Calais, Page of Newport City, Scheu of Middlebury, Squirrell of Underhill, and Toleno of Brattleboro** moved to amend the bill as follows:

By striking out Secs. 17 and 18 in their entireties and inserting in lieu thereof a new Sec. 17 to read as follows:

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Sec. 17. FY 2024 AND 2025; CAPITAL PROJECTS; FY 2024

APPROPRIATIONS ACT; INTENT; AUTHORIZATIONS

(a) Findings. The General Assembly finds that in addition to the issuance of general obligation bonds, eligible capital projects may be funded from the Fund established in 32 V.S.A. § 1001b.

(b) Intent. It is the intent of the General Assembly to authorize certain capital projects eligible for funding by 32 V.S.A. § 1001b in this act but appropriate the funds for these projects in the FY 2024 Appropriations Act. It is also the intent of the General Assembly that the FY 2024 Appropriations Act appropriate funds to the Fund established in 32 V.S.A. § 1001b for projects in FY 2025, which shall be allocated pursuant to the process set forth in subsection (e) of this section.

(c) Authorizations. In FY 2024, spending authority for the following capital projects are authorized as follows:

(1) the Department of Buildings and General Services is authorized to spend \$250,000.00 for planning, reuse, and contingency;

(2) the Department of Buildings and General Services is authorized to spend \$135,000.00 for parking garage repairs at 32 Cherry Street in Burlington;

(3) the Department of Buildings and General Services is authorized to spend \$1,000,000.00 for the renovation of the interior HVAC steam lines at 120 State Street in Montpelier;

(4) the Department of Buildings and General Services is authorized to spend \$600,000.00 for planning for the boiler replacement at the Northern State Correctional Facility in Newport;

(5) the Department of Buildings and General Services is authorized to spend \$750,000.00 for planning for renovations to the administration building, West Cottage, at the Criminal Justice Training Council in Pittsford;

(6) the Department of Buildings and General Services is authorized to spend \$600,000.00 for the Agency of Human Services for the planning and design of the booking expansion at the Northwest State Correctional Facility;

(7) the Department of Buildings and General Services is authorized to spend \$1,500,000.00 for the Agency of Human Services for the planning and design for the replacement of the women's correctional facility and reentry facility;

(8) the Department of Buildings and General Services is authorized to spend \$1,000,000.00 for the Agency of Human Services for the planning and design of the Department for Children and Families' short-term stabilization facility;

(9) the Department of Buildings and General Services is authorized to spend \$750,000.00 for the Judiciary for renovations at the Washington County Superior Courthouse in Barre;

(10) the Department of Buildings and General Services is authorized to spend \$250,000.00 for the Department of Public Safety for the planning and design of the Special Teams Facility and Storage;

(11) the Department of Buildings and General Services is authorized to spend \$250,000.00 for the Department of Public Safety for the planning and design of the Rutland Field Station;

(12) the Department of Buildings and General Services is authorized to spend \$300,000.00 for the Agency of Agriculture, Food and Markets for the planning and design of the Vermont Agriculture and Environmental Laboratory Heat Plant;

(13) the Department of Buildings and General Services is authorized to spend \$1,000,000.00 for electric vehicle charging stations at State buildings;

(14) the Vermont State Colleges is authorized to spend \$9,000,000.00 for construction, renovation, and major maintenance at any facility owned or operated in the State by the Vermont State Colleges; infrastructure transformation planning; and the planning, design, and construction of Green Hall and Vail Hall;

(15) the Agency of Natural Resources is authorized to spend \$9,700,000.00 for the Department of Environmental Conservation for the State match to the Infrastructure Investment and Jobs Act for the Drinking Water State Revolving Fund and the Clean Water State Revolving Fund;

(16) the Agency of Natural Resources is authorized to spend \$4,500,000.00 for the Department of Environmental Conservation for the Waterbury Dam rehabilitation;

(17) the Agency of Natural Resources is authorized to spend \$4,000,000.00 for the Department of Environmental Conservation for the Municipal Pollution Control Grants for pollution control projects and planning advances for feasibility studies;

(18) the Agency of Natural Resources is authorized to spend \$3,000,000.00 for the Department of Forests, Parks and Recreation for the maintenance facilities at the Gifford Woods State Park and Groton Forest State Park; and

(19) the Agency of Natural Resources is authorized to spend \$800,000.00 for the Department of Fish and Wildlife for infrastructure maintenance and improvements of the Department's buildings, including conservation camps.

(d) FY 2025 capital projects. To the extent general funds are available to appropriate to the Fund established in 32 V.S.A. § 1001b in FY 2025, it is the intent of the General Assembly that the following capital projects receive funding from the Fund:

(1) the sum of \$250,000.00 to the Department of Buildings and General Services for planning, reuse, and contingency;

(2) the sum of \$2,300,000.00 to the Department of Buildings and General Services for parking garage repairs at 32 Cherry Street in Burlington;

(3) the sum of \$2,000,000.00 to the Department of Buildings and General Services for the renovation of the interior HVAC steam lines at 120 State Street in Montpelier;

(4) the sum of \$1,000,000.00 to the Department of Buildings and General Services for the Judiciary for renovations at the Washington County Superior Courthouse in Barre;

(5) the sum of \$1,000,000.00 to the Department of Buildings and General Services for the Department of Public Safety for the planning and design of the Special Teams Facility and Storage;

(6) the sum of \$1,000,000.00 to the Department of Buildings and General Services for the Department of Public Safety for the planning and design of the Rutland Field Station;

(7) the sum of \$1,500,000.00 to the Vermont Veterans' Home for design for the renovation of the Brandon and Cardinal units;

(8) the sum of \$500,000.00 to the Department of Buildings and General Services for the Newport courthouse replacement, planning, and design;

(9) the sum of \$250,000.00 to the Department of Buildings and General Services for planning for the 133-109 State Street tunnel waterproofing and Aiken Avenue reconstruction; and

(10) the sum of \$200,000.00 to the Department of Buildings and General Services for the renovation of the stack area, HVAC upgrades, and the elevator replacement at 111 State Street.

(e) Recommendation. On or before December 15, 2023:

(1) the Secretary of Administration shall review and recommend capital projects to be funded from the Fund established in 32 V.S.A. § 1001b; and

(2) the Secretary of Administration shall submit the list of capital projects recommended for FY 2025 to the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions and to the Governor for the FY 2025 capital budget adjustment report.

and by renumbering the remaining sections to be numerically correct.

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

#### **Recess**

At six o'clock and two minutes in the evening, the Speaker declared a recess until the fall of the gavel.

At six o'clock and fifty-six minutes in the evening, the Speaker called the House to order.

#### **Committee Bill; Second Reading; Bill Amended; Third Reading Ordered**

#### **H. 494**

**Rep. Lanpher of Vergennes** 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, and read the second time.

**Long of Newfane** presiding.

**Speaker** presiding.

Pending the question, Shall the bill be read a third time?, **Rep. Lanpher of Vergennes** moved to amend the bill as follows:

First: By striking out Sec. B.802, Housing and community development, in its entirety and inserting in lieu thereof a new Sec. B.802 to read as follows:



---

 Sec. B.802 Housing and community development

Personal services	6,428,334
Operating expenses	705,584
Grants	<u>23,739,005</u>
Total	30,872,923
Source of funds	
General fund	5,031,943
Special funds	6,937,054
Federal funds	15,854,615
Interdepartmental transfers	<u>3,049,311</u>
Total	30,872,923

Second: By striking out Sec. B.811, Vermont housing and conservation board, in its entirety and inserting in lieu thereof a new Sec. B.811 to read as follows:

## Sec. B.811 Vermont housing and conservation board

Grants	<u>86,519,068</u>
Total	86,519,068
Source of funds	
Special funds	24,552,855
Federal funds	<u>61,966,213</u>
Total	86,519,068

Third: By striking out Sec. B.813, Total commerce and community development, in its entirety and inserting in lieu thereof a new Sec. B.813 to read as follows:

## Sec. B.813 Total commerce and community development

Source of funds	
General fund	21,213,262
Special funds	32,106,330
Federal funds	93,013,297
Interdepartmental transfers	<u>5,062,973</u>
Total	151,395,862

Fourth: In Sec. B.1100, in subdivision (a)(1), by striking out “\$1,500,00” and inserting in lieu thereof “\$1,500,000.”

Fifth: By striking out Sec. B.1100(j)(5) in its entirety and inserting in lieu thereof a new B.1100(j)(5) to read as follows:

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

\* \* \*

(j) Agency of Agriculture, Food and Markets. In fiscal year 2024, funds are appropriated for the following:

\* \* \*

(5) \$1,000,000 General Fund for a grant to the State Natural Resources Conservation Council.

\* \* \*

Sixth: By striking out Sec. B.1100(p)(7) in its entirety and inserting in lieu thereof a new B.1100(p)(7) to read as follows:

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

\* \* \*

(p) Department for Children and Families. In fiscal year 2024, funds are appropriated for the following:

\* \* \*

(7) \$768,180 General Fund to support the implementation of a Salesforce-based community data system to three additional Children’s Integrated Services regions in Vermont.

\* \* \*

Seventh: By striking out Sec. B.1105, Capital Projects – Fiscal Year 2024 One-time Appropriations, in its entirety and inserting in lieu thereof a new Sec. B.1105 to read as follows:

Sec. B.1105 CAPITAL PROJECTS – FISCAL YEAR 2024 ONE-TIME  
APPROPRIATIONS

(a) In fiscal year 2024, \$7,385,000 is authorized from the Capital Infrastructure Reserve Fund for the following appropriations:

(1) \$250,000 is appropriated to the Department of Buildings and General Services for planning, reuse, and contingency;

(2) \$135,000 is appropriated to the Department of Buildings and General Services for 32 Cherry Street, parking garage repairs;

(3) \$1,000,000 is appropriated to the Department of Buildings and General Services for the renovation of the interior HVAC steam lines at 120 State Street;

(4) \$600,000 is appropriated to the Department of Buildings and General Services for planning for the boiler replacement at the Northern State Correctional Facility in Newport;

(5) \$750,000 is appropriated to the Department of Buildings and General Services for planning for renovations to the administration building, West Cottage, at the Criminal Justice Training Council in Pittsford;

(6) \$600,000 is appropriated to the Department of Buildings and General Services for the Agency of Human Services for the planning and design of the booking expansion at the Northwest State Correctional Facility;

(7) \$1,500,000 is appropriated to the Department of Buildings and General Services for the Agency of Human Services for the planning and design for the replacement of the women's correctional facility and reentry facility;

(8) \$1,000,000 is appropriated to the Department of Buildings and General Services for the Agency of Human Services for the planning and design of the Department for Children and Families' short-term stabilization facility;

(9) \$750,000 is appropriated to the Department of Buildings and General Services for the Judiciary for renovations at the Washington County Superior Courthouse in Barre;

(10) \$250,000 is appropriated to the Department of Buildings and General Services for the Department of Public Safety for the planning and design of the Special Teams Facility and Storage;

(11) \$250,000 is appropriated to the Department of Buildings and General Services for the Department of Public Safety for the planning and design of the Rutland Field Station;

(12) \$300,000 is appropriated to the Department of Buildings and General Services for the Agency of Agriculture, Food and Markets for the planning and design of the Vermont Agriculture and Environmental Laboratory Heat Plant.

(b) In fiscal year 2024, \$32,000,000 is authorized from the Capital Infrastructure Reserve Fund for the following appropriations. This funding is provided by the General Funds transferred in Sec. D.101(a)(1)(E).

(1) \$1,000,000 is appropriated to the Department of Buildings and General Services for electric vehicle charging stations at State buildings.

(2) \$9,000,000 is appropriated to the Vermont State Colleges for construction, renovation, and major maintenance at any facility owned or operated in the State by the Vermont State Colleges; infrastructure transformation planning; and the planning, design, and construction of Green Hall and Vail Hall.

(3) \$9,700,000 is appropriated to the Agency of Natural Resources for the Department of Environmental Conservation for the State match to the Infrastructure Investment and Jobs Act for the Drinking Water State Revolving Fund and the Clean Water State Revolving Fund.

(4) \$4,500,000 is appropriated to the Agency of Natural Resources for the Department of Environmental Conservation for the Waterbury Dam rehabilitation.

(5) \$4,000,000 is appropriated to the Agency of Natural Resources for the Department of Environmental Conservation for the Municipal Pollution Control Grants for pollution control projects and planning advances for feasibility studies.

(6) \$3,000,000 is appropriated to the Agency of Natural Resources for the Department of Forests, Parks and Recreation for the maintenance facilities at the Gifford Woods State Park and Groton Forest State Park.

(7) \$800,000 is appropriated to the Agency of Natural Resources for the Department of Fish and Wildlife for infrastructure maintenance and improvements of the Department's buildings, including conservation camps.

Eighth: By redesignating Sec. E.318.1 to be Sec. E.316.1.

Which was agreed to.

Pending the question, Shall the bill be read a third time?, **Representatives O'Brien of Tunbridge, Cole of Hartford, Durfee of Shaftsbury, Leavitt of Grand Isle, Lipsky of Stowe, Pearl of Danville, Rice of Dorset, Surprenant of Barnard, and Templeman of Brownington** moved to amend the bill as follows:

In Sec. B.1101, workforce and economic development – fiscal year 2024 one-time appropriations, by striking out subdivision (g)(6) in its entirety and inserting in lieu thereof a new subdivision (g)(6) to read as follows:

(6) In fiscal year 2024, \$5,000,000 is appropriated from the General Fund to the Agency of Agriculture, Food and Markets to fund Agriculture Development Grants for Meat, Produce, and Maple processing. The Secretary of Agriculture, Food and Markets shall determine that there are significant interests in establishing certain parameters in the grant program before making an award. Grants should be awarded to farmers, processors, and businesses, which shall not include hydroponic operations. Furthermore, the Secretary shall not allocate more than 25 percent of grant funds toward the maple industry. Of the funds appropriated under this subdivision, an amount not to exceed \$125,000.00 may be used by the Agency of Agriculture, Food and Markets to support the cost of temporary employees to administer the grants.

Which was agreed to.

Pending the question, Shall the bill be read a third time?, **Representatives Wood of Waterbury, Brumsted of Shelburne, Donahue of Northfield, Garofano of Essex, Gregoire of Fairfield, Hyman of South Burlington, McGill of Bridport, Noyes of Wolcott, Pajala of Londonderry, Small of Winooski, and Whitman of Bennington** moved to amend the bill as follows:

By inserting a new section to be Sec. E.321.1 after Sec. E.321 to read as follows:

Sec. E.321.1. GENERAL ASSISTANCE HOUSING; PLAN TO END

HOTEL AND MOTEL PROGRAM ESTABLISHED DURING  
COVID-19 EMERGENCY

(a)(1) In fiscal year 2024, \$20,000,000.00 is appropriated from the General Fund to the Department for Children and Families to support any services necessary to transition individuals from the hotel and motel housing program established in response to the COVID-19 public health emergency. The Department shall collaborate with the Vermont Housing and Conservation Board, community action agencies, housing opportunity programs, and other relevant stakeholders to locate alternative housing and supportive services for individuals utilizing the hotel and motel housing program established in response to the COVID-19 public health emergency.

(2) Of the amount appropriated in subdivision (1) of this subsection, \$10,000,000.00 shall be allocated to the Vermont Housing and Conservation Board for the purchase and support of manufactured housing and the remaining \$10,000,000.00 shall be utilized by the housing opportunity programs, community action agencies, and the Department for the provision of supportive services.

(b) The following households participating in the hotel and motel program on June 1, 2023 shall be eligible for alternative housing and supportive services pursuant to this section:

(1) a household that lost its housing due to a natural disaster, such as a flood, fire, or hurricane;

(2) a household that has a member who has experienced domestic violence, dating violence, sexual assault, stalking, or human trafficking;

(3) a household that has a member who has experienced a dangerous or life-threatening incident related to violence against the member that either occurred within the member's home or caused the member to reasonably believe that the member was at risk of further harm if the member remained in the home;

(4) a household with a child or children who are either under 18 years of age or who are 18 or 19 years of age and attending secondary school on a full-time basis or an equivalent level of vocational or technical training;

(5) a household that has a member who is 60 years of age or older;

(6) a household that has a member who receives SSI or SSDI;

(7) a household that has a member who is pregnant;

(8) a household that is pursuing legal resolution of violations of the Rental Housing Health Code through the Department of Health or appropriate local officials; and

(9) a household that has been physically barred from entering their residence through an intentional act of the landlord.

(c) It is the intent of the General Assembly that the appropriation in subsection (a) of this section shall reduce the General Fund fiscal year 2024 funds available for child care and early education policy adjustments from \$91,679,795.00 to \$71,679,795.00.

Which was agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Lanpher of Vergennes** 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, 34.

Those who voted in the affirmative are:

Andrews of Westford  
Anthony of Barre City

Cordes of Lincoln  
Demrow of Corinth

Mrowicki of Putney

Arrison of Weathersfield	Dodge of Essex	Mulvaney-Stanak of Burlington
Arsenault of Williston	Dolan of Essex Junction	Nicoll of Ludlow
Austin of Colchester	Dolan of Waitsfield	Noyes of Wolcott
Bartholomew of Hartland	Durfee of Shaftsbury	Nugent of South Burlington
Berbeco of Winooski	Emmons of Springfield	O'Brien of Tunbridge
Birong of Vergennes	Farlice-Rubio of Barnet	Patt of Worcester
Black of Essex	Garofano of Essex	Pouech of Hinesburg
Bluemle of Burlington	Goldman of Rockingham	Priestley of Bradford
Bongartz of Manchester	Graning of Jericho	Rachelson of Burlington
Bos-Lun of Westminster	Headrick of Burlington	Rice of Dorset
Boyden of Cambridge	Holcombe of Norwich	Roberts of Halifax
Brady of Williston	Hooper of Burlington	Satcowitz of Randolph
Brown of Richmond	Houghton of Essex Junction	Scheu of Middlebury
Brumsted of Shelburne	Howard of Rutland City	Sheldon of Middlebury
Burke of Brattleboro	Hyman of South Burlington	Sibilia of Dover
Burrows of West Windsor	James of Manchester *	Sims of Craftsbury
Buss of Woodstock	Jerome of Brandon	Small of Winooski
Campbell of St. Johnsbury	Kornheiser of Brattleboro	Squirrell of Underhill
Carpenter of Hyde Park	Krasnow of South Burlington	Stebbins of Burlington
Carroll of Bennington	LaBounty of Lyndon	Stevens of Waterbury
Casey of Montpelier	Lalley of Shelburne	Stone of Burlington
Chapin of East Montpelier	LaLonde of South Burlington	Taylor of Colchester
Chase of Chester	LaMont of Morristown	Templeman of Brownington
Chase of Colchester	Lanpher of Vergennes	Toleno of Brattleboro
Chesnut-Tangerman of Middletown Springs	Leavitt of Grand Isle	Torre of Moretown
Christie of Hartford	Logan of Burlington	Trojano of Stannard
Cina of Burlington	Long of Newfane	White of Bethel
Coffey of Guilford	McCarthy of St. Albans City	Whitman of Bennington
Cole of Hartford	McGill of Bridport	Williams of Barre City
Conlon of Cornwall	Mihaly of Calais	Wood of Waterbury *
Corcoran of Bennington	Minier of South Burlington	
	Morris of Springfield	

Those who voted in the negative are:

Bartley of Fairfax	Goslant of Northfield	McFaun of Barre Town
Beck of St. Johnsbury	Gregoire of Fairfield	Morrissey of Bennington
Branagan of Georgia	Hango of Berkshire	Oliver of Sheldon
Brennan of Colchester	Harrison of Chittenden	Page of Newport City
Burditt of West Rutland	Higley of Lowell	Peterson of Clarendon
Canfield of Fair Haven	Labor of Morgan	Shaw of Pittsford
Clifford of Rutland City	Laroche of Franklin	Smith of Derby *
Demar of Enosburgh	Lipsky of Stowe	Taylor of Milton
Dickinson of St. Albans Town	Maguire of Rutland City	Toof of St. Albans Town
Donahue of Northfield	Marcotte of Coventry	Walker of Swanton
Galfetti of Barre Town	Mattos of Milton	Williams of Granby
	McCoy of Poultney	

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

Andriano of Orwell	McCann of Montpelier	Pearl of Danville
Brownell of Pownal	Morgan of Milton	Sammis of Castleton
Elder of Starksboro	Notte of Rutland City	Surprenant of Barnard
Graham of Williamstown	Ode of Burlington	Waters Evans of Charlotte
Hooper of Randolph	Pajala of Londonderry	Wilson of Lyndon
Masland of Thetford	Parsons of Newbury	

**Rep. James of Manchester** explained her vote as follows:

“Madam Speaker:

We’re all familiar with the phrase ‘put your money where your mouth is.’ In H.494, we’ve built a balanced, fiscally responsible budget that weighs many competing needs while investing in people, programs, and community in every corner of Vermont. I was glad to vote yes for this FY24 budget.”

**Rep. Smith of Derby** explained his vote as follows:

“Madam Speaker:

I was elected to be fiscally responsible not irresponsible.”

**Rep. Wood of Waterbury** explained her vote as follows:

“Madam Speaker:

This budget reflects the needs of Vermonters all across this State. We listened and now we’ve acted. I am proud to support Vermonters with this budget.”

### Adjournment

At nine o'clock and fifty-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.

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### Friday, March 31, 2023

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

### Devotional Exercises

Devotional exercises were conducted by Rabbi Jan Salzman, Congregational Ruach haMaqom, Burlington.



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**Pages Honored**

In appreciation of their many services to the members of the General Assembly, the Speaker recognized the following named Pages who completed their service today and presented them with commemorative pins:

**Olivia P. Badger of Barre Town**  
**Gabrielle Bock of Northfield**  
**Nicholas R. Cellini of Pomfret**  
**Emilia Y. Chittenden of South Burlington**  
**Asa Lloyd of Montpelier**  
**Connor Noyes-Urffer of Brattleboro**  
**Elisa O'Brien of East Montpelier**

**Joint Resolution Adopted****J.R.H. 4**

Joint resolution, entitled

Joint resolution recognizing March 31, 2023 as Transgender Day of Visibility in Vermont, expressing support for the transgender rights of all Vermonters, and opposing legislation restricting the rights of transgender Vermonters regardless of their age

Offered by: Representatives Small of Winooski, Andrews of Westford, Andriano of Orwell, Anthony of Barre City, Arrison of Weathersfield, Arsenault of Williston, Austin of Colchester, Bartholomew of Hartland, Berbeco of Winooski, Birong of Vergennes, Black of Essex, Bluemle of Burlington, Bongartz of Manchester, Bos-Lun of Westminster, Boyden of Cambridge, Brady of Williston, Brown of Richmond, Brownell of Pownal, Brumsted of Shelburne, Burke of Brattleboro, Burrows of West Windsor, Buss of Woodstock, Campbell of St. Johnsbury, Carpenter of Hyde Park, Carroll of Bennington, Casey of Montpelier, Chapin of East Montpelier, Chase of Chester, Chase of Colchester, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Cole of Hartford, Conlon of Cornwall, Corcoran of Bennington, Cordes of Lincoln, Demrow of Corinth, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Durfee of Shaftsbury, Elder of Starksboro, Emmons of Springfield, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Graning of Jericho, Headrick of Burlington, Holcombe of Norwich, Hooper of Randolph, Hooper of Burlington, Houghton of Essex Junction, Howard of Rutland City, Hyman of South Burlington, James of Manchester, Jerome of Brandon, Kornheiser of Brattleboro, Krasnow of South Burlington, Krowinski of Burlington, Lalley of Shelburne, LaLonde of South Burlington, LaMont of Morristown, Lanpher of Vergennes, Leavitt of Grand Isle, Lipsky of Stowe,

Logan of Burlington, Long of Newfane, Masland of Thetford, McCann of Montpelier, McCarthy of St. Albans City, McGill of Bridport, Mihaly of Calais, Minier of South Burlington, Morris of Springfield, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Notte of Rutland City, Noyes of Wolcott, Nugent of South Burlington, O'Brien of Tunbridge, Ode of Burlington, Pajala of Londonderry, Patt of Worcester, Pearl of Danville, Pouech of Hinesburg, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Roberts of Halifax, Satcowitz of Randolph, Scheu of Middlebury, Sheldon of Middlebury, Sibia of Dover, Sims of Craftsbury, Squirrel of Underhill, Stebbins of Burlington, Stevens of Waterbury, Stone of Burlington, Surprenant of Barnard, Taylor of Colchester, Templeman of Brownington, Toleno of Brattleboro, Torre of Moretown, Troiano of Stannard, Waters Evans of Charlotte, White of Bethel, Whitman of Bennington, Williams of Barre City, and Wood of Waterbury

Whereas, in 2009, March 31 was established as International Transgender Day of Visibility to celebrate the achievements and contributions of the transgender community, to raise awareness of the discrimination and potentially fatal violence transgender persons experience, and to recognize the bravery required to live a visibly transgender life, and

Whereas, before the establishment of the State of Vermont, Indigenous two-spirit and transgender individuals existed in many Native American communities, and although many of these traditions were lost or suppressed, they have experienced a revival, and

Whereas, the State of Vermont believes that every resident deserves to be treated with dignity and respect and afforded equal justice and fair access to societal opportunities, and

Whereas, in accordance with 9 V.S.A., chapter 139, discrimination based on gender identity in public accommodation and housing is prohibited, and 21 V.S.A. § 495(a)(1) and (2) prohibit such discrimination with respect to employment, and

Whereas, anti-transgender legislation, which has been introduced and adopted in a number of states, is an attack on the mental health and safety of transgender youth and creates a hostile environment for all children and their families, and

Whereas, in opposing such legislation, the State of Vermont takes a stand in proclaiming our State to be inclusive and to stand with the LGBTQIA2S+ community, as well as to encourage other states to join with Vermont in giving a stronger voice to transgender children and youth, and

Whereas, President Joe Biden recognized the importance of Transgender Day of Visibility with a proclamation issued on March 30, 2023, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes March 31, 2023 as Transgender Day of Visibility in Vermont, expresses support for the rights of all transgender Vermonters, and opposes legislation restricting the rights of transgender Vermonters regardless of their age, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Outright Vermont, the Pride Center of Vermont, and Out in the Open.

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

**Remarks Journalized**

On motion of **Rep. Wood of Waterbury**, the following remarks by **Rep. Small of Winooski** were ordered printed in the Journal:

“Madam Speaker:

We just heard the reading of a resolution recognizing today as Transgender Day of Visibility.

Each year on March 31, the world observes Trans Day of Visibility to raise awareness about transgender people. It is a day to celebrate the lives and contributions of trans people, while also drawing attention to the poverty, discrimination, and violence that the community continues to face.

International Trans Day of Visibility was created in 2009 by trans advocate Rachel Crandall. Crandall, the head of Transgender Michigan, created the day in response to the overwhelming majority of media stories about trans people being focused on violence. She hoped to create a day where people could re-focus on celebrating the lives of transgender people, empowering them to live authentically, while still acknowledging that due to discrimination, not every trans person can or wants to be visible.

We must also acknowledge that visibility is just the tip of the iceberg. Visibility is what helps to lead us towards the full and necessary protections of trans and gender non-conforming people under the law on the state and federal level. Except, sadly, what we are seeing now are over 400 anti-LGBTQ bills that have been filed so far this year, with over half of them specifically targeting trans people, particularly youth. This builds on what we saw in both 2021 and 2022 with a massive increase in anti-trans legislation across the

country. This anti-trans hypervisibility harms all trans people who are being demonized and scapegoated by politicians and in many media outlets.

But here in Vermont, I know that we are committed to protecting the rights of all our residents. Our rights to healthcare, fair housing, employment, and public accommodations. Today we affirmed those protections and our commitment to trans Vermonters, especially our trans youth, that we not only see them, but we will not follow the hateful lead of other states. Instead, we will be the leaders on bodily autonomy and expansive anti-discrimination protections.

In particular, we know that the hateful rhetoric towards trans people nationally is having a profound impact on our youth. We must listen to our youth to know how we move forward as a safe and affirming state. That's why I want to invite all members to join the over 250 youth from across Vermont who will be speaking out on the Statehouse lawn today at noon. This speak out is in connection to LGBTQIA+ youth in all 50 states who are also holding statewide actions with youth-specific demands for autonomy and safety related measures. I encourage you all to join, show your support as an ally, and most importantly listen to those most impacted. That is our responsibility as State leaders, Madam Speaker.”

### **Third Reading; Bills Passed**

House bills of the following titles were severally taken up, read the third time, and passed:

#### **H. 492**

House bill, entitled

An act relating to setting the homestead property tax yields and the nonhomestead property tax rate

#### **H. 493**

House bill, entitled

An act relating to capital construction and State bonding

### **Amendment Offered and Withdrawn; Third Reading; Bill Passed**

#### **H. 494**

House bill, entitled

An act relating to making appropriations for the support of government

Was taken up.

Pending third reading of the bill, **Representatives Gregoire of Fairfield, Bartley of Fairfax, Branagan of Georgia, Demar of Enosburgh, Dickinson of St. Albans Town, Hango of Berkshire, Laroche of Franklin, Oliver of Sheldon, Toof of St. Albans Town, and Walker of Swanton** moved to amend the bill as follows:

In Sec. B.1100, miscellaneous fiscal-year 2024 one-time appropriations, in subsection (j), by adding a new subdivision (4) to read:

(4) \$60,000 General Fund for a grant to the Franklin County Field Days to conduct planning to investigate options for moving operation of the Field Days to a new location;

and by renumbering the remaining subdivisions to be numerically correct

and in the newly renumbered subdivision (6), by striking out the ending period and inserting in lieu thereof “.”

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

Thereafter, the bill was read a third time.

Pending the question, Shall the bill pass?, **Rep. Ode of Burlington** requested the vote be by division.

Thereupon, the bill passed: Yeas, 111. Nays, 38.

#### **Favorable Report; Second Reading; Third Reading Ordered**

##### **H. 146**

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

An act relating to amendments to the charter of the Northeast Kingdom Waste Management District

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.

#### **Favorable Report; Second Reading; Third Reading Ordered**

##### **H. 271**

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

An act relating to approval of amendments to the charter of the Town of Springfield

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.

**Favorable Report; Second Reading; Third Reading Ordered**

**H. 418**

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

An act relating to approval of an amendment to the charter of the Town of Barre

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.

**Message from the Senate No. 35**

A message was received from the Senate by Ms. Kucserik, 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 reducing crimes of violence associated with juveniles and dangerous weapons.

**S. 17.** An act relating to sheriff reforms.

**S. 18.** An act relating to banning flavored tobacco products and e-liquids.

**S. 32.** An act relating to ranked-choice voting for presidential primary elections.

**S. 42.** An act relating to divestment of State pension funds of investments in the fossil fuel industry.

**S. 89.** An act relating to establishing a forensic facility.

**S. 91.** An act relating to competency to stand trial and insanity as a defense.

**S. 133.** An act relating to miscellaneous changes to education law.

**S. 137.** An act relating to energy efficiency modernization.

**S. 138.** An act relating to school safety.

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. 71.** House concurrent resolution recognizing the economic significance of Benefit Corporations in Vermont.

**H.C.R. 72.** House concurrent resolution congratulating the Boys & Girls Clubs of Vermont's 2023 Youth of the Year honorees.

**H.C.R. 73.** House concurrent resolution congratulating the West Rutland High School Golden Horde girls' basketball team on winning a second consecutive Division IV championship.

**H.C.R. 74.** House concurrent resolution congratulating former Mt. Anthony Union High School Patriots' basketball coach Dave Fredrickson on his induction into the Vermont Sports Hall of Fame.

**H.C.R. 75.** House concurrent resolution congratulating the Mt. Anthony Union High School Patriots on winning a second consecutive Division I boys Nordic skiing championship.

**H.C.R. 76.** House concurrent resolution designating April 6, 2023 as Alzheimer's Awareness Day at the State House.

**H.C.R. 77.** House concurrent resolution congratulating the 2023 Mt. Anthony Union High School Patriots on winning their 34th consecutive State wrestling championship.

**H.C.R. 78.** House concurrent resolution commemorating the bicentennial of the establishment of Concord Academy.

**H.C.R. 79.** House concurrent resolution recognizing April 5, 2023 as Start by Believing Day in Vermont.

**H.C.R. 80.** House concurrent resolution congratulating Cersosimo Industries Inc. on its 75th anniversary.

**H.C.R. 81.** House concurrent resolution designating April 4, 2023 as Youth and Young Adult Mental Health Day in Vermont.

### **Adjournment**

At eleven o'clock and forty-seven minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, April 4, 2023, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 21.

### **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. 71**

House concurrent resolution recognizing the economic significance of Benefit Corporations in Vermont

**H.C.R. 72**

House concurrent resolution congratulating the Boys & Girls Clubs of Vermont's 2023 Youth of the Year honorees

**H.C.R. 73**

House concurrent resolution congratulating the West Rutland High School Golden Horde girls' basketball team on winning a second consecutive Division IV championship

**H.C.R. 74**

House concurrent resolution congratulating former Mt. Anthony Union High School Patriots' basketball coach Dave Fredrickson on his induction into the Vermont Sports Hall of Fame

**H.C.R. 75**

House concurrent resolution congratulating the Mt. Anthony Union High School Patriots on winning a second consecutive Division I boys Nordic skiing championship

**H.C.R. 76**

House concurrent resolution designating April 6, 2023 as Alzheimer's Awareness Day at the State House

**H.C.R. 77**

House concurrent resolution congratulating the 2023 Mt. Anthony Union High School Patriots on winning their 34th consecutive State wrestling championship

**H.C.R. 78**

House concurrent resolution commemorating the bicentennial of the establishment of Concord Academy

**H.C.R. 79**

House concurrent resolution recognizing April 5, 2023 as Start by Believing Day in Vermont

**H.C.R. 80**

House concurrent resolution congratulating Cersosimo Industries Inc. on its 75th anniversary



**H.C.R. 81**

House concurrent resolution designating April 4, 2023 as Youth and Young Adult Mental Health Day in Vermont

[The full text of the concurrent resolutions appeared in the House Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2023 Biennial Session.]

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**Tuesday, April 4, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Windham Elementary School students' Ukulele Orchestra.

**Pledge of Allegiance**

Page Cabot Spatz of Shrewsbury led the House in the Pledge of Allegiance.

**House Bills Introduced**

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

**H. 504**

By Reps. Goslant of Northfield and Donahue of Northfield,  
House bill, entitled

An act relating to approval of amendments to the charter of the Town of Berlin

To the Committee on Government Operations and Military Affairs.

**H. 505**

By Reps. Clifford of Rutland City, Howard of Rutland City, Maguire of Rutland City, and Notte of Rutland City,

House bill, entitled

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

To the Committee on Government Operations and Military Affairs.

**H. 506**

By Reps. Mulvaney-Stanak of Burlington, Bluemle of Burlington, Cina of Burlington, Headrick of Burlington, Hooper of Burlington, Logan of Burlington, Ode of Burlington, Rachelson of Burlington, Stebbins of Burlington, and Stone of Burlington,

House bill, entitled

An act relating to approval of amendments to the election boundary provisions of the charter of the City of Burlington

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To the Committee on Government Operations and Military Affairs.

**H. 507**

By Reps. Mulvaney-Stanak of Burlington, Bluemle of Burlington, Cina of Burlington, Headrick of Burlington, Hooper of Burlington, Logan of Burlington, Ode of Burlington, Rachelson of Burlington, Stebbins of Burlington, and Stone of Burlington,

House bill, entitled

An act relating to approval of amendments to the polling place provisions of the charter of the City of Burlington

To the Committee on Government Operations and Military Affairs.

**H. 508**

By Reps. Mulvaney-Stanak of Burlington, Bluemle of Burlington, Cina of Burlington, Headrick of Burlington, Logan of Burlington, Ode of Burlington, Rachelson of Burlington, Stebbins of Burlington, and Stone of Burlington,

House bill, entitled

An act relating to approval of an amendment to the ranked choice voting provisions of the charter of the City of Burlington

To the Committee on Government Operations and Military Affairs.

**H. 509**

By Reps. Mulvaney-Stanak of Burlington, Bluemle of Burlington, Cina of Burlington, Headrick of Burlington, Hooper of Burlington, Logan of Burlington, Ode of Burlington, Rachelson of Burlington, Stebbins of Burlington, and Stone of Burlington,

House bill, entitled

An act relating to approval of amendments to the voter qualification provisions of the charter of the City of Burlington

To the Committee on Government Operations and Military Affairs.

**Senate Bills Referred**

Senate bills of the following titles were severally taken up, read the first time, and referred to committee as follows:

**S. 4**

Senate bill, entitled

An act relating to reducing crimes of violence associated with juveniles and dangerous weapons

To the Committee on Judiciary.

**S. 17**

Senate bill, entitled

An act relating to sheriff reforms

To the Committee on Government Operations and Military Affairs.

**S. 18**

Senate bill, entitled

An act relating to banning flavored tobacco products and e-liquids

To the Committee on Human Services.

**S. 32**

Senate bill, entitled

An act relating to ranked-choice voting for presidential primary elections

To the Committee on Government Operations and Military Affairs.

**S. 42**

Senate bill, entitled

An act relating to divestment of State pension funds of investments in the fossil fuel industry

To the Committee on Government Operations and Military Affairs.

**S. 89**

Senate bill, entitled

An act relating to establishing a forensic facility

To the Committee on Judiciary.

**S. 91**

Senate bill, entitled

An act relating to competency to stand trial and insanity as a defense

To the Committee on Judiciary.

**S. 133**

Senate bill, entitled

An act relating to miscellaneous changes to education law

To the Committee on Education.

**S. 137**

Senate bill, entitled

An act relating to energy efficiency modernization

To the Committee on Environment and Energy.

**S. 138**

Senate bill, entitled

An act relating to school safety

To the Committee on Education.

**House Resolution Adopted****H.R. 8**

House resolution, entitled

House resolution recognizing April 2023 as the Month of the Military Child in Vermont and supporting the important work it represents

Offered by: Representatives Morgan of Milton and Hango of Berkshire

Whereas, many Americans and Vermonters may not be aware that there are more than 1.6 million children of U.S. military personnel, and

Whereas, family pressures are magnified for children who remain stateside when a parent is deployed abroad, and the children of the approximately 1,000 Vermont National Guard personnel who may be deployed over the course of a year experience this disruption firsthand, and

Whereas, military children's frequent relocation and corresponding lack of long-term community stability present them with an unwelcome distraction, and

Whereas, in 1986, the U.S. Department of Defense first designated April as the Month of the Military Child, and the theme for the 2023 observance is “Taking Care of Our Military Children,” and this annual event is part of a year-round initiative that brightens and improves these children’s lives, and

Whereas, related programs include the national Military Kids Connect, partnerships with the Boys & Girls Clubs of America and 4-H Clubs, and Sesame Street for Military Families, as well as many local activities that offices such as the Vermont National Guard’s Child & Youth Services administer, and

Whereas, April 15, a highlight of the Month of the Military Child known as Purple Up! For Military Kids Day, provides an opportunity to show support for military families by wearing purple, a color that symbolizes all branches of the military, now therefore be it

Resolved by the House of Representatives:

That this legislative body recognizes April 2023 as the Month of the Military Child in Vermont and supports the important work it represents, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the Vermont National Guard’s Child & Youth Services.

Was read and adopted.

### **Ceremonial Readings**

#### **H.C.R. 23**

House concurrent resolution recognizing the importance of mental health treatment in Vermont

Offered by: Representatives Cina of Burlington, Andriano of Orwell, Berbeco of Winooski, Goldman of Rockingham, and Houghton of Essex Junction

Whereas, according to the Centers for Disease Control and Prevention, “[m]ental health includes our emotional, psychological, and social well-being....[It] is important at every stage of life, from childhood and adolescence through adulthood,” and the organization Mental Health America has compiled recent data documenting the broad societal impact of individuals’ mental health, and

Whereas, according to the compiled data, nearly 50 million American adults experienced some form of mental illness, and more than 50 percent of these individuals did not receive any treatment, and in Vermont, the parallel numbers were 112,000 and 42.6 percent, and

Whereas, an estimated 29,000 adult Vermonters have seriously considered suicide, and

Whereas, among Vermont youth (12–17 years of age), approximately 7,000 have experienced a major depressive episode, and, of these persons, roughly 3,000 did not receive treatment, and

Whereas, for youth experiencing psychiatric distress, and who are temporarily placed in a hospital’s emergency room, the immediate situation is extremely challenging, and

Whereas, if Vermont focuses on promotion, prevention, and intervention through community-based mental health services, this strategy will help improve the lives of Vermonters who are experiencing some form of mental illness, and

Whereas, on January 30, 2023, concerned Vermonters coalesced, under the auspices of Mental Health Advocacy Day, to rally for greater attention to Vermonters’ need for better mental health support services, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes the importance of mental health awareness in Vermont.

Having been adopted in concurrence on Friday, February 3, 2023 in accord with Joint Rule 16b, was read.

**H.C.R. 81**

House concurrent resolution designating April 4, 2023 as Youth and Young Adult Mental Health Day in Vermont

Offered by: Representatives Cina of Burlington, Berbeco of Winooski, Black of Essex, Carpenter of Hyde Park, Cordes of Lincoln, Demar of Enosburgh, Farlice-Rubio of Barnet, Goldman of Rockingham, Houghton of Essex Junction, McFaun of Barre Town, and Peterson of Clarendon

Whereas, Dr. Carl Fleisher of the Boston Child Study Center in Los Angeles has explained that “the prefrontal cortex—the brain’s executive control center—doesn’t fully develop until one’s mid-20s,” and

Whereas, this biological reality, combined with societal pressures and the COVID-19 pandemic, has impacted the mental health of today’s teenagers, and

Whereas, the Centers for Disease Control and Prevention reports that more than one-third of American teens experienced poor mental health during the COVID-19 pandemic, and

Whereas, according to the National Alliance on Mental Illness, each year nine percent of high school students attempt suicide, and

Whereas, Sarah K. Lipson, an assistant professor at the Boston University School of Public Health, conducted a study of 350,000 college students and documented that, between 2013 and 2021, the rates for anxiety and depression had increased 110 and 135 percent respectively, and

Whereas, the American Psychological Association concurs with these findings, reporting that “student mental health [on college campuses] is in crisis,” and

Whereas, today’s Vermont teens will be our State’s future employees, employers, educators, medical practitioners, first responders, farmers, and the leaders of our State, and teen mental health issues, if not addressed comprehensively, will decrease Vermont’s future economic vitality, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates April 4, 2023 as Youth and Young Adult Mental Health Day in Vermont.

Having been adopted in concurrence on Friday, March 31, 2023 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. 146**

House bill, entitled

An act relating to amendments to the charter of the Northeast Kingdom Waste Management District

#### **H. 271**

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Springfield

#### **H. 418**

House bill, entitled

An act relating to approval of an amendment to the charter of the Town of Barre



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**Second Reading; Bill Amended; Third Reading Ordered****H. 150**

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

An act relating to approval of an amendment to the charter of the Village of Alburgh

Reported in favor of its passage when amended as follows:

In Sec. 3, transitional provision, by striking out “Annually, beginning” and inserting in lieu thereof the word “Beginning”

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

**Favorable Report; Second Reading; Third Reading Ordered****S. 54**

**Rep. Black of Essex**, for the Committee on Health Care, to which had been referred Senate bill, entitled

An act relating to individual and small group insurance markets

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.

**Message from the Senate No. 36**

A message was received from the Senate by Ms. Kucserik, 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. 30.** An act relating to creating a Sister State Program.

**S. 56.** An act relating to child care and early childhood education.

**S. 100.** An act relating to housing opportunities made for everyone.

**S. 102.** An act relating to expanding employment protections and collective bargaining rights.

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. 22.** Joint resolution relating to weekend adjournment.

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

### **Adjournment**

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

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### **Wednesday, April 5, 2023**

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.

### **Senate Bills Referred**

Senate bills of the following titles were severally taken up, read the first time, and referred to committee as follows:

#### **S. 30**

Senate bill, entitled

An act relating to creating a Sister State Program

To the Committee on Commerce and Economic Development.

#### **S. 56**

Senate bill, entitled

An act relating to child care and early childhood education

To the Committee on Human Services.

#### **S. 100**

Senate bill, entitled

An act relating to housing opportunities made for everyone

To the Committee on General and Housing.

**S. 102**

Senate bill, entitled

An act relating to expanding employment protections and collective bargaining rights

To the Committee on General and Housing.

**Joint Resolution Adopted in Concurrence****J.R.S. 22**

By Senator Baruth,

**J.R.S. 22.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, April 7, 2023, it be to meet again no later than Tuesday, April 11, 2023.

Was taken up, read, and adopted in concurrence.

**Ceremonial Readings****H.C.R. 60**

House concurrent resolution commemorating the 90th anniversary of the establishment of the Civilian Conservation Corps

Offered by: Representatives Bos-Lun of Westminster, Anthony of Barre City, Bartley of Fairfax, Beck of St. Johnsbury, Bluemle of Burlington, Branagan of Georgia, Brennan of Colchester, Brumsted of Shelburne, Burditt of West Rutland, Buss of Woodstock, Campbell of St. Johnsbury, Canfield of Fair Haven, Casey of Montpelier, Chapin of East Montpelier, Cina of Burlington, Clifford of Rutland City, Conlon of Cornwall, Demar of Enosburgh, Demrow of Corinth, Dickinson of St. Albans Town, Donahue of Northfield, Emmons of Springfield, Farlice-Rubio of Barnet, Galfetti of Barre Town, Goldman of Rockingham, Goslant of Northfield, Graham of Williamstown, Graning of Jericho, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Headrick of Burlington, Higley of Lowell, Jerome of Brandon, Labor of Morgan, Laroche of Franklin, Logan of Burlington, Maguire of Rutland City, Marcotte of Coventry, Masland of Thetford, Mattos of Milton, McCann of Montpelier, McCoy of Poultney, McFaun of Barre Town, Morgan of Milton, Morrissey of Bennington, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Ode of Burlington, Oliver of Sheldon, Page of Newport City, Parsons of Newbury, Peterson of Clarendon, Rachelson of Burlington, Roberts of Halifax, Sammis of Castleton, Shaw of Pittsford, Sibia of Dover, Sims of Craftsbury, Small of Winooski, Smith of Derby,

Taylor of Milton, Taylor of Colchester, Toof of St. Albans Town, Troiano of Stannard, Walker of Swanton, Williams of Granby, and Wilson of Lyndon

Whereas, on March 21, 1933, President Franklin D. Roosevelt proposed that Congress establish a Civilian Conservation Corps (CCC) to provide unemployed men ranging from 18–25 years of age (an age range later extended to 17–28) with manual labor work on conservation- and forestry-related projects, and

Whereas, the enabling legislation, known as the Emergency Conservation Work Act, also referred to as the Civilian Conservation Corps Reforestation Relief Act, 48 Stat. 22 (1933), sped through Congress, and, on April 5, 1933, President Franklin Roosevelt issued Executive Order 6101 formally organizing the CCC, and

Whereas, from 1933–1942, three million men passed through its residential work camps, and

Whereas, Vermont was slated to host four CCC camps, but the passionate lobbying of legendary State Forester Perry H. Merrill raised that number to more than 30, and camps were organized in or near Bellows Falls, Bethel, Brunswick, Cuttingsville-North Shrewsbury, Danby-Mount Tabor, East Barre, East Wallingford-Weston, Elmore, Jericho, Ludlow, Lyndonville-East Burke, Marshfield-Groton, Mendon, Middlesex, Milton, Montpelier, Montpelier-Wrightsville, Moscow-Stowe, Northfield, North Thetford, Peru, Plymouth, Proctorsville-Cavendish, Poultney, Ricker Mills, Rochester, St. Albans, Sharon, Underhill Center, Waterbury, Waterbury Village, West Burke-Sutton, Wilmington, and Windsor, leaving a legacy of dams, forests, parks, trails, and shelters and garnering a reputation for effective forest fire fighting, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly commemorates the 90th anniversary of the establishment of the Civilian Conservation Corps and honors the memory of those dedicated CCC personnel who strove to enhance the natural resources and associated amenities in Vermont during the Great Depression.

Having been adopted in concurrence on Friday, March 24, 2023 in accord with Joint Rule 16b, was read.

**H.C.R. 79**

House concurrent resolution recognizing April 5, 2023 as Start by Believing Day in Vermont

Offered by: Representatives Rachelson of Burlington, Andriano of Orwell, Arsenault of Williston, Bluemle of Burlington, Bos-Lun of Westminster, Burditt of West Rutland, Chapin of East Montpelier, Christie of Hartford, Cina of Burlington, Dolan of Essex Junction, Goslant of Northfield, Graning of Jericho, Headrick of Burlington, Hooper of Burlington, LaLonde of South Burlington, Logan of Burlington, Mulvaney-Stanak of Burlington, Oliver of Sheldon, Stebbins of Burlington, and Stone of Burlington

Whereas, the State of Vermont shares a strong concern with the victims of domestic and sexual violence for their well-being and desires to support their needs for justice and healing, and

Whereas, in 2022, the member organizations of the Vermont Network Against Domestic and Sexual Violence received a total of 19,811 hotline calls and served over 8,000 survivors of domestic and sexual violence, and

Whereas, victims of domestic and sexual violence are far more likely to disclose their sexual assault to a friend or family member, and when these loved ones respond with doubt, shame, or blame, victims suffer additional negative physical and psychological effects, and

Whereas, the Start by Believing public awareness campaign (a program of End Violence Against Women International) is designed to improve the responses of friends, family members, and community professionals so that they can help victims to access supportive resources and engage the criminal justice system, and

Whereas, in 2015, the first Start by Believing Day was established in Utah, and

Whereas, observing Start by Believing Day in Vermont will raise public awareness of the serious challenges that victims of domestic and sexual assaults encounter in accessing supportive resources and the criminal justice system, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes April 5, 2023 as Start by Believing Day in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Network Against Domestic and Sexual Violence.

Having been adopted in concurrence on Friday, March 31, 2023 in accord with Joint Rule 16b, was read.

**Second Reading; Committee Report Withdrawn; Bill Amended;  
Third Reading Ordered**

**H. 282**

**Rep. Berbeco of Winooski**, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to the Psychology Interjurisdictional Compact

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

Sec. 1. 26 V.S.A. chapter 55 is amended to read:

CHAPTER 55. PSYCHOLOGISTS

Subchapter 1. General Provisions

\* \* \*

Subchapter 2. Psychology Interjurisdictional Compact

§ 3021. PSYCHOLOGY INTERJURISDICTIONAL COMPACT;

ADOPTION

Vermont hereby enacts and adopts the Psychology Interjurisdictional Compact. The form, format, and text of the Compact have been conformed to the conventions of the Vermont Statutes Annotated. It is the intent of the General Assembly that this subchapter be interpreted as substantively the same as the Psychology Interjurisdictional Compact that is enacted by other Compact party states.

§ 3022. PURPOSE

(a) Whereas, states license psychologists, in order to protect the public through verification of education, training, and experience and ensure accountability for professional practice; and

(b) Whereas, this Compact is intended to regulate the day to day practice of telepsychology, which is the provision of psychological services using telecommunication technologies, by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority;

(c) Whereas, this Compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for 30 days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;

(d) Whereas, this Compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the Compact, to psychologists licensed in another state;

(e) Whereas, this Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;

(f) Whereas, this Compact does not apply when a psychologist is licensed in both the Home and Receiving States; and

(g) Whereas, this Compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.

(h) Consistent with these principles, this Compact is designed to achieve the following purposes and objectives:

(1) increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state in which the psychologist is not licensed to practice psychology;

(2) enhance the states' ability to protect the public's health and safety, especially client and patient safety;

(3) encourage the cooperation of Compact states in the areas of psychology licensure and regulation;

(4) facilitate the exchange of information between Compact states regarding psychologist licensure, adverse actions, and disciplinary history;

(5) promote compliance with the laws governing psychological practice in each Compact state; and

(6) invest all Compact states with the authority to hold licensed psychologists accountable through the mutual recognition of Compact state licenses.

### § 3023. DEFINITIONS

As used in this subchapter:

(1) “Adverse action” means any action taken by a state psychology regulatory authority that finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record.

(2) “Association of State and Provincial Psychology Boards (ASPPB)” means the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

(3) “Authority to Practice Interjurisdictional Telepsychology” means a licensed psychologist’s authority to practice telepsychology, within the limits authorized under this Compact, in another Compact state.

(4) “Bylaws” means those bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to section 3031 of this title for its governance or for directing and controlling its actions and conduct.

(5) “Client or patient” means the recipient of psychological services, whether psychological services are delivered in the context of health care, corporate, supervision, consulting services, or a combination of these.

(6) “Commissioner” means the voting representative appointed by each state psychology regulatory authority pursuant to section 3031 of this title.

(7) “Compact state” means a state, the District of Columbia, or United States territory that has enacted this Compact legislation and that has not withdrawn pursuant to subsection 3024(c) of this title or been terminated pursuant to subsection 3023(b) of this title.

(8) “Coordinated licensure information system” or “coordinated database” means an integrated process for collecting, sorting, and sharing information on psychologists’ licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities.

(9) “Confidentiality” means the principle that data or information is not made available or disclosed to unauthorized persons or processes, or both.

(10) “Day” means any part of a day in which psychological work is performed.

(11) “Distant State” means the Compact state where a psychologist is physically present, not through the use of the telecommunications technologies, to provide temporary in-person, face-to-face psychological services.



(12) “E.Passport” means a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

(13) “Executive Board” means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

(14) “Home State” means a Compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one Compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the Home State is the Compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one Compact state and is practicing under the Temporary Authorization to Practice, the Home State is any Compact state where the psychologist is licensed.

(15) “Identity history summary” means a summary of information retained by the Federal Bureau of Investigation (FBI), or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service.

(16) “In-person, face-to-face” means interactions in which the psychologist and the client or patient are in the same physical space and does not include interactions that may occur through the use of telecommunication technologies.

(17) “Interjurisdictional Practice Certificate” or “IPC” means a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily and verification of one’s qualifications for such practice.

(18) “License” means authorization by a state psychology authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

(19) “Non-Compact state” means any state that is not at the time a Compact state.

(20) “Psychologist” means an individual licensed for the independent practice of psychology.

(21) “Psychology Interjurisdictional Compact Commission,” or “Commission,” means the national administration of which all Compact states are members.

(22) “Receiving State” means a Compact state where the client or patient is physically located when the telepsychological services are delivered.

(23) “Rule” means a written statement by the Psychology Interjurisdiction Compact Commission promulgated pursuant to section 3022 of this title that is of general applicability; implements, interprets, or prescribes a policy or provision of the Compact, or an organization, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a Compact state; and includes the amendment, repeal, or suspension of an existing rule.

(24) “Significant investigatory information” means:

(A) investigative information that a state psychology regulatory authority, after preliminary inquiry that includes notification and an opportunity to respond if required by state laws, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

(B) investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified or had an opportunity to respond, or both.

(25) “State” means a state, commonwealth, territory, or possession of the United States, or the District of Columbia.

(26) “State psychology regulatory authority” means the board, office, or other agency with the legislative mandate to license and regulate the practice of psychology.

(27) “Telepsychology” means the provision of psychological services using telecommunication technologies.

(28) “Temporary Authorization to Practice” means a licensed psychologist’s authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this Compact, in another Compact state.

(29) “Temporary in-person, face-to-face practice” means a psychologist is physically present, not through the use of telecommunications technologies, in the Distant State to provide for the practice of psychology for 30 days within a calendar year and based on notification to the Distant State.

#### § 3024. HOME STATE LICENSURE

(a) The Home State shall be a Compact state where a psychologist is licensed to practice psychology.

(b) A psychologist may hold one or more Compact state licenses at a time. If the psychologist is licensed in more than one Compact state, the Home State is the Compact state where the psychologist is physically present when the services are delivered as authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

(c) Any Compact state may require a psychologist not previously licensed in a Compact state to obtain and retain a license to be authorized to practice in the Compact state under the circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

(d) Any Compact state may require a psychologist to obtain and retain a license to be authorized to practice in a Compact state under circumstances not authorized by the Temporary Authorization to Practice under the terms of this Compact.

(e) A Home State's license authorizes a psychologist to practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only if the Compact state:

(1) currently requires the psychologist to hold an active E.Passport;

(2) has a mechanism in place for receiving and investigating complaints about licensed individuals;

(3) notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

(4) requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the FBI, or other designee with similar authority, no later than 10 years after activation of the Compact; and

(5) complies with the bylaws and rules of the Commission.

(f) A Home State's license grants Temporary Authorization to Practice to a psychologist in a Distant State only if the Compact state:

(1) currently requires the psychologist to hold an active IPC;

(2) has a mechanism in place for receiving and investigating complaints about licensed individuals;

(3) notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

(4) requires an identity history summary of applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the FBI, or other designee with similar authority, no later than 10 years after activation of the Compact; and

(5) complies with the bylaws and rules of the Commission.

#### § 3025. COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

(a) Compact states shall recognize the right of a psychologist, licensed in a Compact state in conformance with section 3024 of this title, to practice telepsychology in other Compact states, called Receiving States, in which the psychologist is not licensed under the Authority to Practice Interjurisdictional Telepsychology as provided in the Compact.

(b) To exercise the Authority to Practice Interjurisdictional Telepsychology under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact state must:

(1) hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

(A) regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or

(B) a foreign college or university deemed to be equivalent to subdivision (A) of this subdivision (b)(1) by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

(2) hold a graduate degree in psychology that meets the following criteria:

(A) The program, wherever it may administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

(B) The psychology program must stand as a recognizable, coherent, organizational entity within the institution.

(C) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

(D) The program must consist of an integrated, organized sequence of study.

(E) There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities.

(F) The designated director of the program must be a psychologist and a member of the core faculty.

(G) The program must have an identifiable body of students who are matriculated in that program for a degree.

(H) The program must include supervised practicum, internship, or field training appropriate to the practice of psychology.

(I) The curriculum shall encompass a minimum of three academic years of full-time graduate study for a doctoral degree and a minimum of one academic year of full-time graduate study for a master's degree.

(J) The program includes an acceptable residency as defined by the rules of the Commission.

(3) possess a current, full, and unrestricted license to practice psychology in a Home State that is a Compact state;

(4) have no history of adverse action that violate the rules of the Commission;

(5) have no criminal record history reported on an identity history summary that violates the rules of the Commission;

(6) possess a current, active E.Passport;

(7) provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the Home and Receiving States, and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

(8) meet other criteria as defined by the rules of the Commission.

(c) The Home State maintains authority over the license of any psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology.

(d) A psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology will be subject to the Receiving State's scope of practice. A Receiving State may, in accordance with the state's due process law, limit or revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology in the Receiving State and may take any other necessary actions under the Receiving State's applicable law to protect

the health and safety of the Receiving State's citizens. If a Receiving State takes action, the state shall promptly notify the Home State and the Commission.

(e) If a psychologist's license in any Home State, another Compact state, or any Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended, or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a Compact state under the Authority to Practice Interjurisdictional Telepsychology.

#### § 3026. COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

(a) Compact states shall also recognize the right of a psychologist, licensed in a Compact state in conformance with section 3024 of this title, to practice temporarily in other Compact states, called Distant States, in which the psychologist is not licensed, as provided in the Compact.

(b) To exercise the Temporary Authorization to Practice under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact state must:

(1) hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

(A) regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or

(B) a foreign college or university deemed to be equivalent to subdivision (A) of this subdivision (b)(1) by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

(2) hold a graduate degree in psychology that meets the following criteria:

(A) The program, wherever it may administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

(B) The psychology program must stand as a recognizable, coherent, organizational entity within the institution.

(C) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

(D) The program must consist of an integrated, organized sequence of study.

(E) There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities.

(F) The designated director of the program must be a psychologist and a member of the core faculty.

(G) The program must have an identifiable body of students who are matriculated in that program for a degree.

(H) The program must include supervised practicum, internship, or field training appropriate to the practice of psychology.

(I) The curriculum shall encompass a minimum of three academic years of full-time graduate study for a doctoral degree and a minimum of one academic year of full-time graduate study for a master's degree.

(J) The program includes an acceptable residency as defined by the rules of the Commission.

(3) possess a current, full, and unrestricted license to practice psychology in a Home State that is a Compact state;

(4) have no history of adverse action that violate the rules of the Commission;

(5) have no criminal record history that violates the rules of the Commission;

(6) possess a current, active IPC;

(7) provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

(8) meet other criteria as defined by the rules of the Commission.

(c) A psychologist practicing into a Distant State under the Temporary Authorization to Practice shall practice within the scope of practice authorized by the Distant State.

(d) A psychologist practicing into a Distant State under the Temporary Authorization to Practice will be subject to the Distant State's authority and law. A Distant State may, in accordance with that state's due process law, limit or revoke a psychologist's Temporary Authorization to Practice in the

Distant State and may take any other necessary actions under the Distant State's applicable law to protect the health and safety of the Distant State's citizens. If a Distant State takes action, the state shall promptly notify the Home State and the Commission.

(e) If a psychologist's license in any Home State, another Compact state, or any Temporary Authorization to Practice in any Distant State, is restricted, suspended, or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a Compact state under the Temporary Authorization to Practice.

§ 3027. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

A psychologist may practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the Commission, and under the following circumstances:

(1) the psychologist initiates a client or patient contact in a Home State via telecommunications technologies with a client or patient in a Receiving State; and

(2) other conditions regarding telepsychology as determined by rules promulgated by the Commission.

§ 3028. ADVERSE ACTIONS

(a) A Home State shall have the power to impose adverse action against a psychologist's license issued by the Home State. A Distant State shall have the power to take adverse action on a psychologist's Temporary Authorization to Practice within that Distant State.

(b) A Receiving State may take adverse action on a psychologist's Authority to Practice Interjurisdictional Telepsychology within that Receiving State. A Home State may take adverse action against a psychologist based on an adverse action taken by a Distant State regarding temporary in-person, face-to-face practice.

(c) If a Home State takes adverse action against a psychologist's license, that psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's Temporary Authorization to Practice is terminated and the IPC is revoked.



(1) All Home State disciplinary orders that impose adverse action shall be reported to the Commission in accordance with the rules promulgated by the Commission. A Compact state shall report adverse actions in accordance with the rules of the Commission.

(2) In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the Commission.

(3) Other actions may be imposed as determined by the rules promulgated by the Commission.

(d) A Home State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee that occurred in a Receiving State as it would if such conduct had occurred by a licensee within the Home State. In such cases, the Home State's law shall control in determining any adverse action against a psychologist's license.

(e) A Distant State's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under the Temporary Authorization to Practice that occurred in that Distant State as it would if such conduct had occurred by a licensee within the Home State. In such cases, the Distant State's law shall control in determining any adverse action against a psychologist's Temporary Authorization to Practice.

(f) Nothing in this Compact shall override a Compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the Compact state's law. Compact states must require psychologists who enter any alternative programs to not provide telepsychology services under the Authority to Practice Interjurisdictional Telepsychology or provide temporary psychological services under the Temporary Authorization to Practice in any other Compact state during the term of the alternative program.

(g) No other judicial or administrative remedies shall be available to a psychologist in the event a Compact state imposes an adverse action pursuant to subsection (c) of this section.

#### § 3029. ADDITIONAL AUTHORITIES INVESTED IN COMPACT

##### STATE'S PSYCHOLOGY REGULATORY AUTHORITY

(a) In addition to any other powers granted under state law, a Compact state's psychology regulatory authority shall have the authority under this Compact to:

(1) Issue subpoenas for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact state's psychology regulatory authority for the attendance and testimony of witnesses, or the production of evidence from another Compact state, shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence, or both, are located; and

(2) Issue cease and desist or injunctive relief orders, or both, to revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology or the Temporary Authorization to Practice, or both.

(b) During the course of any investigation, a psychologist may not change the psychologist's Home State licensure. A Home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The Home State psychology regulatory authority shall promptly report the conclusions of such investigations to the Commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change the psychologist's Home State licensure. The Commission shall promptly notify the new Home State of any such decisions as provided in the rules of the Commission. All information provided to the Commission or distributed by Compact states pursuant to the psychologist shall be confidential, filed under seal, and used for investigatory or disciplinary matters. The Commission may create additional rules for mandated or discretionary sharing of information by Compact states.

#### § 3030. COORDINATED LICENSURE INFORMATION SYSTEM

(a) The Commission shall provide for the development and maintenance of a coordinated licensure information system and reporting system containing licensure and disciplinary action information on all psychologists to whom this Compact is applicable in all Compact states as defined by the rules of the Commission.

(b) Notwithstanding any other provision of state law to the contrary, a Compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the Commission, including:

- (1) identifying information;
- (2) licensure data;
- (3) significant investigatory information;

(4) adverse actions against a psychologist's license;

(5) an indicator that a psychologist's Authority to Practice Interjurisdictional Telepsychology or Temporary Authorization to Practice, or both, is revoked;

(6) nonconfidential information related to alternative program participation information;

(7) any denial of application for licensure and the reasons for such denial; and

(8) other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

(c) The coordinated database administrator shall promptly notify all Compact states of any adverse action taken against, or significant investigative information on, any licensee in a Compact state.

(d) Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the Compact state reporting the information.

(e) Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the Compact state reporting the information shall be removed from the coordinated database.

§ 3031. ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

(a) The Compact states hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission.

(1) The Commission is a body politic and an instrumentality of the Compact states.

(2) Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, voting, and meetings.

(1) The Commission shall consist of one voting representative appointed by each Compact state who shall serve as that state's Commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall

be empowered to act on behalf of the Compact state. This delegate shall be limited to:

(A) the Executive Director, Executive Secretary, or similar executive;

(B) a current member of the state psychology regulatory authority of a Compact state; or

(C) a designee empowered with the appropriate delegate authority to act on behalf of the Compact state.

(2) Any Commissioner may be removed or suspended from office as provided by the law of the state from which the Commissioner is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the Compact state in which the vacancy exists.

(3) Each Commissioner shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A Commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for Commissioners' participation in meetings by telephone or other means of communication.

(4) The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(5) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 3032 of this title.

(6) The Commission may convene in a closed, nonpublic meeting if the Commission must discuss:

(A) noncompliance of a Compact state with its obligations under the Compact;

(B) employment, compensation, discipline, or other personnel matters, practices, or procedures related to specific employees; or other matters related to the Commission's internal personnel practices and procedures;

(C) current, threatened, or reasonably anticipated litigation against the Commission;

(D) negotiation of contracts for the purchase or sale of goods, services, or real estate;

(E) accusation against any person of a crime or formally censuring any person;

(F) disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(G) disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(H) disclosure of investigatory records compiled for law enforcement purposes;

(I) disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the Compact; or

(J) matters specifically exempted from disclosure by federal and state statute.

(7) If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

(c) The Commission shall, by a majority vote of the Commissioners, prescribe bylaws or rules, or both, to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact, including but not limited to:

(1) Establishing the fiscal year of the Commission;

(2) Providing reasonable standards and procedures:

(A) for the establishment and meetings of other committees; and

(B) governing any general or specific delegation of any authority or function of the Commission;

(3) Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary

information, including trade secrets. The Commission may meet in closed session only after a majority of the Commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each Commissioner with no proxy votes allowed;

(4) Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission;

(5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar law of any Compact state, the bylaws shall exclusively govern the personnel policies and programs of the Commission;

(6) Promulgating a code of ethics to address permissible and prohibited activities of Commission members and employees;

(7) Providing a mechanism for concluding the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment or reserving, or both, of all of its debts and obligations;

(8) The Commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compact states;

(9) The Commission shall maintain its financial records in accordance with the bylaws; and

(10) The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the bylaws.

(d) The Commission shall have the following powers:

(1) The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rule shall have the force and effect of law and shall be binding in all Compact states;

(2) To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

(3) To purchase and maintain insurance and bonds;

(4) To borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Compact state;

(5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the Commission shall strive to avoid any appearance of impropriety or of conflict of interest;

(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed; provided that at all times the Commission shall strive to avoid any appearance of impropriety;

(8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(9) To establish a budget and make expenditures;

(10) To borrow money;

(11) To appoint committees, including advisory committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

(12) To provide and receive information from, and to cooperate with, law enforcement agencies;

(13) To adopt and use an official seal; and

(14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice, and telepsychology practice.

(e) The Executive Board. The elected officers shall serve as the Executive Board, which shall have the power to act on behalf of the Commission according to the terms of this Compact.

(1) The Executive Board shall be composed of six members:

(A) five voting members who are elected from the current membership of the Commission by the Commission; and

(B) one ex-officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.

(2) The ex-officio member must have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.

(3) The Commission may remove any member of the Executive Board as provided in bylaws.

(4) The Executive Board shall meet at least annually.

(5) The Executive Board shall have the following duties and responsibilities:

(A) recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact states such as annual dues, and any other applicable fees;

(B) ensure Compact administration services are appropriately provided, contractual or otherwise;

(C) prepare and recommend the budget;

(D) maintain financial records on behalf of the Commission;

(E) monitor Compact compliance of member states and provide compliance reports to the Commission;

(F) establish additional committees as necessary; and

(G) other duties as provided in rules or bylaws.

(f) Financing of the Commission.

(1) The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The Commission may levy on and collect an annual assessment from each Compact state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all Compact states.



(4) The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Compact states, except by and with the authority of the Compact state.

(5) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.

(g) Qualified immunity, defense, and indemnification.

(1) The members, officers, Executive Director, employees, and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The Commission shall defend any member, officer, Executive Director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining the person's own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The Commission shall indemnify and hold harmless any member, officer, Executive Director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual

or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

§ 3032. RULEMAKING

(a) The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) If a majority of the legislatures of the Compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any Compact state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

(d) Prior to promulgation and adoption of a final rule or rules by the Commission, and at least 60 days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a notice of proposed rulemaking:

(1) on the website of the Commission; and

(2) on the website of each Compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

(e) The notice of proposed rulemaking shall include:

(1) the proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

(2) the text of the proposed rule or amendment and the reason for the proposed rule;

(3) a request for comments on the proposed rule from any interested person; and

(4) the manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

(f) Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

(g) The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(1) at least 25 persons who submit comments independently of each other;

(2) a governmental subdivision or agency; or

(3) a duly appointed person in an association that has at least 25 members.

(h) If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing.

(1) All persons wishing to be heard at the hearing shall notify the Executive Director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subdivision shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.

(4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

(j) The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(k) If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

(l) Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) meet an imminent threat to public health, safety, or welfare;

(2) prevent a loss of Commission or Compact state funds;

(3) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(4) protect public health and safety.

(m) The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the Chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

#### § 3023. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

(a) Oversight.

(1) The executive, legislative, and judicial branches of state government in each Compact state shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a Compact state pertaining to the subject matter of this Compact that may affect the powers, responsibilities, or actions of the Commission.

(3) The Commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

(b) Default, technical assistance, and termination.

(1) If the Commission determines that a Compact state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

(A) provide written notice to the defaulting state and other Compact states of the nature of the default, the proposed means of remedying the default, and any other action to be taken by the Commission; and

(B) provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to remedy the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the Compact states, and all rights, privileges, and benefits conferred by this Compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the Compact states.

(4) A Compact state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The Commission shall not bear any costs incurred by the state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

(6) The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the State of Georgia or the federal district where the Compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(c) Dispute resolution.

(1) Upon request by a Compact state, the Commission shall attempt to resolve disputes related to the Compact that arise among Compact states and between Compact and non-Compact states.

(2) The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

(d) Enforcement.

(1) The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

(2) By majority vote, the Commission may initiate legal action in the U.S. District Court for the State of Georgia or the federal district where the Compact has its principal offices against a Compact state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

§ 3024. DATE OF IMPLEMENTATION OF THE PSYCHOLOGY

INTERJURISDICTIONAL COMPACT COMMISSION AND  
ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

(a) The Compact shall come into effect on the date on which the Compact is enacted into law in the seventh Compact state. The provisions that become effective at that time shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

(b) Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

(c) Any Compact state may withdraw from this Compact by enacting a statute repealing the same.

(1) A Compact state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this Compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a Compact state and a non-Compact state that does not conflict with the provisions of this Compact.

(e) This Compact may be amended by the Compact states. No amendment to this Compact shall become effective and binding upon any Compact state until it is enacted into the law of all Compact states.

#### § 3025. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this Compact shall be held contrary to the constitution of any state member thereto, the Compact shall remain in full force and effect as to the remaining Compact states.

#### Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

**Rep. Andrews of Westford**, for the Committee on Ways and Means, recommended that the report of the Committee on Health Care be amended as follows:

By striking out Sec. 2, effective date, in its entirety and inserting in lieu thereof the following:

\* \* \* Secretary of State Fees \* \* \*

\* \* \* Advisor Professions \* \* \*

Sec. 2. 3 V.S.A. § 125 is amended to read:

#### § 125. FEES

(a) In addition to the fees otherwise authorized by law, a board or advisor profession may charge the following fees:

(1) Verification of license, \$20.00.

(2) An examination fee established by the Secretary, which shall be ~~no~~ not greater than the costs associated with examinations.

(3) Reinstatement fees for expired licenses pursuant to section 127 (unauthorized practice) of this title.

(4) Continuing, qualifying, or prelicensing education course approval:

(A) Provider, \$100.00.

(B) Individual, \$25.00.

(5) A preapplication criminal background determination, \$25.00.

(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~~ \$100.00, except application for:

(A) Private investigator and security services employees, unarmed registrants, ~~\$60.00~~ \$70.00.

(B) Private investigator and security service employees, transitory permits, ~~\$60.00~~ \$70.00.

(C) Private investigator and security service employees, armed registrants, ~~\$120.00~~ \$140.00.

(2) Application for licensure or certification, ~~\$100.00~~ \$115.00, except application for:

(A) Barbering or cosmetology schools and shops, ~~\$300.00~~ \$355.00.

(B) Funeral directors, embalmers, disposition facility personnel, removal personnel, funeral establishments, disposition facilities, and limited services establishments, ~~\$70.00~~ \$85.00.

(C) Application for real estate appraisers, ~~\$275.00~~ \$315.00.

(D) Temporary real estate appraiser license, ~~\$150.00~~ \$175.00.

(E) Appraisal management company registration, ~~\$600.00~~ \$685.00.

(F) Private investigator or security services agency, ~~\$340.00~~ \$390.00.

(G) Private investigator and security services agency, ~~\$400.00~~ \$460.00.

(H) Private investigator or security services sole proprietor, \$250.00.

(I) Private investigator or security services unarmed licensee, ~~\$150.00~~ \$175.00.



- 
- (J) Private investigator or security services armed licensee, ~~\$200.00~~ \$230.00.
- (K) Private investigator and security services instructor, ~~\$120.00~~ \$140.00.
- (L) Barbers, cosmetologists, nail technicians, and estheticians, ~~\$120.00~~ \$120.00.
- (M) Massage therapist, bodyworker, or touch professional, ~~\$90.00~~ \$90.00.
- (N) Optician, ~~\$145.00~~ \$145.00.
- (O) Physical therapists and assistants, ~~\$120.00~~ \$120.00.
- (P) Independent clinical social workers and master's social workers, ~~\$120.00~~ \$120.00.
- (3) Optician trainee registration, ~~\$50.00~~ \$75.00.
- (4) Biennial renewal, ~~\$240.00~~ \$275.00, except biennial renewal for:
- (A) Independent clinical social workers and master's social workers, ~~\$150.00~~ \$180.00.
- (B) Occupational therapists and assistants, ~~\$150.00~~ \$180.00.
- (C) Physical therapists and assistants, ~~\$150.00~~ \$180.00.
- (D) Optician trainees, ~~\$100.00~~ \$135.00.
- (E) Barbers, cosmetologists, nail technicians, and estheticians, ~~\$130.00~~ \$155.00.
- (F) Schools of barbering or cosmetology, ~~\$300.00~~ \$355.00.
- (G) Funeral directors and embalmers, ~~\$280.00~~ \$415.00.
- (H) Disposition facility personnel and removal personnel, ~~\$100.00~~ \$150.00.
- (I) Funeral establishments, disposition facilities, and limited services establishments, ~~\$640.00~~ \$945.00.
- (J) [Repealed.]
- (K) Radiologic therapist, radiologic technologist, nuclear medicine technologist, ~~\$150.00~~ \$175.00.
- (L) Certified alcohol and drug abuse counselor, certified apprentice addiction professional, and licensed alcohol and drug abuse counselor, ~~\$225.00~~ \$260.00.

(M) Private investigator or security services agency, or both, ~~\$300.00~~ \$345.00.

(N) Private investigator or security services unarmed licensee, ~~\$120.00~~ \$140.00.

(O) Private investigator or security services armed licensee, ~~\$180.00~~ \$205.00.

(P) Private investigator or security services unarmed registrant, ~~\$80.00~~ \$95.00.

(Q) Private investigator or security services armed registrant, ~~\$130.00~~ \$150.00.

(R) Private investigator or security services sole proprietor, \$250.00.

(S) Private investigator or security services instructor, ~~\$180.00~~ \$205.00.

(T) Barbering or cosmetology shop, \$285.00.

(5) Limited temporary license or work permit, ~~\$50.00~~ \$60.00.

(6) Radiologic evaluation, \$125.00.

(7) Annual renewal for appraisal management company registration, ~~\$300.00~~ \$345.00.

(8) Real estate appraiser trainee, \$115.00.

\* \* \*

\* \* \* Boxing \* \* \*

Sec. 3. 26 V.S.A. § 6009 is amended to read:

§ 6009. FEES

(a) Applicants and persons regulated by this subchapter shall be subject to the following fees:

(1) Promoter registration ~~\$500.00~~ \$825.00

(2) Boxer registration ~~\$25.00~~ \$30.00

(3) Manager registration ~~\$25.00~~ \$30.00

(4) Second registration ~~\$25.00~~ \$30.00

(5) Referee registration ~~\$25.00~~ \$30.00

(6) Judge registration ~~\$25.00~~ \$30.00

(7) Biennial renewal for ~~professional boxers,~~ managers, seconds, referees, and judges ~~\$25.00~~ \$30.00

(8) Biennial renewal for professional boxer \$35.00

(9) Biennial renewal for professional promotor \$45.00

\* \* \*

\* \* \* Mixed Martial Arts \* \* \*

Sec. 4. 26 V.S.A. § 6033 is amended to read:

§ 6033. FEES

Applicants and persons regulated by this subchapter shall be subject to the following fees:

(1) Application:

(A) Promoter license ~~\$500.00~~ \$545.00

(B) Event license ~~\$250.00~~ \$275.00

(C) Contestant license ~~\$25.00~~ \$30.00

(D) Participant license ~~\$25.00~~ \$30.00

(2) Biennial renewal for managers, seconds, referees, and judges ~~\$25.00~~ \$30.00

(3) Biennial renewal for promoters ~~\$500.00~~ \$545.00

(4) Annual renewal for contestants ~~\$25.00~~ \$30.00

(5) Late fees set pursuant to 3 V.S.A. § 127(d)(1).

\* \* \* Nursing Home Administrators \* \* \*

Sec. 5. 18 V.S.A. § 2058 is amended to read:

§ 2058. LICENSE FEES

Applicants and persons regulated under this chapter shall be subject to the following fees:

(1) Application ~~\$100.00~~ \$115.00

(2) Biennial renewal ~~\$200.00~~ \$275.00

\* \* \* Board Professions \* \* \*

\* \* \* Accounting \* \* \*

Sec. 6. 26 V.S.A. § 56 is amended to read:

§ 56. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application for license ~~\$100.00~~ \$115.00
- (2) Biennial renewal of license ~~\$220.00~~ \$255.00
- (3) Firm registration ~~\$200.00~~ \$230.00
- (4) [Repealed.]
- (5) Firm biennial renewal of registration ~~\$400.00~~ \$460.00
- (6) Sole proprietor firm biennial renewal of registration ~~\$200.00~~ \$230.00

\* \* \* Allied Mental Health \* \* \*

Sec. 7. 26 V.S.A. § 4089a is amended to read:

§ 4089a. FEES

A person who seeks entry on the roster shall pay the following fees:

- (1) Initial roster entry ~~\$80.00~~ \$95.00
- (2) Biennial roster reentry ~~\$150.00~~ \$175.00

Sec. 8. 26 V.S.A. § 4041a is amended to read:

§ 4041a. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application for licensure ~~\$150.00~~ \$175.00
- (2) Biennial renewal ~~\$250.00~~ \$285.00

Sec. 9. 26 V.S.A. § 3270a is amended to read:

§ 3270a. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application for licensure ~~\$150.00~~ \$175.00
- (2) Biennial renewal ~~\$200.00~~ \$230.00

\* \* \* Architect \* \* \*

Sec. 10. 26 V.S.A. § 209 is amended to read:

§ 209. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application for initial license ~~\$60.00~~ \$120.00
- (2) ~~Initial license issuance~~ \$20.00
- (3) Biennial renewal ~~\$155.00~~ \$225.00

\* \* \* Chiropractor \* \* \*

Sec. 11. 26 V.S.A. § 535 is amended to read:

§ 535. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Chiropractors
  - (A) Application ~~\$200.00~~ \$225.00
  - (B) Biennial renewal ~~\$265.00~~ \$295.00
  - (C) Initial competency endorsement under section 525 of this title \$70.00
  - (D) Biennial renewal of competency endorsement under section 525 of this title \$70.00
  - (E) Evaluation \$125.00
- (2) Registration of intern ~~\$50.00~~ \$80.00

\* \* \* Dental \* \* \*

Sec. 12. 26 V.S.A. § 662 is amended to read:

§ 662. FEES

(a) Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application
  - (A) Dentist ~~\$250.00~~ \$285.00
  - (B) Dental therapist ~~\$185.00~~ \$215.00
  - (C) Dental hygienist ~~\$175.00~~ \$200.00

- (D) Dental assistant ~~\$70.00~~ \$80.00
- (2) Biennial renewal
- (A) Dentist ~~\$575.00~~ \$655.00
- (B) Dental therapist ~~\$270.00~~ \$310.00
- (C) Dental hygienist ~~\$215.00~~ \$245.00
- (D) Dental assistant ~~\$90.00~~ \$105.00

\* \* \*

\* \* \* Engineer \* \* \*

Sec. 13. 26 V.S.A. § 1176 is amended to read:

§ 1176. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application for engineering license or application to add additional specialty discipline ~~\$100.00~~ \$115.00
- (2) Application for engineer intern certificate ~~\$50.00~~ \$60.00
- (3) Biennial license renewal ~~\$150.00~~ \$175.00
- (4) [Repealed.]

\* \* \* Land Surveyor \* \* \*

Sec. 14. 26 V.S.A. § 2597 is amended to read:

§ 2597. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application ~~\$200.00~~ \$290.00
- (2) Biennial renewal of license ~~\$300.00~~ \$365.00

\* \* \* Nursing \* \* \*

Sec. 15. 26 V.S.A. § 1577 is amended to read:

§ 1577. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Nursing Assistants
- (A) Application ~~\$20.00~~ \$25.00

- (B) Biennial renewal ~~\$55.00~~ \$65.00
- (2) Practical Nurses and Registered Nurses
- (A) Application by exam \$75.00
- (B) Application by endorsement ~~\$150.00~~ \$175.00
- (C) Biennial renewal for Practical Nurses ~~\$175.00~~ \$200.00
- (D) Biennial renewal for Registered Nurses ~~\$190.00~~ \$220.00
- (3) Advanced Practice Registered Nurses
- (A) Initial endorsement of advanced practice registered nurses ~~\$100.00~~ \$115.00
- (B) Biennial renewal of advanced practice registered nurses ~~\$125.00~~ \$145.00

\* \* \* Optometry \* \* \*

Sec. 16. 26 V.S.A. § 1718 is amended to read:

§ 1718. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application ~~\$225.00~~ \$325.00
- (2) Biennial renewal ~~\$350.00~~ \$395.00

\* \* \* Osteo \* \* \*

Sec. 17. 26 V.S.A. § 1794 is amended to read:

§ 1794. FEES

(a) Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application
- (A) Licensure ~~\$500.00~~ \$450.00
- (B) Limited temporary license ~~\$50.00~~ \$75.00
- (2) Biennial license renewal ~~\$300.00~~ \$350.00
- (3) Annual limited temporary license renewal ~~\$100.00~~ \$145.00

\* \* \*

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\* \* \* Pharmacy \* \* \*

Sec. 18. 26 V.S.A. § 2046 is amended to read:

§ 2046. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Initial application:

- (A) Pharmacists ~~\$110.00~~ \$155.00
- (B) Retail drug outlets ~~\$300.00~~ \$410.00
- (C) Institutional drug outlets ~~\$400.00~~ \$460.00
- (D) Manufacturing drug outlet ~~\$400.00~~ \$550.00
- (E) Wholesale drug outlet ~~\$700.00~~ \$800.00
- (F) Investigative and research projects ~~\$300.00~~ \$410.00
- (G) Pharmacy technicians ~~\$50.00~~ \$70.00
- (H) Outsourcing drug outlet ~~\$700.00~~ \$800.00
- (I) Nuclear drug outlet ~~\$700.00~~ \$800.00
- (J) Compounding drug outlet ~~\$700.00~~ \$800.00
- (K) Home infusion drug outlet ~~\$700.00~~ \$800.00
- (L) Third-party logistics ~~\$700.00~~ \$800.00
- (M) Pharmacy interns ~~\$20.00~~ \$25.00
- (N) Nonresident manufacturers ~~\$800.00~~
- (O) Community-based long-term care pharmacy ~~\$550.00~~
- (P) Institutional long-term care pharmacy ~~\$550.00~~

(2) Biennial renewal:

- (A) Pharmacists ~~\$125.00~~ \$145.00
- (B) Retail drug outlets ~~\$400.00~~ \$460.00
- (C) Institutional drug outlets ~~\$500.00~~ \$570.00
- (D) Manufacturing drug outlet ~~\$500.00~~ \$570.00
- (E) Wholesale drug outlet ~~\$500.00~~ \$570.00
- (F) Investigative and research projects ~~\$300.00~~ \$345.00
- (G) Pharmacy technicians ~~\$60.00~~ \$85.00



- (H) Outsourcing drug outlet ~~\$500.00~~ \$570.00
  - (I) Nuclear drug outlet ~~\$500.00~~ \$570.00
  - (J) Compounding drug outlet ~~\$500.00~~ \$570.00
  - (K) Home infusion drug outlet ~~\$500.00~~ \$570.00
  - (L) Third-party logistics ~~\$500.00~~ \$570.00
  - (M) Pharmacy interns ~~\$45.00~~ \$55.00
  - (N) Nonresident manufacturers ~~\$500.00~~ \$570.00
  - (O) Community-based long-term care pharmacy ~~\$500.00~~ \$570.00
  - (P) Institutional long-term care pharmacy ~~\$500.00~~ \$570.00
- (3) Pharmacy reinspection \$100.00

\* \* \* Psychology \* \* \*

Sec. 19. 26 V.S.A. § 3010 is amended to read:

§ 3010. FEES; LICENSES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1) Application for license ~~\$175.00~~ \$240.00
- (2) Biennial renewal of license ~~\$150.00~~ \$195.00
- (3) [Repealed.]
- (4) [Repealed.]

\* \* \* Real Estate \* \* \*

Sec. 20. 26 V.S.A. § 2255 is amended to read:

§ 2255. FEES

(a) Applicants and persons regulated under this chapter shall pay the following fees:

\* \* \*

- (2) Biennial renewal of broker or salesperson license ~~\$240.00~~ \$220.00

\* \* \*

\* \* \* Veterinary \* \* \*

Sec. 21. 26 V.S.A. § 2414 is amended to read:

§ 2414. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application ~~\$100.00~~ \$145.00

(2) Biennial Renewal ~~\$175.00~~ \$200.00

\* \* \* Corporations Division \* \* \*

\* \* \* Assumed Business Name \* \* \*

Sec. 22. 11 V.S.A. § 1625 is amended to read:

§ 1625. FEES

(a) A person, copartnership, association, limited liability company, or corporation required by the provisions of this chapter to file a return, shall, at the time of filing as provided, pay a registration fee of ~~\$50.00~~ \$70.00 to the Secretary of State.

(b) A person, copartnership, association, limited liability company, or corporation required by the provisions of this chapter to file a certificate of cessation or change of business status or an application to reserve a business name shall, at the time of filing, pay a fee of ~~\$20.00~~ \$35.00 to the Secretary of State.

\* \* \*

Sec. 23. 11 V.S.A. § 1635 is amended to read:

§ 1635. REREGISTRATION

(a) One or more persons doing business under a registered business name shall reregister the name every five years by filing a reregistration return with the Secretary of State with a fee of ~~\$40.00~~ \$65.00 within 60 days following the date five years after the date of the original registration or of the last reregistration. The Secretary of State shall prepare and supply the necessary forms.

\* \* \*

## \* \* \* Corporation \* \* \*

Sec. 24. 11A V.S.A. § 1.22 is amended to read:

§ 1.22. FILING; SERVICE AND COPYING FEES

(a) The Secretary of State shall collect the following fees when the documents described in this section are delivered to the Office of the Secretary of State for filing:

(1) Articles of incorporation	<del>\$125.00</del> <u>\$155.00</u>
(2) Application for reserved name	<del>20.00</del> <u>\$40.00</u>
(3) Notice of transfer of reserved name	<del>No fee</del> <u>\$20.00</u>
(4) Application for registered name of a foreign corporation	<del>25.00</del> <u>\$50.00</u>
(5) Application for renewal of registered name of a foreign corporation	<del>\$25.00</del> <u>\$50.00</u>
(6) Statement of change of registered agents or registered office, or both	\$25.00 and not to exceed \$1,000.00 per filer per calendar year.
(7) Agent's statement of resignation	No fee
(8) Amendment of articles of incorporation	<del>\$25.00</del> <u>\$50.00</u>
(9) Restatement of articles of incorporation	<del>\$25.00</del> <u>\$50.00</u>
(10) Articles of merger or share exchange	<del>\$50.00</del> <u>\$95.00</u>

(11) Articles of dissolution	<del>\$20.00</del> <u>\$35.00</u>
(12) Articles of revocation of dissolution	<del>\$20.00</del> <u>\$35.00</u>
(13) Application for certificate of authority	<del>\$125.00</del> <u>\$155.00</u>
(14) Application for amended certificate of authority	<del>\$25.00</del> <u>\$50.00</u>
(15) Application for certificate of withdrawal	<del>\$20.00</del> <u>\$25.00</u>
(16) Annual report of a foreign corporation	<del>\$200.00</del> <u>\$250.00</u>
(17) Annual report of a domestic corporation	<del>\$45.00</del> <u>\$60.00</u>
(18) Application for certificate of good standing	\$25.00
(19) Any other document required or permitted to be filed by this title	<del>\$20.00</del> <u>\$35.00</u>
(20) <u>Articles of correction</u>	<u>\$20.00</u>
(21) <u>Articles of domestication</u>	<u>\$20.00</u>
(22) <u>Statement of conversion</u>	<u>\$20.00</u>

\* \* \*

(d) When a corporation has been involuntarily terminated for failure to file its annual report, the Secretary of State shall collect, for each year the corporation failed to file its annual report, the annual report filing fee and a reinstatement fee of ~~\$25.00~~ \$50.00.

\* \* \* Limited Liability Company \* \* \*

Sec. 25. 11 V.S.A. § 4012 is amended to read:

§ 4012. FEES

(a) The Secretary of State shall collect the following fees when a document described in this section is delivered to the Office of the Secretary of State for filing:

(1) Articles of organization ~~\$125.00~~ \$155.00

- 
- (2) Application for certificate of authority ~~\$125.00~~ \$155.00
  - (3) Amendment of articles or certificate of authority ~~\$25.00~~ \$35.00
  - (4) Cancellation of certificate of authority ~~\$20.00~~ \$25.00
  - (5) Application for reserved name ~~\$20.00~~ \$25.00
  - (6) Notice of transfer of reserved name ~~No fee~~ \$20.00
  - (7) Application for registered name \$25.00
  - (8) Application for renewal of registered name \$25.00
  - (9) Statement of change of designated agent or designated office, or both ~~\$25.00~~ \$35.00 and not to exceed \$1,000.00 per filer per calendar year
  - (10) Agent's statement of resignation no fee
  - (11) Restatement of articles of organization \$25.00
  - (12) Articles of correction ~~\$25.00~~ \$35.00
  - (13) Application for certificate of existence or authorization ~~\$25.00~~ \$35.00
  - (14) Articles of merger ~~\$50.00~~ \$55.00
  - (15) Annual report of a domestic limited liability company ~~\$35.00~~ \$45.00
  - (16) Annual report of a foreign limited liability company ~~\$140.00~~ \$170.00
  - (17) Reinstatement ~~\$25.00~~ \$35.00
  - (18) Any other document required or permitted to be filed by this chapter \$20.00
  - (19) Articles of domestication \$20.00
  - (20) Articles of termination \$20.00
  - (21) Notice of withdrawal of reserved name \$20.00
  - (22) Statement of conversion \$20.00

(b) The Secretary of State shall collect the following fees:

(1) ~~\$25.00~~ \$35.00 each time process is served on the Secretary under this chapter. The party to a proceeding causing service of process is entitled to recover this fee as costs if ~~he or she~~ the party prevails in the proceeding.

(2) \$25.00 for the certificate certifying the copy of any filed document relating to a limited liability company or a foreign limited liability company.

## \* \* \* Limited Liability Partnership \* \* \*

Sec. 26. 11 V.S.A. § 3310 is amended to read:

§ 3310. FEES

(a) The Secretary of State shall collect the following fees when a document described in this section is delivered to the Office of the Secretary of State for filing:

(1) Statement of authority	<del>\$125.00</del> <u>\$155.00</u>
(2) Statement of denial	<del>No fee</del> <u>\$25.00</u>
(3) Statement of dissociation	<del>No — fee</del> <u>\$20.00</u>
(4) Statement of dissolution	<del>No fee</del> <u>\$25.00</u>
(5) Statement of merger	<del>\$50.00</del> <u>\$85.00</u>
(6) Statement of qualification	<del>\$75.00</del> <u>\$130.00</u>
(7) Statement of foreign qualification	<del>\$100.00</del> <u>\$170.00</u>
(8) Amendment	<del>\$25.00</del> <u>\$45.00</u>
(9) Cancellation	<del>\$5.00</del> <u>\$10.00</u>
(10) Annual report of domestic limited liability partnership	<del>\$15.00</del> <u>\$30.00</u>
(11) Annual report of foreign limited liability partnership	<del>\$100.00</del> <u>\$170.00</u>
(12) Reinstatement	<del>\$25.00</del> <u>\$45.00</u>

(13) Statement of change of designated agent or designated office, or both	<del>\$25.00</del> <u>\$35.00,</u> not to exceed \$1,000.00 per filer per calendar year
(14) Application for certificate of good standing	<del>\$25.00</del> <u>\$45.00</u>
(15) Any other document permitted or required to be filed by this chapter	\$20.00
<u>(16) Amendment – Foreign</u>	<u>\$35.00</u>

\* \* \*

\* \* \* Limited Partnership \* \* \*

Sec. 27. 11 V.S.A. § 3420 is amended to read:

§ 3420. FEES

(a) The Secretary of State shall collect the following fees when a document described in this section is delivered to the Office of the Secretary of State for filing:

(1) Certificate of Limited Partnership	<del>\$125.00</del> <u>\$130.00</u>
(2) Registration of Foreign Limited Partnership	<del>\$125.00</del> <u>\$155.00</u>
(3) Amendment - <u>Domestic</u>	<del>\$25.00</del> <u>\$35.00</u>
(4) Cancellation	No fee <u>\$25.00</u>
(5) Merger	<del>\$50.00</del> <u>\$65.00</u>

(6) Statement of change of designated agent or designated office, or both	<del>\$25.00</del> <u>\$35.00</u> , not to exceed \$1,000.00 per filer per calendar year
(7) Application for certificate of good standing	<del>\$25.00</del> <u>\$35.00</u>
(8) Any other document permitted or required to be filed by this chapter	\$20.00
(9) <u>Amendment – Foreign</u>	<u>\$35.00</u>
(10) <u>Name reservation, application</u>	<u>\$20.00</u>
(11) <u>Name reservation, transfer</u>	<u>\$20.00</u>
(12) <u>Restated certificate of limited partnership</u>	<u>\$20.00</u>

\* \* \*

\* \* \* Nonprofit Corporations \* \* \*

Sec. 28. 11B V.S.A. § 1.22 is amended to read:

§ 1.22. FILING; SERVICE AND COPYING FEES

The Secretary of State shall collect the following fees when the documents described in this section are delivered to the Office of the Secretary of State for filing:

(1) Articles of incorporation	\$125.00 <u>\$155.00</u>
(2) Application for reserved name	\$20.00 <u>\$35.00</u>
(3) Transfer of reserved name	No fee <u>\$35.00</u>
(4) Application for registered name	\$25.00 <u>\$45.00</u>



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(5) Renewal of registered name	<del>\$25.00</del> <u>\$45.00</u>
(6) Statement of change of registered agents or registered office, or both	<del>\$25.00</del> <u>\$35.00</u>
	and not to exceed \$1,000.00 per filer per calendar year.
(7) Agent's statement of registration	No fee
(8) Amendment of articles of association	<del>\$25.00</del> <u>\$45.00</u>
(9) Restatement of articles of association	<del>\$25.00</del> <u>\$45.00</u>
(10) Articles of merger	<del>\$50.00</del> <u>\$90.00</u>
(11) Articles of dissolution	No fee
(12) Articles of revocation of dissolution	<del>\$5.00</del> <u>\$10.00</u>
(13) Application for reinstatement following administrative dissolution	<del>\$25.00</del> <u>\$45.00</u>
(14) Application for certificate of authority for a foreign corporation	<del>\$100.00</del> <u>\$175.00</u>
(15) Application for amended certificate of authority	<del>\$25.00</del> <u>\$45.00</u>

(16) Application for certificate of withdrawal	<del>\$5.00</del> <u>\$10.00</u>
(17) Biennial report	<del>\$20.00</del> <u>\$35.00</u>

except that a corporation ~~which~~ that certifies to the Secretary of State, on a form approved by the Secretary, that it did not compensate its officers, directors, or employees during the prior calendar year shall be exempt from the fee required by this subdivision.

(18) Articles of correction	<del>\$15.00</del> <u>\$30.00</u>
(19) Application for certificate of good standing	<del>\$25.00</del> <u>\$35.00</u>
(20) Certified copy of any filed document	<del>\$25.00</del>
(21) <u>Restatement of articles of organization</u>	<u>\$30.00</u>

Sec. 29. 12 V.S.A. § 852 is amended to read:

§ 852. FEES; MAILING OF COPY TO CORPORATION

When process is served on the Secretary of State under the provisions of section 851 of this title, there shall be paid to ~~him or her~~ the Secretary by the officer at the time of such service the sum of ~~\$5.00~~ \$35.00. The Secretary shall forthwith forward by mail prepaid one of the duplicate copies to the corporation at its home office or to a person whom it designates.

\* \* \* Trademark \* \* \*

Sec. 30. 9 V.S.A. § 2523 is amended to read:

§ 2523. CERTIFICATE OF REGISTRATION; FILING FEE

There shall be paid to the Secretary of State for the filing of such statement a fee of ~~\$20.00~~ \$35.00. The Secretary of State shall deliver to the person filing such statement or causing the same to be filed, a certificate of registration under ~~his or her~~ the Secretary's signature and State Seal, showing the name and address of the person claiming ownership of the trademark registered, the date of such filing, a general description of the trademark to be registered, and a receipt showing the payment of the filing fee therefore. The fee for renewal of any registration shall be ~~\$20.00~~ \$35.00.

Sec. 31. 9 V.S.A. § 2525 is amended to read:

§ 2525. ASSIGNMENTS

Title to any trademark and its registration hereunder may be transferred and assigned to any person together with the goodwill of the business to which such trademark pertains or with that part of the goodwill of the business connected with the use of and symbolized by the mark. Written assignments shall be recorded by the Secretary of State upon payment of the fee of ~~\$20.00~~ \$35.00. When such assignment is recorded, a new certificate of registration shall be issued in the name of the assignee.

\* \* \* Uniform Commercial Code \* \* \*

Sec. 32. 9A V.S.A. § 9-525 is amended to read:

§ 9—525. FEES

(a) The fee for filing and indexing a record under this article is ~~\$35.00~~ \$45.00.

(b) ~~The fee for filing and indexing an initial financing statement of the kind described in subsection 9—502(c) of this title is \$6.00 per page. In addition to the fee provided in subsection (a) of this section:~~

(1) the fee for filing and indexing an initial financing statement of the kind described in subsection 9-502(c) of this title is \$25.00;

(2) the fee for filing and indexing a record under this article for a manufactured home, transmitting utility, or public finance transaction is \$25.00.

(c) The fee for responding to a request for information from the filing office, including for issuing a certificate showing whether there is on file any financing statement naming a particular debtor is ~~\$25.00~~ \$35.00.

~~(d) This section does not require a fee with respect to a record of a mortgage which is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under subsection 9—502(c) of this title. However, the recording and satisfaction fees that otherwise would be applicable to the record of the mortgage apply. [Repealed.]~~

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

Sec. 33. EFFECTIVE DATE

(a) Sec. 1 of this act shall take effect on January 1, 2024.

(b) The remaining sections shall take effect on passage.

**Rep. Toleno of Brattleboro**, for the Committee on Appropriations, reported that the bill ought to pass when amended as recommended by the Committee on Health Care, and when further amended as recommended by the Committee on Ways and Means.

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

Pending the question, Shall the report of the Committee on Health Care be amended as recommended by the Committee on Ways and Means?,

**Rep. Andrews of Westford** asked and was granted leave of the House to withdraw the report of the Committee on Ways and Means.

Pending the question, Shall the bill be amended as recommended by the Committee on Health Care?, **Rep. Berbeco of Winooski** moved to amend the report of the Committee on Health Care as follows:

By striking out Sec. 2, effective date, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Which was agreed to. Thereupon, the bill was amended as recommended by the Committee on Health Care, as amended, and third reading ordered.

### **Third Reading; Bill Passed**

#### **H. 150**

House bill, entitled

An act relating to approval of an amendment to the charter of the Village of Alburgh

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

### **Third Reading; Bill Passed in Concurrence**

#### **S. 54**

Senate bill, entitled

An act relating to individual and small group insurance markets

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

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**Judicial Nominating Board House Members Elected**

Pursuant to 4 V.S.A. § 601, **Representative Long of Newfane** made the following nominations to the Judicial Nominating Board:

**Rep. Garofano of Essex**  
**Rep. Rachelson of Burlington**  
**Rep. Goslant of Northfield**

**Rep. Toof of St. Albans Town** moved the election of the candidates, as nominated by Rep. Long of Newfane, which was agreed to.

**Governor's Snowmobile Council Appointment**

Pursuant to 23 V.S.A. § 3216, the Speaker appointed the following member to the Governor's Snowmobile Council:

**Rep. Walker of Swanton**

**Joint Legislative Justice Oversight Committee Appointments**

Pursuant to 2 V.S.A. § 801, the Speaker appointed the following members to the Joint Legislative Oversight Committee:

**Rep. Emmons of Springfield**  
**Rep. Wood of Waterbury**  
**Rep. Squirrell of Underhill**  
**Rep. LaLonde of South Burlington**  
**Rep. McFaun of Barre Town**

**Adjournment**

At one o'clock and forty-seven minutes in the afternoon, on motion of **Rep. Toof of St. Albans Town**, the House adjourned until tomorrow at one o'clock in the afternoon.

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**Thursday, April 6, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rev. Jane Dwinell, an author from Alburgh.

**Message from the Senate No. 37**

A message was received from the Senate by Ms. Kucserik, 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. 115.** An act relating to miscellaneous agricultural subjects.

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

**Senate Bill Referred****S. 115**

Senate bill, entitled

An act relating to miscellaneous agricultural subjects

Was read the first time and referred to the Committee on Agriculture, Food Resiliency, and Forestry.

**Ceremonial Readings****H.C.R. 72**

House concurrent resolution congratulating the Boys & Girls Clubs of Vermont's 2023 Youth of the Year honorees

Offered by: Representatives Brumsted of Shelburne, Cina of Burlington, Clifford of Rutland City, Headrick of Burlington, Howard of Rutland City, Kornheiser of Brattleboro, Krowinski of Burlington, Logan of Burlington, Mulvaney-Stanak of Burlington, Notte of Rutland City, Nugent of South Burlington, Ode of Burlington, Peterson of Clarendon, Rachelson of Burlington, Shaw of Pittsford, Small of Winooski, Stebbins of Burlington, and Stone of Burlington

Whereas, since 1947, the Boys & Girls Clubs of America's Youth of the Year program has encouraged the organization's young members to reach their full potential through academic success, healthy lifestyles, and contributing to their communities, and it epitomizes the positive impact that the Boys & Girls Clubs can have on young people's lives, and

Whereas, Boys & Girls Clubs prepare their members to become responsible, successful, and patriotic adults and community leaders, and

Whereas, the Youth of the Year award winners at the local, state, regional, and national levels exemplify the hard work, determination, and hope of the Boys & Girls Clubs' movement, and

Whereas, being named a Youth of the Year award winner is the highest honor that the Boys & Girls Clubs can bestow on their members, and

Whereas, all Youth of the Year award winners have experienced and overcome personal challenges and obstacles in their lives, even as they devoted considerable time and effort to improving the lives of others, and

Whereas, the 2023 Youth of the Year honorees in Vermont and their local clubs are Rei Ranquist, Braden Howe, Dominic Johnson, and Marcus Strange (Boys & Girls Club of Brattleboro), Sarah Ali (Boys & Girls Club of Burlington), and Tyler Sills (Boys & Girls Club of Rutland), now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the Boys & Girls Clubs of Vermont's 2023 Youth of the Year honorees, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to each Boys & Girls Club member honored in this resolution.

Having been adopted in concurrence on Friday, March 31, 2023 in accord with Joint Rule 16b, was read.

### **H.C.R. 76**

House concurrent resolution designating April 6, 2023 as Alzheimer's Awareness Day at the State House

Offered by: Representative Noyes of Wolcott

Offered by: Senator Brock

Whereas, Alzheimer's disease is a degenerative brain disease, and the most common form of dementia, and nationally, 6.7 million older Americans are living with Alzheimer's, and

Whereas, between now and 2025, the number of Vermonters diagnosed with Alzheimer's is expected to rise by over 30 percent to 17,000, and

Whereas, over 11 million Americans annually provide 18 billion hours of unpaid dementia care valued at \$340 billion, and unpaid dementia caregivers in Vermont face significant emotional and physical challenges, and

Whereas, in 2020, the Vermont Medicaid cost for Alzheimer's care was \$116 million, an amount projected to rise by 26.4 percent by 2025, and

Whereas, between 2000 and 2019, deaths in the United States from heart disease decreased by 7.3 percent while Alzheimer's deaths increased by 145 percent, and

Whereas, the national financial impact of Alzheimer's might reach \$1 trillion by 2050, and

Whereas, advocates for the Alzheimer's community will be visiting the State House on April 6 to inform legislators of these continuing concerns, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates April 6, 2023 as Alzheimer's Awareness Day at the State House, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Alzheimer's Association's Vermont Chapter.

Having been adopted in concurrence on Friday, March 31, 2023 in accord with Joint Rule 16b, was read.

#### **H.C.R. 80**

House concurrent resolution congratulating Cersosimo Industries Inc. on its 75th anniversary

Offered by: Representatives Burke of Brattleboro, Bos-Lun of Westminster, Boyden of Cambridge, Coffey of Guilford, Kornheiser of Brattleboro, Lipsky of Stowe, Long of Newfane, Mrowicki of Putney, Sibia of Dover, Sims of Craftsbury, Stebbins of Burlington, Surprenant of Barnard, and Toleno of Brattleboro

Whereas, the multifaceted Cersosimo Industries is a three-generation family enterprise that the late Anthony F. Cersosimo established in 1947 as Cersosimo Lumber Company Inc. (the Company), and

Whereas, this forest-products company started with a portable sawmill in Jamaica, and, today, is one of New England's largest producers of northeastern hardwood and eastern white pine lumber, and

Whereas, in 2023, the Company operates with extensive production resources, featuring five sawmills, grading and milling facilities, a large kiln capacity, log concentration yards, logistics services, and a supportive team of foresters, and

Whereas, the founder's son, Dominic A. Cersosimo, serves as chair of the board, and his grandson, Michael A. Cersosimo, is president, and



Whereas, at the January 2023 meeting of the Vermont Forest Products Association, the Company was honored with the Sawmill of the Year Award, and it was nominated for Northeastern Loggers Association Outstanding Sawmill Operator, and

Whereas, in addition to lumber, the Cersosimo Industries' outstanding corporate operations encompass Cersosimo Construction & Aggregate, providing quality gravel and quarry products; SVE Associates, offering professional engineering consulting services; Cersosimo Real Estate, engaging in commercial and residential realty transactions in Vermont, Maine, Massachusetts, and New Hampshire; and the Vermont Mulch Company, a premium bark mulch wholesaler, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates Cersosimo Industries Inc. on its 75th anniversary, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Michael A. Cersosimo.

Having been adopted in concurrence on Friday, March 31, 2023 in accord with Joint Rule 16b, was read.

### **Third Reading; Bill Passed**

#### **H. 282**

House bill, entitled

An act relating to the Psychology Interjurisdictional Compact

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

#### **Bill Committed**

#### **H. 81**

House bill, entitled

An act relating to fair repair of agricultural equipment

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up and pending second reading, on motion of

**Rep. Durfee of Shaftsbury**, the bill was committed to the Committee on Commerce and Economic Development.

**Message from the Senate No. 38**

A message was received from the Senate by Ms. Kucserik, 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. 25.** An act relating to regulating cosmetic and menstrual products containing certain chemicals and chemical classes and textiles and athletic turf fields containing perfluoroalkyl and polyfluoroalkyl substances.

**S. 80.** An act relating to miscellaneous environmental conservation subjects.

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

The Senate has considered bills originating in the House of the following titles:

**H. 28.** An act relating to diversion and expungement.

**H. 466.** An act relating to technical corrections for the 2023 legislative session.

And has passed the same in concurrence.

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

**H. 148.** An act relating to raising the age of eligibility to marry.

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 thirty minutes in the afternoon, on motion of **Rep. Toof of St. Albans Town**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

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**Friday, April 7, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Jeff Fellingner of Craftsbury, Katie Trautz of Montpelier, and Julia Wayne of Charlotte.

**House Bills Introduced**

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

**H. 510**

By Reps. Cina of Burlington, Berbeco of Winooski, Black of Essex, Carpenter of Hyde Park, Cole of Hartford, Cordes of Lincoln, Farlice-Rubio of Barnet, Goldman of Rockingham, Headrick of Burlington, Logan of Burlington, Mulvaney-Stanak of Burlington, and Small of Winooski,

House bill, entitled

An act relating to the Social Work Licensure Compact

To the Committee on Health Care.

**H. 511**

By Reps. Cina of Burlington, Carpenter of Hyde Park, Cole of Hartford, Farlice-Rubio of Barnet, Headrick of Burlington, Hooper of Randolph, Logan of Burlington, Mulvaney-Stanak of Burlington, and Small of Winooski,

House bill, entitled

An act relating to establishing a culturally informed youth support pilot program

To the Committee on Human Services.

**H. 512**

By Reps. Cina of Burlington, Berbeco of Winooski, Black of Essex, Carpenter of Hyde Park, Cole of Hartford, Cordes of Lincoln, Farlice-Rubio of Barnet, Headrick of Burlington, Hooper of Randolph, Logan of Burlington, Mulvaney-Stanak of Burlington, and Small of Winooski,

House bill, entitled

An act relating to implementing the recommendations of the Health Equity Advisory Commission related to provider training and continuing education

To the Committee on Health Care.

### **H. 513**

By Reps. Peterson of Clarendon, Labor of Morgan, Williams of Granby, and Wilson of Lyndon,

House bill, entitled

An act relating to protecting the competitive integrity and safety of girls and women in sports

To the Committee on Education.

### **Senate Bills Referred**

Senate bills of the following titles were severally taken up, read the first time, and referred to committee as follows:

### **S. 25**

Senate bill, entitled

An act relating to regulating cosmetic and menstrual products containing certain chemicals and chemical classes and textiles and athletic turf fields containing perfluoroalkyl and polyfluoroalkyl substances

To the Committee on Human Services.

### **S. 80**

Senate bill, entitled

An act relating to miscellaneous environmental conservation subjects

To the Committee on Environment and Energy.

### **Ceremonial Reading**

### **H.C.R. 58**

House concurrent resolution designating April 7, 2023 as Vermont Habitat for Humanity Affiliates Day at the State House

Offered by: Representatives Williams of Barre City, Anthony of Barre City, Casey of Montpelier, McCann of Montpelier, and Priestley of Bradford

Whereas, in 1976, Linda and Millard Fuller established Habitat for Humanity as an ecumenical nonprofit housing corporation that now operates in 70 nations, and it builds affordable homes that the future homeowners construct in partnership with dedicated volunteers, and

Whereas, for 38 years, Habitat for Humanity has engaged in its affordable housing mission in Vermont, and its seven affiliates—Bennington County, Addison County, Central Vermont, Rutland County, Greater Springfield, Upper Valley (and Lamoille County), and Green Mountain—are exclusively funded through local financial support, and

Whereas, since 2010, 23,903 volunteers have devoted 317,321 hours to this special endeavor, and

Whereas, this important volunteer work of sweat and passion has built, rehabbed, or recycled 112 housing units for home ownership, and has repaired an additional 101 housing units, and

Whereas, Vermont Habitat for Humanity volunteers will be visiting the State House on April 7, 2023, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates April 7, 2023 as Vermont Habitat for Humanity Affiliates Day at the State House, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Vermont Habitat for Humanity.

Having been adopted in concurrence on Friday, March 24, 2023 in accord with Joint Rule 16b, was read.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 495**

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

An act relating to the approval of the amendment to the charter of the Town of Middlebury

Reported in favor of its passage when amended as follows:

In Sec. 3, transitional provision, by striking out “Annually, beginning” and inserting in lieu thereof the word “Beginning”.

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

**Favorable Report; Second Reading; Third Reading Ordered****H. 488**

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

An act relating to approval of the adoption of the charter of the Town of Ludlow

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.

**Pending Second Reading****Bill Referred to Committee on Ways and Means****H. 489**

House bill, entitled

An act relating to approval of an amendment to the charter of the Town of Shelburne

Appearing on the Action Calendar, was taken up and, pending second reading, pursuant to House Rule 35(a), materially affecting the revenue of a municipality, was referred to the Committee on Ways and Means.

**Message from the Senate No. 39**

A message was received from the Senate by Ms. Kucserik, 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. 60.** An act relating to local option taxes.

**S. 135.** An act relating to the establishment of VT Saves.

In the passage 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. 4.** Joint resolution recognizing March 31, 2023 as Transgender Day of Visibility in Vermont, expressing support for the transgender rights of all Vermonters, and opposing legislation restricting the rights of transgender Vermonters regardless of their age.

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. 82.** House concurrent resolution congratulating the 2022 St. Johnsbury Academy Hilltoppers boys' cross-country team on winning a second consecutive Division I championship.

**H.C.R. 83.** House concurrent resolution congratulating the 2023 St. Johnsbury Academy Hilltoppers Division I boys' championship indoor track and field team.

**H.C.R. 84.** House concurrent resolution congratulating the 2023 Burlington High School Seahorses girls' Nordic skiing team on winning a third consecutive Division I championship.

**H.C.R. 85.** House concurrent resolution congratulating Sophia R. Boyle Hall on being named the recipient of the 2022 State and national school nursing awards.

**H.C.R. 86.** House concurrent resolution designating April 18, 2023 as USS VERMONT Day in Vermont.

### **Adjournment**

At ten o'clock and eight minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, April 11, 2023, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 22.

### **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. 82**

House concurrent resolution congratulating the 2022 St. Johnsbury Academy Hilltoppers boys' cross-country team on winning a second consecutive Division I championship

#### **H.C.R. 83**

House concurrent resolution congratulating the 2023 St. Johnsbury Academy Hilltoppers Division I boys' championship indoor track and field team

**H.C.R. 84**

House concurrent resolution congratulating the 2023 Burlington High School Seahorses girls' Nordic skiing team on winning a third consecutive Division I championship

**H.C.R. 85**

House concurrent resolution congratulating Sophia R. Boyle Hall on being named the recipient of the 2022 State and national school nursing awards

**H.C.R. 86**

House concurrent resolution designating April 18, 2023 as USS VERMONT 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 2023 Biennial Session.]

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**Tuesday, April 11, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rep. Jonathan Williams of Barre City.

**Pledge of Allegiance**

Page Emmett H. Stowell of Montpelier led the House in the Pledge of Allegiance.

**House Bill Introduced****H. 514**

By Rep. Sammis of Castleton,

House bill, entitled

An act relating to enhanced penalties for a DUI resulting in injury or death to a minor

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



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**Senate Bills Referred**

Senate bills of the following titles were severally taken up, read the first time, and referred to committee as follows:

**S. 60**

Senate bill, entitled

An act relating to local option taxes

To the Committee on Government Operations and Military Affairs.

**S. 135**

Senate bill, entitled

An act relating to the establishment of VT Saves

To the Committee on Government Operations and Military Affairs.

**Committee Relieved of Consideration and  
Bill Committed to Other Committee****H. 334**

**Rep. Conlon of Cornwall** moved that the Committee on Education be relieved of House bill, entitled

An act relating to educator employment certification under the Public Service Loan Forgiveness Program

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

**Third Reading; Bills Passed**

House bills of the following titles were severally taken up, read the third time, and passed:

**H. 488**

House bill, entitled

An act relating to approval of the adoption of the charter of the Town of Ludlow

**H. 495**

House bill, entitled

An act relating to the approval of the amendment to the charter of the Town of Middlebury

**Favorable Report; Second Reading; Third Reading Ordered****H. 386**

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

An act relating to approval of amendments to the charter of the Town of Brattleboro

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.

**Favorable Report; Second Reading; Third Reading Ordered****J.R.S. 19**

**Rep. Bos-Lun of Westminster**, for the Committee on Corrections and Institutions, to which had been referred the joint Senate resolution, entitled

Joint resolution relating to State lands transactions in Jamaica State Park and Coolidge State Forest

Reported in favor of its adoption. The resolution, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

**Senate Proposal of Amendment Concurred in****H. 148**

The Senate proposed to the House to amend House bill, entitled

An act relating to raising the age of eligibility to marry

By inserting a Sec. 2a to read as follows:

Sec. 2a. 12 V.S.A. § 7156 is amended to read:

§ 7156. EFFECT OF EMANCIPATION

(a) The order of emancipation shall recognize the minor as an adult for all purposes that result from reaching the age of majority, including:

- (1) entering into a binding contract;
- (2) litigation and settlement of controversies, including the ability to sue and be sued;
- (3) buying or selling real property;

- 
- (4) establishing a residence except that an emancipation order may not be used for the purpose of obtaining residency and in-state tuition or benefits at the University of Vermont or the Vermont State Colleges;
  - (5) being prosecuted as an adult under the criminal laws of the State;
  - (6) terminating parental support and control of the minor and their rights to the minor's income;
  - (7) terminating parental tort liability for minor; and
  - (8) indicating the minor's emancipated status on driver's license or identification card issued by the State.

(b) The order of emancipation shall not affect the status of the minor in the applicability of any provision of law ~~which~~ that requires specific age requirements under the State or federal constitution or any State or federal law, including laws that require a person to be at least 18 years of age to marry and laws that prohibit the sale, purchase, or consumption of alcoholic beverages to or by a person under 21 years of age.

Which proposal of amendment was considered and concurred in.

#### **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 adopted joint resolution of the following title:

**J.R.S. 23.** Joint resolution relating to weekend adjournment.

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

#### **Adjournment**

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

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**Wednesday, April 12, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rep. Anne Donahue of Northfield.

**Joint Resolution Adopted in Concurrence**

**J.R.S. 23**

By Senator Baruth,

**J.R.S. 23.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, April 14, 2023, it be to meet again no later than Tuesday, April 18, 2023.

Was taken up, read, and adopted in concurrence.

**Third Reading; Bill Passed**

**H. 386**

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Brattleboro

Was taken up and read the third time.

Pending the question, Shall the bill pass?, **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 pass?, was decided in the affirmative. Yeas, 103. Nays, 33.

Those who voted in the affirmative are:

Andrews of Westford	Corcoran of Bennington	Mulvaney-Stanak of
Andriano of Orwell	Demrow of Corinth	Burlington
Anthony of Barre City	Dodge of Essex	Nicoll of Ludlow
Arrison of Weathersfield	Dolan of Essex Junction	Notte of Rutland City
Arsenault of Williston	Durfee of Shaftsbury	Noyes of Wolcott
Austin of Colchester	Elder of Starksboro	Nugent of South Burlington
Bartholomew of Hartland	Emmons of Springfield	O'Brien of Tunbridge
Beck of St. Johnsbury	Farlice-Rubio of Barnet	Ode of Burlington
Berbeco of Winooski	Garofano of Essex	Pajala of Londonderry
Birong of Vergennes	Goldman of Rockingham	Patt of Worcester
Black of Essex	Graning of Jericho	Pearl of Danville
Bluemle of Burlington	Headrick of Burlington	Pouch of Hinesburg

Bongartz of Manchester	Holcombe of Norwich	Priestley of Bradford
Bos-Lun of Westminster	Hooper of Randolph	Rachelson of Burlington
Boyden of Cambridge	Hooper of Burlington	Rice of Dorset
Brady of Williston	Houghton of Essex Junction	Roberts of Halifax *
Brown of Richmond	Howard of Rutland City	Satcowitz of Randolph
Brownell of Pownal	James of Manchester	Scheu of Middlebury
Brumsted of Shelburne	Jerome of Brandon	Sibilia of Dover
Burke of Brattleboro	Kornheiser of Brattleboro	Sims of Craftsbury
Burrows of West Windsor	LaBounty of Lyndon	Small of Winooski
Campbell of St. Johnsbury	Lalley of Shelburne	Squirrell of Underhill
Carpenter of Hyde Park	LaLonde of South Burlington	Stebbins of Burlington
Carroll of Bennington	LaMont of Morristown	Stone of Burlington
Casey of Montpelier	Lanpher of Vergennes	Surprenant of Barnard
Chapin of East Montpelier	Leavitt of Grand Isle	Taylor of Colchester
Chase of Chester	Logan of Burlington	Templeman of Brownington
Chase of Colchester	Long of Newfane	Toleno of Brattleboro
Chesnut-Tangerman of Middletown Springs	Masland of Thetford	Torre of Moretown
Christie of Hartford	McCann of Montpelier	Troiano of Stannard
Cina of Burlington	McCarthy of St. Albans City	Waters Evans of Charlotte
Coffey of Guilford	McGill of Bridport	White of Bethel
Cole of Hartford	Minier of South Burlington	Whitman of Bennington
Conlon of Cornwall	Morris of Springfield	Williams of Barre City
	Mrowicki of Putney	Wood of Waterbury

Those who voted in the negative are:

Bartley of Fairfax	Harrison of Chittenden	Oliver of Sheldon
Branagan of Georgia	Higley of Lowell	Page of Newport City
Brennan of Colchester	Labor of Morgan	Parsons of Newbury
Canfield of Fair Haven	Laroche of Franklin	Peterson of Clarendon
Demar of Enosburgh	Lipsky of Stowe	Shaw of Pittsford
Donahue of Northfield	Maguire of Rutland City	Smith of Derby
Galfetti of Barre Town	Marcotte of Coventry	Taylor of Milton
Goslant of Northfield	Mattos of Milton	Toof of St. Albans Town
Graham of Williamstown	McCoy of Poultney	Walker of Swanton
Gregoire of Fairfield	McFaun of Barre Town	Williams of Granby
Hango of Berkshire	Morgan of Milton	Wilson of Lyndon

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

Burditt of West Rutland	Dolan of Waitsfield	Morrissey of Bennington
Buss of Woodstock	Hyman of South Burlington	Sammis of Castleton
Clifford of Rutland City	Krasnow of South Burlington	Sheldon of Middlebury
Cordes of Lincoln	Mihaly of Calais	Stevens of Waterbury
Dickinson of St. Albans Town		

**Rep. Roberts of Halifax** explained his vote as follows:

“Madam Speaker:

Within safe and principled bounds, the freedom to experiment with our democracy is fundamental to our United States.”

**Third Reading; Joint Resolution Adopted in Concurrence**

**J.R.S. 19**

Joint Senate resolution, entitled

Joint resolution relating to State lands transactions in Jamaica State Park and Coolidge State Forest

Was taken up, read the third time, and adopted in concurrence.

**Adjournment**

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

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**Thursday, April 13, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rick Veitch, Vermont Cartoonist Laureate 2020-2023, Townshend.

**House Bill Introduced**

**H. 515**

By Reps. Roberts of Halifax, Bos-Lun of Westminster, Headrick of Burlington, Laroche of Franklin, and Troiano of Stannard,

House bill, entitled

An act relating to modernizing the Department of Corrections

Was read the first time and referred to the Committee on Corrections and Institutions.

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

**S. 94**

Senate bill, entitled

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

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. 46**

House concurrent resolution congratulating Tillie Walden of Norwich on her selection as the fifth Vermont Cartoonist Laureate

Offered by: Holcombe of Norwich, Clarkson of Woodstock, Masland of Thetford, McCormack of Bethel, and White of Hartford

Offered by: Senators Clarkson, McCormack, and White

Whereas, since 2011, the Center for Cartoon Studies in White River Junction has celebrated the foremost Vermont practitioners of this art form with a three-year term designation as Vermont Cartoonist Laureate, and prior honorees were James Kochalka, Ed Koren, Alison Bechdel, and Richard Veitch, and

Whereas, the fifth and newest recipient of this prestigious title is Tillie Walden of Norwich, a 2016 graduate of the Center for Cartoon Studies, and now one of its faculty members, and

Whereas, although only in her 20s, Tillie Walden is already a prolific cartoonist and the author-illustrator of *The End of Summer*, *I Love This Part*, *A City Inside*, *Spinning*, *On a Sunbeam*, *Are You Listening?*, *Alone in Space*, *Sketchbook 2017–2020*, *Creativity*, and *Clementine* (Book One and Book Two), and she is the co-author with Emma Hunsinger of *My Parents Won't Stop Talking!*, and the illustrator of Tegan and Sara Quin's *Junior High*, and

Whereas, among her numerous prizes are two Eisner Awards (Best Reality-Based Book in 2018, and Best Graphic Album–New Material in 2020), two Ignatz Awards (Outstanding Artist, and Promising New Talent, both in 2016), a Broken Frontier Award in 2016, and a Los Angeles Times Book Award in 2018, and

Whereas, Tillie Walden will proudly continue the tradition of the Vermont Cartoonist Laureate's promotion of cartooning and the ever-broadening application of this colorful illustrative medium, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates Tillie Walden of Norwich on her selection as the fifth Vermont Cartoonist Laureate, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Tillie Walden and to the Center for Cartoon Studies.

Having been adopted in concurrence on Friday, March 3, 2023 in accord with Joint Rule 16b, was read.

**H.C.R. 66**

House concurrent resolution congratulating the 2023 North Country Union High School Falcons Division II championship girls' basketball team

Offered by: Smith of Derby, Higley of Lowell, Ingalls of Newport, Labor of Morgan, Marcotte of Coventry, Page of Newport City, and Starr of Troy

Offered by: Senators Ingalls and Starr

Whereas, excitement and satisfaction characterized the 2022–2023 girls' basketball season at North Country Union High School, and

Whereas, the Falcons persistent display of polished dribbling, passing, and shooting skills resulted in their earning the top seed in the post-season playoff competition and ultimately securing a championship game berth in Barre, against the hometown favorite, and third-seeded, Spaulding Crimson Tide, and

Whereas, despite trailing at halftime, the Falcons exhibited great fortitude and perseverance, winning this close and pivotal game 47–42 and bringing home their second Division II crown in three years, and

Whereas, the proud Falcons, who completed their amazing season with a perfect 24–0 record, were Abby Bathalon, Reeve Applegate, Sabine Brueck, Maya Auger, Emma Fortin, Haidin Bathalon, Rileigh Fortin, Addie Nelson, Cora Nadeau, and Aaliyah Wilburn, and

Whereas, Head Coach Sarah Roy and assistant coaches David Pepin and Seneca Smith were especially pleased, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the 2023 North Country Union High School Falcons Division II championship girls' basketball team, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to North Country Union High School.



Having been adopted in concurrence on Friday, March 24, 2023 in accord with Joint Rule 16b, was read.

**Second Reading; Proposal of Amendment Agreed to;  
Third Reading Ordered**

**S. 3**

**Rep. Arsenault of Williston**, for the Committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to prohibiting paramilitary training camps

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. chapter 85 is amended to read:

CHAPTER 85. WEAPONS

\* \* \*

Subchapter 3. Unauthorized Military Training

§ 4071. PARAMILITARY TRAINING PROHIBITED

(a) A person shall not:

(1) teach, train, or demonstrate to any other person the use, application, or making of a firearm, explosive, or incendiary device capable of causing injury or death, or techniques capable of causing injury or death to persons, if the person knows or reasonably should know that the teaching, training, or demonstrating is intended to be used in or in furtherance of a civil disorder; or

(2) assemble with one or more other persons for the purpose of practicing or being taught, trained, or instructed in the use, application, or making of a firearm, explosive, or incendiary device capable of causing injury or death, or in techniques capable of causing injury or death to persons, if the person knows or reasonably should know that the practicing, teaching, training, or instruction is intended to be used in or in furtherance of a civil disorder.

(b) A person who violates this section shall be imprisoned not more than five years or fined not more than \$50,000.00, or both.

(c) This section shall not apply to:

(1) activity engaged in for legitimate law enforcement purposes by a federal law enforcement officer or a law enforcement officer certified as a law enforcement officer by the Vermont Criminal Justice Council pursuant to 20 V.S.A. § 2358;

(2) lawful activity engaged in by students at Norwich University or any other educational institution where military science is taught as a prescribed part of the course of instruction;

(3) any activity undertaken without knowledge of or intent to cause or further a civil disorder that is intended to teach or practice self-defense or self-defense techniques, including karate clubs, self-defense clinics, and similar lawful activity;

(4) any facility, program, or lawful activity related to firearms instruction and training that is intended to teach the safe handling and use of firearms; or

(5) any lawful sports or activities related to the individual recreational use or possession of firearms, including hunting pursuant to 10 V.S.A. part 4, target shooting, self-defense, and firearms collection.

#### § 4072. DEFINITIONS

As used in this chapter:

(1) “Civil disorder” means any public disturbance involving acts of violence by an assemblage of two or more persons that causes an immediate danger of or results in damage or injury to the property or person of any other individual.

(2) “Explosive” has the same meaning as in subdivision 1603(2) of this title.

(3) “Firearm” has the same meaning as in subdivision 4016(a)(3) of this title.

(4) “Incendiary device” means a device so constructed that an ignition by fire, friction, concussion, detonation, or other method may produce destructive effects primarily through combustion rather than explosion. The term does not include a manufactured device or article in common use by the general public that is designed to produce combustion for a lawful purpose, including matches, lighters, flares, or devices commercially manufactured primarily for the purpose of illumination, heating, or cooking. The term does not include firearms ammunition.

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§ 4073. CIVIL ENFORCEMENT; INJUNCTIVE RELIEF

If the Attorney General or a State's Attorney has reason to believe that a person is violating or is about to violate section 4071 of this title, and that proceedings would be in the public interest, the Attorney General or State's Attorney may bring an action in the name of the State in the Civil Division of the Superior Court to restrain the violation by temporary or permanent injunction. The action shall be brought in the Superior Court of the county in which the person resides, has a place of business, or is doing business. The courts are authorized to issue temporary or permanent injunctions to restrain and prevent violations of section 4071 of this title.

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.

**Adjournment**

At one o'clock and forty-eight 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.

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**Friday, April 14, 2023**

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.

**Bills Referred to Committee on Ways and Means**

House bills of the following titles, appearing on the Notice Calendar, materially affecting the revenue of one or more municipalities, pursuant to House Rule 35(a), were referred to the Committee on Ways and Means:

**H. 504**

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Berlin

**H. 505**

House bill, entitled

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

**Bill Referred to Committee on Appropriations****S. 5**

Senate bill, entitled

An act relating to affordably meeting the mandated greenhouse gas reductions for the thermal sector through efficiency, weatherization measures, electrification, and decarbonization

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

**Third Reading; Bill Passed in Concurrence  
With Proposal of Amendment****S. 3**

Senate bill, entitled

An act relating to prohibiting paramilitary training camps

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

**Message from the Senate No. 41**

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

Madam Speaker:

I am directed to inform the House that:

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

**H.C.R. 87.** House concurrent resolution congratulating Mikaela Shiffrin on her exceptional and historic 2022–2023 world record-setting accomplishments in World Cup Alpine ski racing.

**H.C.R. 88.** House concurrent resolution recognizing the week of April 16–22 as Volunteer Week in Vermont and celebrating Vermont’s volunteers.

**H.C.R. 89.** House concurrent resolution congratulating the winning teams of the 2023 15th Jr Iron Chef VT competition.

**H.C.R. 90.** House concurrent resolution congratulating the 2020, 2021, and 2022 winners of the Spirit of the ADA Award.

**H.C.R. 91.** House concurrent resolution congratulating the River Valley Technical Center culinary and management teams on winning the Vermont championship at the 2023 NYSRAEF ProStart Invitational.

### **Adjournment**

At nine o'clock and fifty-eight minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, April 18, 2023, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 23.

### **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. 87**

House concurrent resolution congratulating Mikaela Shiffrin on her exceptional and historic 2022–2023 world record-setting accomplishments in World Cup Alpine ski racing

#### **H.C.R. 88**

House concurrent resolution recognizing the week of April 16–22 as Volunteer Week in Vermont and celebrating Vermont's volunteers

#### **H.C.R. 89**

House concurrent resolution congratulating the winning teams of the 2023 15th Jr Iron Chef VT competition

#### **H.C.R. 90**

House concurrent resolution congratulating the 2020, 2021, and 2022 winners of the Spirit of the ADA Award

#### **H.C.R. 91**

House concurrent resolution congratulating the River Valley Technical Center culinary and management teams on winning the Vermont championship at the 2023 NYSRAEF ProStart Invitational

[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 2023 Biennial Session.]

**Tuesday, April 18, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rev. Peter Plagge, Waterbury Congregational Church.

**Pledge of Allegiance**

The Speaker led the House in the Pledge of Allegiance.

**Bill Referred to Committee on Appropriations**

**S. 37**

Senate bill, entitled

An act relating to access to legally protected health care activity and regulation of health care providers

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. 9**

House resolution, entitled

House resolution reaffirming the friendship between Vermont and the Republic of China (Taiwan) and supporting enhanced United States–Taiwan and Vermont–Taiwan bilateral relations

Offered by: Representatives Marcotte of Coventry, Chase of Chester, Graning of Jericho, Jerome of Brandon, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Priestley of Bradford, Sammis of Castleton, White of Bethel, and Williams of Barre City

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 is as strong as it has ever been, and

Whereas, with respect to United States–Taiwan trade, the United States is Taiwan’s second-largest trading partner; Taiwan is the eighth-largest trading partner of the United States; in 2022, the two-way trade in goods between the United States and Taiwan totaled an estimated \$135.56 billion; and Taiwan was the sixth-largest purchaser of American agricultural goods totaling \$4.4 billion, and

Whereas, regarding Vermont–Taiwan trade, in 2022, Taiwan was the second-largest export destination for Vermont goods worth approximately \$465 million, and Vermont imported an estimated \$100 million in goods from Taiwan, and

Whereas, the Government of Taiwan has expressed a desire to reach a Bilateral Trade Agreement with the United States, which would significantly increase Vermont’s exports to Taiwan, bilateral investment, and jobs in Vermont, and

Whereas, Vermont and Taiwan have enjoyed a long history of productive bilateral relations, including entering into a driver’s license reciprocity agreement in 2020 and facilitating people-to-people exchanges between the two jurisdictions, and

Whereas, the Government of Taiwan desires to establish a Memorandum of Understanding with the State of Vermont to increase educational exchanges and cooperation, 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 and Vermont–Taiwan bilateral relations, and be it further

Resolved: That this legislative body supports the establishment of a memorandum of understanding between the Republic of China (Taiwan) and Vermont for educational exchanges and cooperation, 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 the Vermont Congressional Delegation.

Was read by title and placed on the Action Calendar on the next legislative day pursuant to House Rule 52.

**Ceremonial Readings****H.C.R. 82**

House concurrent resolution congratulating the 2022 St. Johnsbury Academy Hilltoppers boys' cross-country team on winning a second consecutive Division I championship

Offered by: Representatives Beck of St. Johnsbury, Campbell of St. Johnsbury, and Farlice-Rubio of Barnet

Offered by: Senator Kitchel

Whereas, the St. Johnsbury Academy boys' cross-country team arrived at Thetford Academy for the 2022 State championship meet aspiring to retain the Division I title that the Hilltoppers had won in 2021, and

Whereas, the 2022 St. Johnsbury Academy success was the culmination of a true team effort, with the Hilltoppers securing seven of the top 20 places on the 5K course—five in the top 15, including third place—which resulted in a narrow, but most satisfying, 44–48 victory over runner-up Champlain Valley Union High School, and

Whereas, the winning Hilltoppers were Nathan Lenzini, Charlie Krebs, Ryan Callaghan, Carson Eames, Nathaniel Bernier, Andrew Thornton-Sherman, Ari Leven, and Isaac Lenzini, and coaches Chip Langmaid and Kevin Cattrell were great mentors for the team, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the 2022 St. Johnsbury Academy Hilltoppers boys' cross-country team on winning a second consecutive Division I championship, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to St. Johnsbury Academy.

Having been adopted in concurrence on Friday, April 7, 2023 in accord with Joint Rule 16b, was read.

**H.C.R. 83**

House concurrent resolution congratulating the 2023 St. Johnsbury Academy Hilltoppers Division I boys' championship indoor track and field team  
House concurrent resolution congratulating the 2023 St. Johnsbury Academy Hilltoppers Division I boys' championship indoor track and field team

Offered by: Representatives Beck of St. Johnsbury, Campbell of St. Johnsbury, and Farlice-Rubio of Barnet



Offered by: Senator Kitchel

Whereas, at the 2023 State indoor track and field championship, held at the University of Vermont in Burlington, the Division I Hilltoppers competed against the State's other outstanding high school track and field athletes, and

Whereas, St. Johnsbury Academy proved ready to meet this challenge, securing first place in the 55-meter hurdles, the 4x200 and 4x400 relays, and the long jump, along with other impressive results, and

Whereas, when all the Division I scores were tallied, the Hilltoppers had won a decisive 147–122.5 victory over the second-place Essex High School Hornets, and

Whereas, the triumphant Hilltoppers were Christian Adames, Jaden Beardsley, Ryan Callaghan, Gerardo Fernandez, Parker Bruhns, Jonathan Kalach, Riku Momozawa, Andrew Bugbee, Nathaniel Bernier, Carson Eames, Diego Perez, Andrew Thornton-Sherman, Wilder Thomas, and Gideon Pearson, and their proud coaches were Chip Langmaid, Dylan Bertolini, Stephen Badgley, Matthew O'Brien, and Jessica Thornton-Sherman, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the 2023 St. Johnsbury Academy Hilltoppers Division I boys' championship indoor track and field team, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to St. Johnsbury Academy.

Having been adopted in concurrence on Friday, April 7, 2023 in accord with Joint Rule 16b, was read.

### **H.C.R. 86**

House concurrent resolution designating April 18, 2023 as USS VERMONT Day in Vermont

Offered by: Representatives Hango of Berkshire, Andrews of Westford, Andriano of Orwell, Arrison of Weathersfield, Austin of Colchester, Bartley of Fairfax, Beck of St. Johnsbury, Birong of Vergennes, Boyden of Cambridge, Branagan of Georgia, Brennan of Colchester, Brownell of Pownal, Burditt of West Rutland, Canfield of Fair Haven, Chase of Colchester, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Clifford of Rutland City, Demar of Enosburgh, Dickinson of St. Albans Town, Donahue of Northfield, Farlice-Rubio of Barnet, Galfetti of Barre Town, Goslant of Northfield, Graham of Williamstown, Graning of Jericho,

Gregoire of Fairfield, Harrison of Chittenden, Higley of Lowell, Hooper of Randolph, Hooper of Burlington, Howard of Rutland City, Krasnow of South Burlington, Labor of Morgan, LaBounty of Lyndon, Laroche of Franklin, Leavitt of Grand Isle, Lipsky of Stowe, Maguire of Rutland City, Marcotte of Coventry, Masland of Thetford, Mattos of Milton, McCarthy of St. Albans City, McCoy of Poultney, McFaun of Barre Town, Morgan of Milton, Morris of Springfield, Morrissey of Bennington, Noyes of Wolcott, Nugent of South Burlington, Ode of Burlington, Oliver of Sheldon, Page of Newport City, Pajala of Londonderry, Parsons of Newbury, Peterson of Clarendon, Sammis of Castleton, Shaw of Pittsford, Sibilias of Dover, Sims of Craftsbury, Smith of Derby, Taylor of Milton, Toof of St. Albans Town, Troiano of Stannard, Walker of Swanton, Waters Evans of Charlotte, Williams of Granby, Wilson of Lyndon, and Wood of Waterbury

Offered by: Senators Chittenden, Gulick, Hardy, Ingalls, Kitchel, Norris, Watson, Weeks, White, Williams, and Wrenner

Whereas, the submarine USS VERMONT (SSN 792) was commissioned on April 18, 2020 and is the third U.S. Navy vessel to be named in honor of the State of Vermont, and

Whereas, the officers and enlisted personnel of the USS VERMONT have sustained superior performance, setting new standards for future U.S. Navy submarines entering the fleet, and

Whereas, today, April 18, 2023, the third anniversary of the commissioning of the USS VERMONT, provides an ideal occasion to honor the officers and crew of this submarine for their dedicated service to our State and country through their many hours of arduous duty protecting our nation and its freedoms, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes April 18, 2023 as USS VERMONT Day in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the USS VERMONT and the USS VERMONT Support Group.

Having been adopted in concurrence on Friday, April 7, 2023 in accord with Joint Rule 16b, was read.

### **Bill Committed Pending Second Reading**

#### **S. 100**

Senate bill, entitled

An act relating to housing opportunities made for everyone

Appearing on the Action Calendar was taken up and, pending second reading of the bill, **Rep. Stevens of Waterbury** moved that the bill be committed to the Committee on Environment and Energy, which was agreed to.

### **Favorable Reports; Second Reading; Third Reading Ordered**

#### **H. 489**

**Rep. Waters Evans of Charlotte**, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to approval of an amendment to the charter of the Town of Shelburne

Reported in favor of its passage.

**Rep. Branagan of Georgia**, 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.

#### **Message from the Senate No. 42**

A message was received from the Senate by Ms. Kucserik, 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. 39.** An act relating to compensation and benefits for members of the Vermont General Assembly.

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. 35.** An act relating to the Victims Assistance Program.

And has passed the same in concurrence.

The Senate has considered bills originating in the House of the following titles:

**H. 41.** An act relating to referral of domestic and sexual violence cases to community justice centers.

**H. 53.** An act relating to driver's license suspensions.

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. 24.** Joint resolution relating to weekend adjournment.

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

### **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 18th day of April 2023, he signed bills originating in the House of the following titles:

**H. 28 An act relating to diversion and expungement**

**H. 466 An act relating to technical corrections for the 2023 legislative session**

### **Adjournment**

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

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**Wednesday, April 19, 2023**

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

### **Devotional Exercises**

Devotional exercises were conducted by Wyn Cooper, poet and novelist, Halifax.

### **House Bills Introduced**

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

**H. 516**

By Reps. Dolan of Essex Junction and Houghton of Essex Junction,  
House bill, entitled

An act relating to approval of amendments to the charter of the City of Essex Junction

To the Committee on Government Operations and Military Affairs.

**H. 517**

By Reps. Torre of Moretown, Dolan of Waitsfield, Stevens of Waterbury,  
and Wood of Waterbury,

House bill, entitled

An act relating to approval of the dissolution of Duxbury-Moretown Fire District No. 1

To the Committee on Government Operations and Military Affairs.

**Senate Bill Referred****S. 39**

Senate bill, entitled

An act relating to compensation and benefits for members of the Vermont General Assembly

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

**Joint Resolution Placed on Calendar****J.R.H. 5**

Joint House resolution, entitled

Joint resolution authorizing the Green Mountain Girls State educational program to use the facilities of the State House on a mutually agreed upon day and for a designated time span during the week of June 18, 2023

Offered by: Representatives Brumsted of Shelburne and Bos-Lun of Westminster

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, including conducting a mock legislative session at the State House, and

Whereas, this special experience is a unique civic lesson of lasting value for the participants, now therefore be it

Resolved by the Senate and House of Representatives:

That subject to the determination of and limitations that the Sergeant at Arms may establish, the Green Mountain Girls State educational program is authorized to use the facilities of the State House on a mutually agreed upon day and for a designated time span during the week of June 18, 2023, 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.

Was read by title and placed on the Action Calendar on the next legislative day pursuant to House Rule 52.

### **Joint Resolution Adopted in Concurrence**

#### **J.R.S. 24**

By Senator Baruth,

**J.R.S. 24.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, April 21, 2023, it be to meet again no later than Tuesday, April 25, 2023.

Was taken up, read, and adopted in concurrence.

### **Ceremonial Readings**

#### **H.C.R. 89**

House concurrent resolution congratulating the winning teams of the 2023 15th Jr Iron Chef VT competition

Offered by: Representatives Sibia of Dover, Andrews of Westford, Andriano of Orwell, Arsenault of Williston, Austin of Colchester, Bartley of Fairfax, Birong of Vergennes, Bluemle of Burlington, Bongartz of Manchester, Bos-Lun of Westminster, Boyden of Cambridge, Burke of Brattleboro, Buss of Woodstock, Chapin of East Montpelier, Christie of Hartford, Coffey of Guilford, Cordes of Lincoln, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Donahue of Northfield, Elder of Starksboro, Farlice-Rubio of Barnet, Galfetti of Barre Town, Garofano of Essex, Goslant of Northfield, Graning of Jericho, Hango of Berkshire, Harrison of Chittenden, Holcombe of Norwich, Hooper of Burlington, Houghton of Essex Junction, Howard of Rutland City, Krasnow of South Burlington, Leavitt of Grand Isle, Lipsky of Stowe, Logan of Burlington, Masland of Thetford, McGill of Bridport,

Mihaly of Calais, Morgan of Milton, Ode of Burlington, Pajala of Londonderry, Parsons of Newbury, Priestley of Bradford, Rice of Dorset, Sims of Craftsbury, Small of Winooski, Stebbins of Burlington, Stone of Burlington, Taylor of Milton, Troiano of Stannard, and Wood of Waterbury

Whereas, on March 11, 2023, after a pandemic-imposed pause, the Jr Iron Chef VT competition, featuring nutritious and unique culinary creations suitable for school meal programs that 34 teams crafted from local agricultural products, returned to the Champlain Valley Exposition in Essex Junction for its 15th year, and

Whereas, though it is now held under the auspices of Vermont Afterschool, the event's original organizer, VT-FEED, retained a consulting role, and the panel of judges brought expertise in the areas of cooking, journalism, and youth programs to their assignment, and

Whereas, in both the morning and afternoon cook-off rounds, the three award categories were Crowd Pleaser (the team best incorporating color, texture, and taste), Lively Local (the team best highlighting Vermont foods), and Mise en Place (the team demonstrating exemplary teamwork, order, and professionalism), and

Whereas, the morning middle school category winners were the Winooski School District Wild Onions (Crowd Pleaser–Vegetarian Dumplings), the Williston Central School Wildcats (Lively Local–Vermont Root Vegetable Shepherd's Pie), and the Lake Champlain Waldorf School Naan Believers (Mise en Place–Indian Butter Tofu), and

Whereas, their afternoon peers earning special recognition were the King Street Youth Center Flames (Crowd Pleaser–Thai Green Curry with Coconut, Makrut Lime, and Thai Basil), the Crossett Brook Middle School Cougars (Lively Local–Tiger Tail Burrito Bowl), and the Edmunds Middle School Team #2 (Mise en Place–Chana Masala), and

Whereas, the afternoon-only high school cook-off winners were the Champlain Valley Union High School Red Onions (Crowd Pleaser–Tofu Poke Bowl), the Lake Champlain Waldorf School Soup Doggz (Lively Local–Stir-Fried Vegetables with Noodles and Crispy Tofu), and the Champlain Valley Union High School Chefhawks (Mise en Place– Barbeque Bao Buns), now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the winning teams of the 2023 15th Jr Iron Chef VT competition, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to each winning team and to Vermont Afterschool.

Having been adopted in concurrence on Friday, April 14, 2023 in accord with Joint Rule 16b, was read.

### **H.C.R. 90**

House concurrent resolution congratulating the 2020, 2021, and 2022 winners of the Spirit of the ADA Award

Offered by: Representatives Marcotte of Coventry, Chase of Chester, Graning of Jericho, Jerome of Brandon, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Page of Newport City, Priestley of Bradford, Sammis of Castleton, White of Bethel, and Williams of Barre City

Offered by: Senators Ingalls and Starr

Whereas, the State of Vermont recognizes the general societal and workforce benefits of affording all Vermonters, including those with disabilities, equal economic opportunities regardless of age, color, gender, national origin, race, religion, or sexual orientation, and

Whereas, the Governor's Committee on the Employment of People with Disabilities annually honors organizations that strive to achieve this goal with the Spirit of the ADA (Americans with Disabilities Act) Award, and

Whereas, the criteria for receipt of this honor are "(1) creating an accessibility recruitment and hiring process, (2) [incorporating] on-the-job accommodations, (3) [providing] accessible physical structures to ensure success for all employees, [and] (4) [having] an overall employment strategy that includes hiring people with disabilities," and

Whereas, the winners were, in 2020, Gardener's Supply, Vermont Soap, Copeland Furniture, The Vermont Country Store, and The Alchemist Brewery; in 2021, SODEXO at Northern Vermont University, the Town of Waterbury Department of Parks & Recreation, Vermont Fiber Mill, Homegrown Scales, Ace Hardware in St. Albans, Hannaford Supermarket in St. Albans, Andy's Dandys, Main Street Graphics, the Department of Forests, Parks and Recreation staff at Allis and Elmore State Parks, Killington Resort, the Springfield Medical Center, the City of Newport, and Price Chopper in Morrisville; and, in 2022, Accessible Web, 802 Toyota, Animal Doctor, Vermont Information Processing, Marble Valley Regional Transit (The Bus), and Equinox Golf Resort & Spa (the Benchmark Hospitality Group), and

Whereas, representatives of many of the recent organizational winners of the Spirit of the ADA Award are present in the State House today, now therefore be it



Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the 2020, 2021, and 2022 winners of the Spirit of the ADA Award, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to each of these Spirit of the ADA Award winners.

Having been adopted in concurrence on Friday, April 14, 2023 in accord with Joint Rule 16b, was read.

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

**H. 143**

**Rep. Coffey of Guilford** moved that the Committee on Transportation be relieved of House bill, entitled

An act relating to consumer protections related to the towing and storage of vehicles

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

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

**S. 93**

**Rep. Kornheiser of Brattleboro** moved that the Committee on Ways and Means be relieved of Senate bill, entitled

An act relating to the sales tax exemption for advanced wood boilers

And that the bill be committed to the Committee on Environment and Energy, which was agreed to.

**Third Reading; Bill Passed**

**H. 489**

House bill, entitled

An act relating to approval of an amendment to the charter of the Town of Shelburne

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

**House Resolution Adopted****H.R. 9**

House resolution, entitled

House resolution reaffirming the friendship between Vermont and the Republic of China (Taiwan) and supporting enhanced United States–Taiwan and Vermont–Taiwan bilateral relations

Was taken up and adopted.

**Joint Information Technology Oversight Committee  
Appointments**

Pursuant to 2 V.S.A. § 614, the Speaker appointed the following members to the Joint Information Technology Oversight Committee:

**Rep. Chase of Colchester**

**Rep. Sibilila of Dover**

**Rep. Priestley of Bradford**

**Adjournment**

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

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**Thursday, April 20, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rev. Ed Sunday-Winters, Greensboro United Church of Christ.

**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 2023, he signed a bill originating in the House of the following title:

**H. 148 An act relating to raising the age of eligibility to marry**

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**Bill Referred to Committee on Ways and Means****S. 99**

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, was referred to the Committee on Ways and Means.

**Ceremonial Readings****H.C.R. 42**

House concurrent resolution honoring Laura and Lewis Sumner of Halifax for their exemplary municipal public service

Offered by: Representative Roberts of Halifax

Whereas, Laura Sumner was raised in Vernon, and her husband, Lewis, in Halifax, where they have resided since their marriage in 1965, and

Whereas, Lewis Sumner continued his family's farming tradition, maintaining a dairy herd until 1988, and, subsequently, he was employed for many years as the custodian at Halifax Elementary School, and

Whereas, both Laura and Lewis Sumner were active in the former Guiding Star Grange, and they were also long associated with the West Halifax Bible Church, and

Whereas, each member of this this five-decade-plus partnership has served the Town of Halifax with dedication and distinction, and

Whereas, from 1967 until 2010, Laura Sumner was the dependable and knowledgeable Halifax Town Clerk, overseeing the daily operations of municipal government, ensuring democracy's vitality as the coordinator of elections' administration, safeguarding the town's municipal records, and transitioning the town into the digital era, and

Whereas, for 58 years, Lewis Sumner responded to the call to duty when the alarm sounded at the Halifax Fire Company Inc., and

Whereas, beginning in 1963, Lewis Sumner has stood successfully for election to the Halifax Selectboard, and, except for a brief hiatus from 2002 to 2005, has served continuously for 60 years, and during many of these years, has presided over the panel as chair, a position he currently holds, and

Whereas, on Town Meeting Day 2023, Lewis Sumner will conclude his remarkable six decades of Selectboard membership, highlights of which include eight weather events involving FEMA, and especially the aftermath of Tropical Storm Irene, and this is a propitious occasion to recognize the couple who truly merit the title Mr. and Mrs. Halifax, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors Laura and Lewis Sumner of Halifax for their exemplary municipal public service, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Laura and Lewis Sumner and to the Halifax Town Clerk.

Having been adopted in concurrence on Friday, March 3, 2023 in accord with Joint Rule 16b, was read.

### **H.C.R. 88**

House concurrent resolution recognizing the week of April 16–22 as Volunteer Week in Vermont and celebrating Vermont’s volunteers

Offered by: Representative Noyes of Wolcott

Whereas, according to AmeriCorps, in 2021, at the height of the COVID-19 pandemic, more than 310,000 Vermonters helped their neighbors, reflecting a special spirit of mutual support at an especially stressful time, and

Whereas, the scope of volunteering varied, from the 29.1 percent of the State’s residents (over 150,000 persons) who volunteered a total of 10.7 million hours through an organization and contributed more than \$300 million in economic value to the State to the 97.2 percent of Vermonters who spoke or spent time with family or friends, and

Whereas, half of all Vermonters demonstrated support for their neighbors in need through charitable donations, and

Whereas, a dedicated contingent of Vermonters 55 years of age and older volunteers with the State’s four regional Senior Corps–RSVP (Retired and Senior Volunteer Program) agencies (RSVP Rutland/Addison County, the Green Mountain RSVP, the United Way of Northwestern Vermont RSVP, and the RSVP for Central Vermont and the Northeast Kingdom, which is under the auspices of the Central Vermont Council on Aging), and

Whereas, these volunteers serve as drivers for Meals on Wheels, medical appointments, errands, and food shopping; assist at food shelves, historical societies, libraries, and museums; lead exercise classes and assist with other wellness activities; and provide vital senior companionship, and they merit a special expression of gratitude, and

Whereas, April is Global Volunteer Month and the week of April 16–22 is National Volunteer Week, and similar Vermont recognition is warranted, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes the week of April 16–22 as Volunteer Week in Vermont and celebrates Vermont’s volunteers, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to SerVermont and each of the four RSVP programs in Vermont.

Having been adopted in concurrence on Friday, April 14, 2023 in accord with Joint Rule 16b, was read.

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

**S. 5**

**Rep. Sibilia of Dover**, for the Committee on Environment and Energy, to which had been referred Senate bill, entitled

An act relating to affordably meeting the mandated greenhouse gas reductions for the thermal sector through efficiency, weatherization measures, electrification, and decarbonization

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. SHORT TITLE

This act shall be known and may be cited as the “Affordable Heat Act.”

Sec. 2. FINDINGS

The General Assembly finds:

(1) All of the legislative findings made in 2020 Acts and Resolves No. 153, Sec. 2, the Vermont Global Warming Solutions Act of 2020 (GWSA), remain true and are incorporated by reference here.

(2) Under the GWSA and 10 V.S.A. § 578, Vermont has a legal obligation to reduce greenhouse gas emissions to specific levels by 2025, 2030, and 2050.

(3) The Vermont Climate Council was established under the GWSA and was tasked with, among other things, recommending necessary legislation to reduce greenhouse gas emissions. The Initial Vermont Climate Action Plan

calls for the General Assembly to adopt legislation authorizing the Public Utility Commission to administer the Clean Heat Standard consistent with the recommendations of the Energy Action Network's Clean Heat Standard Working Group.

(4) As required by the GWSA, the Vermont Climate Council published the Initial Vermont Climate Action Plan on December 1, 2021. As noted in that plan, over one-third of Vermont's greenhouse gas emissions in 2018 came from the thermal sector. In that year, approximately 72 percent of Vermont's thermal energy use was fossil based, including 29 percent from the burning of heating oil, 24 percent from fossil gas, and 19 percent from propane.

(5) To meet the greenhouse gas emission reductions required by the GWSA, Vermont needs to transition away from its current carbon-intensive building heating practices to lower-carbon alternatives. It also needs to do this equitably, recognizing economic effects on energy users, especially energy-burdened users; on the workforce currently providing these services; and on the overall economy.

(6) Vermonters have an unprecedented opportunity to invest in eligible clean heat measures with funding from new federal laws including the Infrastructure Investment and Jobs Act of 2021 and the Inflation Reduction Act of 2022.

Sec. 3. 30 V.S.A. chapter 94 is added to read:

#### CHAPTER 94. CLEAN HEAT STANDARD

##### § 8121. INTENT

Pursuant to 2 V.S.A. § 205(a), it is the intent of the General Assembly that the Clean Heat Standard be designed and implemented in a manner that achieves Vermont's thermal sector greenhouse gas emissions reductions necessary to meet the requirements of 10 V.S.A. § 578(a)(2) and (3), minimizes costs to customers, protects public health, and recognizes that affordable heating is essential for Vermonters. It shall enhance social equity by prioritizing customers with low income and moderate income and those households with the highest energy burdens. The Clean Heat Standard shall, to the greatest extent possible, maximize the use of available federal funds to deliver clean heat measures.

##### § 8122. CLEAN HEAT STANDARD

(a) The Clean Heat Standard is established. Under this program, obligated parties shall reduce greenhouse gas emissions attributable to the Vermont thermal sector by retiring required amounts of clean heat credits to meet the

thermal sector portion of the greenhouse gas emission reduction obligations of the Global Warming Solutions Act.

(b) By rule or order, the Commission shall establish or adopt a system of tradeable clean heat credits earned from the delivery of clean heat measures that reduce greenhouse gas emissions.

(c) An obligated party shall obtain the required amount of clean heat credits through delivery of eligible clean heat measures by a default delivery agent, unless the obligated party receives prior approval from the Commission to use another method as described in section 8125 of this title.

(d) The Commission shall adopt rules and may issue orders to implement and enforce the Clean Heat Standard program.

#### § 8123. DEFINITIONS

As used in this chapter:

(1) “Carbon intensity value” means the amount of lifecycle greenhouse gas emissions per unit of energy of fuel expressed in grams of carbon dioxide equivalent per megajoule (gCO<sub>2</sub>e/MJ).

(2) “Clean heat credit” means a tradeable, nontangible commodity that represents the amount of greenhouse gas reduction attributable to a clean heat measure. The Commission shall establish a system of management for clean heat credits pursuant to this chapter.

(3) “Clean heat measure” means fuel delivered and technologies installed to end-use customers in Vermont that reduce greenhouse gas emissions from the thermal sector. Clean heat measures shall not include switching from one fossil fuel use to another fossil fuel use. The Commission may adopt a list of acceptable actions that qualify as clean heat measures.

(4) “Commission” means the Public Utility Commission.

(5) “Customer with low income” means a customer with a household income of up to 60 percent of the area or statewide median income, whichever is greater, as published annually by the U.S. Department of Housing and Urban Development or a customer who qualifies for a government-sponsored, low-income energy subsidy.

(6) “Customer with moderate income” means a customer with a household income between 60 percent and 120 percent of the area or statewide median income, whichever is greater, as published annually by the U.S. Department of Housing and Urban Development.

(7) “Default delivery agent” means an entity designated by the Commission to provide services that generate clean heat measures.

(8) “Energy burden” means the annual spending on thermal energy as a percentage of household income.

(9) “Entity” means any individual, trustee, agency, partnership, association, corporation, company, municipality, political subdivision, or any other form of organization.

(10) “Fuel pathway” means a detailed description of all stages of fuel production and use for any particular fuel, including feedstock generation or extraction, production, transportation, distribution, and combustion of the fuel by the consumer. The fuel pathway is used in the calculation of the carbon intensity value and lifecycle greenhouse gas emissions of each fuel.

(11) “Heating fuel” means fossil-based heating fuel, including oil, propane, natural gas, coal, and kerosene.

(12) “Obligated party” means:

(A) A regulated natural gas utility serving customers in Vermont.

(B) For other heating fuels, the entity that imports heating fuel for ultimate consumption within the State, or the entity that produces, refines, manufactures, or compounds heating fuel within the State for ultimate consumption within the State. For the purpose of this section, the entity that imports heating fuel is the entity that has ownership title to the heating fuel at the time it is brought into Vermont.

(13) “Thermal sector” has the same meaning as the “Residential, Commercial and Industrial Fuel Use” sector as used in the Vermont Greenhouse Gas Emissions Inventory and Forecast and does not include nonroad diesel or any other transportation or other fuel use categorized elsewhere in the Vermont Greenhouse Gas Emissions Inventory and Forecast.

#### § 8124. CLEAN HEAT STANDARD COMPLIANCE

(a) Required amounts.

(1) The Commission shall establish the number of clean heat credits that each obligated party is required to retire each calendar year. The size of the annual requirement shall be set at a pace sufficient for Vermont’s thermal sector to achieve lifecycle carbon dioxide equivalent (CO<sub>2</sub>e) emission reductions consistent with the requirements of 10 V.S.A. § 578(a)(2) and (3) expressed as lifecycle greenhouse gas emissions pursuant to subsection 8127(g) of this title.

(2) Annual requirements shall be expressed as a percent of each obligated party’s contribution to the thermal sector’s lifecycle CO<sub>2</sub>e emissions in the previous year. The annual percentage reduction shall be the same for all



obligated parties. To ensure understanding among obligated parties, the Commission shall publicly provide a description of the annual requirements in plain terms.

(3) To support the ability of the obligated parties to plan for the future, the Commission shall establish and update annual clean heat credit requirements for the next 10 years. Every three years, the Commission shall extend the requirements three years; shall assess emission reductions actually achieved in the thermal sector; and, if necessary, revise the pace of clean heat credit requirements for future years to ensure that the thermal sector portion of the emission reduction requirements of 10 V.S.A. § 578(a)(2) and (3) for 2030 and 2050 will be achieved.

(4) The Commission may temporarily, for a period not to exceed 36 months, adjust the annual requirements for good cause after notice and opportunity for public process. Good cause may include a shortage of clean heat credits, market conditions as identified by the Department's potential study conducted pursuant to section 8125 of this title, or undue adverse financial impacts on particular customers or demographic segments. The Commission shall ensure that any downward adjustment has the minimum impact possible on the State's ability to comply with the thermal sector portion of the requirements of 10 V.S.A. § 578(a)(2) and (3).

(b) Annual registration.

(1) Each entity that sells heating fuel into or in Vermont shall register annually with the Commission by an annual deadline established by the Commission. The first registration deadline is January 31, 2024, and the annual deadline shall remain January 31 of each year unless a different deadline is established by the Commission. The form and information required in the registration shall be determined by the Commission and shall include all data necessary to establish annual requirements under this chapter. The Commission shall use the information provided in the registration to determine whether the entity shall be considered an obligated party and the amount of its annual requirement.

(2) At a minimum, the Commission shall require registration information to include legal name; doing business as name, if applicable; municipality; state; types of heating fuel sold; and the exact amount of gallons of each type of heating fuels sold into or in the State for final sale or consumption in the State in the calendar year immediately preceding the calendar year in which the entity is registering with the Commission, separated by type, that was purchased by the submitting entity and the name and location of the entity from which it was purchased.

(3) Each year, and not later than 30 days following the annual registration deadline established by the Commission, the Commission shall share complete registration information of obligated parties with the Agency of Natural Resources and the Department of Public Service for purposes of updating the Vermont Greenhouse Gas Emissions Inventory and Forecast and meeting the requirements of 10 V.S.A. § 591(b)(3).

(4) The Commission shall maintain, and update annually, a list of registered entities on its website that contains the required registration information.

(5) For any entity not registered on or before January 31, 2024, the first registration form shall be due 30 days after the first sale of heating fuel to a location in Vermont.

(6) Clean heat requirements shall transfer to entities that acquire an obligated party.

(7) Entities that cease to operate shall retain their clean heat requirement for their final year of operation.

(c) Early action credits. Beginning on January 1, 2023, clean heat measures that are installed and provide emission reductions are creditable. Upon the establishment of the clean heat credit system, entities may register credits for actions taken starting in 2023.

(d) Equitable distribution of clean heat measures.

(1) The Clean Heat Standard shall be designed and implemented to enhance social equity by prioritizing customers with low income, moderate income, those households with the highest energy burdens, and renter households with tenant-paid energy bills. The design shall ensure all customers have an equitable opportunity to participate in, and benefit from, clean heat measures regardless of heating fuel used, income level, geographic location, residential building type, or homeownership status.

(2) Of their annual requirement, each obligated party shall retire at least 16 percent from customers with low income and an additional 16 percent from customers with low or moderate income. For each of these groups, at least one-half of these credits shall be from installed clean heat measures that require capital investments in homes, have measure lives of 10 years or more, and are estimated by the Technical Advisory Group to lower annual energy bills. Examples shall include weatherization improvements and installation of heat pumps, heat pump water heaters, and advanced wood heating systems. The Commission may identify additional measures that qualify as installed measures.

(3) The Commission shall, to the extent reasonably possible, frontload the credit requirements for customers with low income and moderate income so that the greatest proportion of clean heat measures reach Vermonters with low income and moderate income in the earlier years.

(4) With consideration to how to best serve customers with low income and moderate income, the Commission shall have authority to change the percentages established in subdivision (2) of this subsection for good cause after notice and opportunity for public process. Good cause may include a shortage of clean heat credits or undue adverse financial impacts on particular customers or demographic segments.

(5) In determining whether to exceed the minimum percentages of clean heat measures that must be delivered to customers with low income and moderate income, the Commission shall take into account participation in other government-sponsored low-income and moderate-income weatherization programs. Participation in other government-sponsored low-income and moderate-income weatherization programs shall not limit the ability of those households to participate in programs under this chapter.

(6) A clean heat measure delivered to a customer qualifying for a government-sponsored, low-income energy subsidy shall qualify for clean heat credits required by subdivision (2) of this subsection.

(7) Customer income data collected shall be kept confidential by the Commission, the Department of Public Service, the obligated parties, and any entity that delivers clean heat measures.

(e) Credit banking. The Commission shall allow an obligated party that has met its annual requirement in a given year to retain clean heat credits in excess of that amount for future sale or application to the obligated party's annual requirements in future compliance periods, as determined by the Commission.

(f) Enforcement.

(1) The Commission shall have the authority to enforce the requirements of this chapter and any rules or orders adopted to implement the provisions of this chapter. The Commission may use its existing authority under this title. As part of an enforcement order, the Commission may order penalties and injunctive relief.

(2) The Commission shall order an obligated party that fails to retire the number of clean heat credits required in a given year, including the required amounts from customers with low income and moderate income, to make a noncompliance payment to the default delivery agent for the number of credits deficient. The per-credit amount of the noncompliance payment shall be two

times the amount established by the Commission for timely per-credit payments to the default delivery agent.

(3) However, the Commission may waive the noncompliance payment required by subdivision (2) of this subsection for an obligated party if the Commission:

(A) finds that the obligated party made a good faith effort to acquire the required amount and its failure resulted from market factors beyond its control; and

(B) directs the obligated party to add the number of credits deficient to one or more future years.

(4) False or misleading statements or other representations made to the Commission by obligated parties related to compliance with the Clean Heat Standard are subject to the Commission's enforcement authority, including the power to investigate and assess penalties, under this title.

(5) The Commission's enforcement authority does not in any way impede the enforcement authority of other entities such as the Attorney General's office.

(6) Failure to register with the Commission as required by this section is a violation of the Consumer Protection Act in 9 V.S.A. chapter 63.

(g) Records. The Commission shall establish requirements for the types of records to be submitted by obligated parties, a record retention schedule for required records, and a process for verification of records and data submitted in compliance with the requirements of this chapter.

(h) Reports.

(1) As used in this subsection, "standing committees" means the House Committee on Environment and Energy and the Senate Committees on Finance and on Natural Resources and Energy.

(2) After the adoption of the rules implementing this chapter, the Commission shall submit a written report to the standing committees detailing the efforts undertaken to establish the Clean Heat Standard pursuant to this chapter.

(3) On or before January 15 of each year following the year in which the rules are first adopted under this chapter, the Commission shall submit to the standing committees a written report detailing the implementation and operation of the Clean Heat Standard. This report shall include an assessment on the equitable adoption of clean heat measures required by subsection (d) of this section, along with recommendations to increase participation for the

households with the highest energy burdens. 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.

(i) LIHEAP pricing. The Margin Over Rack pricing program for fuel assistance shall reflect the default delivery agent credit cost established by the Commission.

#### § 8125. DEFAULT DELIVERY AGENT

(a) Default delivery agent designated. In place of obligated-party specific programs, the Commission shall provide for the development and implementation of statewide clean heat programs and measures by one or more default delivery agents appointed by the Commission for these purposes. The Commission may specify that appointment of a default delivery agent to deliver clean heat services, on behalf of obligated entities who pay the per-credit fee to the default delivery agent, satisfies those entities' corresponding obligations under this chapter.

(b) Appointment. The default delivery agent shall be one or more statewide entities capable of providing a variety of clean heat measures. The Commission shall designate the first default delivery agent on or before June 1, 2024. The designation of an entity under this subsection may be by order of appointment or contract. A designation, whether by order of appointment or by contract, may only be issued after notice and opportunity for hearing. An existing order of appointment issued by the Commission under section 209 of this title may be amended to include the responsibilities of the default delivery agent. An order of appointment shall be for a limited duration not to exceed 12 years, although an entity may be reappointed by order or contract. An order of appointment may include any conditions and requirements that the Commission deems appropriate to promote the public good. For good cause, after notice and opportunity for hearing, the Commission may amend or revoke an order of appointment.

(c) Supervision. Any entity appointed by order of appointment under this section that is not an electric or gas utility already regulated under this title shall not be considered to be a company as defined under section 201 of this title but shall be subject to the provisions of sections 18–21, 30–32, 205–208; subsection 209(a); sections 219 and 221; and subsection 231(b) of this title, to the same extent as a company as defined under section 201 of this title. The Commission and the Department of Public Service shall have jurisdiction under those sections over the entity, its directors, receivers, trustees, lessees, or other persons or companies owning or operating the entity and of all plants, equipment, and property of that entity used in or about the business carried on by it in this State as covered and included in this section. This jurisdiction

shall be exercised by the Commission and the Department so far as may be necessary to enable them to perform the duties and exercise the powers conferred upon them by law. The Commission and the Department each may, when they deem the public good requires, examine the plants, equipment, and property of any entity appointed by order of appointment to serve as a default delivery agent.

(d) Use of default delivery agent.

(1) An obligated party shall meet its annual requirement through a designated default delivery agent appointed by the Commission. However, the obligated party may seek to meet its requirement, in whole or in part, through one or more of the following ways: by delivering eligible clean heat measures, by contracting for delivery of eligible clean heat measures, or through the market purchase of clean heat credits. An obligated party shall be approved by the Commission to meet its annual requirement using a method other than the default delivery agent if it provides sufficient details on the party's capacity and resources to achieve the emissions reductions. This approval shall not be unreasonably withheld.

(2) The Commission shall provide a form for an obligated party to indicate how it intends to meet its requirement, The form shall require sufficient information to determine the nature of the credits that the default delivery agent will be responsible to deliver on behalf of the obligated party. If the Commission approves of a plan for an obligated party to meet its obligation through a mechanism other than payment to a designated default delivery agent, then the Commission shall make such approvals known to the default delivery agent as soon as practicable.

(3) The Commission shall by rule or order establish a standard timeline under which the default delivery agent credit cost or costs are established and by which an obligated party must file its form. The default delivery agent's schedule of costs shall include sufficient costs to deliver installed measures and shall specify separately the costs to deliver measures to customers with low income and customers with moderate income as required by subsection 8124(d) of this title. The Commission shall provide not less than 120 days' notice of default delivery agent credit cost or costs prior to the deadline for an obligated party to file its election form so an obligated party can assess options and inform the Commission of its intent to procure credits in whole or in part as fulfillment of its requirement.

(4) The default delivery agent shall deliver creditable clean heat measures either directly or indirectly to end-use customer locations in Vermont sufficient to meet the total aggregated annual requirement assigned to it, along with any additional amount achievable through noncompliance payments as

described in subdivision 8124(f)(2) of this title. Clean heat credits generated through installed measures delivered by the default delivery agent on behalf of an obligated party are creditable in future years. Those credits not required to meet the obligated party's existing obligations shall be owned by the obligated party.

(e) Budget.

(1) The Commission shall open a proceeding on or before July 1, 2023 and at least every three years thereafter to establish the default delivery agent credit cost or costs and the quantity of credits to be generated for the subsequent three-year period. That proceeding shall include:

(A) a potential study conducted by the Department of Public Service, the first of which shall be completed not later than September 1, 2024, to include an assessment and quantification of technically available, maximum achievable, and program achievable thermal resources. The results shall include a comparison to the legal obligations of the thermal sector portion of the requirements of 10 V.S.A. § 578(a)(2) and (3). The potential study shall consider and evaluate market conditions for delivery of clean heat measures within the State, including an assessment of workforce characteristics capable of meeting consumer demand and meeting the obligations of 10 V.S.A. § 578(a)(2) and (3);

(B) the development of a three-year plan and associated proposed budget by the default delivery agent to be informed by the final results of the Department's potential study. The default delivery agent may propose a portion of its budget towards promotion and market uplift, workforce development, and trainings for clean heat measures; and

(C) opportunity for public participation.

(2) Once the Commission provides the default delivery agent with the obligated parties' plan to meet the requirements, the default delivery agent shall be granted the opportunity to amend its plan and budget before the Commission.

(f) Compliance funds. All funds received from noncompliance payments pursuant to subdivision 8124(f)(2) of this title shall be used by the default delivery agent to provide clean heat measures to customers with low income.

(g) Specific programs. The default delivery agent shall create specific programs for multiunit dwellings, condominiums, rental properties, commercial and industrial buildings, and manufactured homes.

§ 8126. RULEMAKING

(a) The Commission shall adopt rules and may issue orders to implement and enforce the Clean Heat Standard program.

(b) The requirements to adopt rules and any requirements regarding the need for legislative approval before any part of the Clean Heat Standard goes into effect do not in any way impair the Commission's authority to issue orders or take any other actions, both before and after final rules take effect, to implement and enforce the Clean Heat Standard.

(c) The Commission's rules may include a provision that allows the Commission to revise its Clean Heat Standard rules by order of the Commission without the revisions being subject to the rulemaking requirements of the 3 V.S.A. chapter 25, provided the Commission:

(1) provides notice of any proposed changes;

(2) allows for a 30-day comment period;

(3) responds to all comments received on the proposed change;

(4) provides a notice of language assistance services on all public outreach materials; and

(5) arranges for language assistance to be provided to members of the public as requested using professional language services companies.

(d) Any order issued under this chapter shall be subject to appeal to the Vermont Supreme Court under section 12 of this title, and the Commission must immediately file any orders, a redline, and clean version of the revised rules with the Secretary of State, with notice simultaneously provided to the House Committee on Environment and Energy and the Senate Committees on Finance and on Natural Resources and Energy.

§ 8127. TRADEABLE CLEAN HEAT CREDITS

(a) Credits established. By rule or order, the Commission shall establish or adopt a system of tradeable clean heat credits that are earned by reducing greenhouse gas emissions through the delivery of clean heat measures. While credit denominations may be in simple terms for public understanding and ease of use, the underlying value shall be based on units of carbon dioxide equivalent (CO<sub>2</sub>e). The system shall provide a process for the recognition, approval, and monitoring of the clean heat credits. The Department of Public Service shall perform the verification of clean heat credit claims and submit results of the verification and evaluation to the Commission annually.



(b) Credit ownership. The Commission, in consultation with the Technical Advisory Group, shall establish a standard methodology for determining what party or parties shall be the owner of a clean heat credit upon its creation. The owner or owners may transfer those credits to a third party or to an obligated party.

(c) Credit values. Clean heat credits shall be based on the accurate and verifiable lifecycle CO<sub>2</sub>e emission reductions in Vermont's thermal sector that result from the delivery of eligible clean heat measures to existing or new end-use customer locations into or in Vermont.

(1) For clean heat measures that are installed, credits will be created for each year of the expected life of the installed measure. The annual value of the clean heat credits for installed measures in each year shall be equal to the lifecycle CO<sub>2</sub>e emissions of the fuel use that is avoided in a given year because of the installation of the measure, minus the lifecycle emissions of the fuel that is used instead in that year.

(2) For clean heat measures that are fuels, clean heat credits will be created only for the year the fuel is delivered to the end-use customer. The value of the clean heat credits for fuels shall be the lifecycle CO<sub>2</sub>e emissions of the fuel use that is avoided, minus the lifecycle CO<sub>2</sub>e emissions of the fuel that is used instead.

(d) List of eligible measures. Eligible clean heat measures delivered to or installed in residential, commercial, and industrial buildings in Vermont shall include:

- (1) thermal energy efficiency improvements and weatherization;
- (2) cold-climate air, ground source, and other heat pumps, including district, network, grid, microgrid, and building geothermal systems;
- (3) heat pump water heaters;
- (4) utility-controlled electric water heaters;
- (5) solar hot water systems;
- (6) electric appliances providing thermal end uses;
- (7) advanced wood heating;
- (8) noncombustion or renewable energy-based district heating services;
- (9) the supply of sustainably sourced biofuels;
- (10) the supply of green hydrogen;
- (11) the replacement of a manufactured home with a high efficiency manufactured home; and

(12) line extensions that connect facilities with thermal loads to the grid.

(e) Renewable natural gas. For pipeline renewable natural gas and other renewably generated natural gas substitutes to be eligible, an obligated party shall purchase renewable natural gas and its associated renewable attributes and demonstrate that it has secured a contractual pathway for the physical delivery of the gas from the point of injection into the pipeline to the obligated party's delivery system.

(f) Carbon intensity of fuels.

(1) To be eligible as a clean heat measure, a liquid or gaseous clean heat measure shall have a carbon intensity value as follows:

(A) below 80 in 2025;

(B) below 60 in 2030; and

(C) below 20 in 2050, provided the Commission may allow liquid and gaseous clean heat measures with a carbon intensity value greater than 20 if excluding them would be impracticable based on the characteristics of Vermont's buildings, the workforce available in Vermont to deliver lower carbon intensity clean heat measures, cost, or the effective administration of the Clean Heat Standard.

(2) The Commission shall establish and publish the rate at which carbon intensity values shall decrease annually for liquid and gaseous clean heat measures consistent with subdivision (1) of this subsection as follows:

(A) on or before January 1, 2025 for 2025 to 2030; and

(B) on or before January 1, 2030 for 2031 to 2050.

(3) For the purpose of this section, the carbon intensity values shall be understood relative to No. 2 fuel oil delivered into or in Vermont in 2023 having a carbon intensity value of 100. Carbon intensity values shall be measured based on fuel pathways.

(g) Emissions schedule.

(1) To promote certainty for obligated parties and clean heat providers, the Commission shall, by rule or order, establish a schedule of lifecycle emission rates for heating fuels and any fuel that is used in a clean heat measure, including electricity, or is itself a clean heat measure, including biofuels. The schedule shall be based on transparent, verifiable, and accurate emissions accounting adapting the Argonne National Laboratory GREET Model, Intergovernmental Panel on Climate Change (IPCC) modeling, or an alternative of comparable analytical rigor to fit the Vermont thermal sector context, and the requirements of 10 V.S.A. § 578(a)(2) and (3).

(2) For each fuel pathway, the schedule shall account for greenhouse gas emissions from biogenic and geologic sources, including fugitive emissions and loss of stored carbon. In determining the baseline emission rates for clean heat measures that are fuels, emissions baselines shall fully account for methane emissions reductions or captures already occurring, or expected to occur, for each fuel pathway as a result of local, State, or federal legal requirements that have been enacted or adopted that reduce greenhouse gas emissions.

(3) The schedule may be amended based upon changes in technology or evidence on emissions, but clean heat credits previously awarded or already under contract to be produced shall not be adjusted retroactively.

(h) Review of consequences. The Commission shall biennially assess harmful consequences that may arise in Vermont or elsewhere from the implementation of specific types of clean heat measures and shall set standards or limits to prevent those consequences. Such consequences shall include environmental burdens as defined in 3 V.S.A. § 6002, public health, deforestation or forest degradation, conversion of grasslands, increased emissions of criteria pollutants, damage to watersheds, or the creation of new methane to meet fuel demand.

(i) Time stamp. Clean heat credits shall be “time stamped” for the year in which the clean heat measure delivered emission reductions. For each subsequent year during which the measure produces emission reductions, credits shall be generated for that year. Only clean heat credits that have not been retired shall be eligible to satisfy the current year obligation.

(j) Delivery in Vermont. Clean heat credits shall be earned only in proportion to the deemed or measured thermal sector greenhouse gas emission reductions achieved by a clean heat measure delivered in Vermont. Other emissions offsets, wherever located, shall not be eligible measures.

(k) Credit eligibility.

(1) All eligible clean heat measures that are delivered in Vermont beginning on January 1, 2023 shall be eligible for clean heat credits and may be retired and count towards an obligated party’s emission reduction obligations, regardless of who creates or delivers them and regardless of whether their creation or delivery was required or funded in whole or in part by other federal or State policies and programs. This includes individual initiatives, emission reductions resulting from the State’s energy efficiency programs, the low-income weatherization program, and the Renewable Energy Standard Tier 3 program. Clean heat measures delivered or installed pursuant to any local, State, or federal program or policy may count both towards goals

or requirements of such programs and policies and be eligible clean heat measures that count towards the emission reduction obligations of this chapter.

(2) The owner or owners of a clean heat credit are not required to sell the credit.

(3) Regardless of the programs or pathways contributing to clean heat credits being earned, an individual credit may be counted only once towards satisfying an obligated party's emission reduction obligation.

(l) Credit registration.

(1) The Commission shall create an administrative system to register, sell, transfer, and trade credits to obligated parties. The Commission may hire a third-party consultant to evaluate, develop, implement, maintain, and support a database or other means for tracking clean heat credits and compliance with the annual requirements of obligated parties.

(2) The system shall require entities to submit the following information to receive the credit: the location of the clean heat measure, whether the customer or tenant has a low or moderate income, the type of property where the clean heat measure was installed or sold, the type of clean heat measure, and any other information as required by the Commission. Customer income data collected shall be kept confidential by the Commission, the Department of Public Service, the obligated parties, and any entity that delivers clean heat measures.

(m) Greenhouse Gas Emissions Inventory and Forecast. Nothing in this chapter shall limit the authority of the Secretary of Natural Resources to compile and publish the Vermont Greenhouse Gas Emissions Inventory and Forecast in accordance with 10 V.S.A. § 582.

#### § 8128. CLEAN HEAT STANDARD TECHNICAL ADVISORY GROUP

(a) The Commission shall establish the Clean Heat Standard Technical Advisory Group (TAG) to assist the Commission in the ongoing management of the Clean Heat Standard. Its duties shall include:

(1) establishing and revising the lifecycle carbon dioxide equivalent (CO<sub>2</sub>e) emissions accounting methodology to be used to determine each obligated party's annual requirement pursuant to subdivision 8124(a)(2) of this chapter;

(2) establishing and revising the clean heat credit value for different clean heat measures;

(3) periodically assessing and reporting to the Commission on the sustainability of the production of clean heat measures by considering factors including greenhouse gas emissions; carbon sequestration and storage; human health impacts; land use changes; ecological and biodiversity impacts; groundwater and surface water impacts; air, water, and soil pollution; and impacts on food costs;

(4) setting the expected life length of clean heat measures for the purpose of calculating credit amounts;

(5) establishing credit values for each year over a clean heat measure's expected life, including adjustments to account for increasing interactions between clean heat measures over time so as to not double-count emission reductions;

(6) facilitating the program's coordination with other energy programs;

(7) calculating the impact of the cost of clean heat credits and the cost savings associated with delivered clean heat measures on per-unit heating fuel prices;

(8) calculating the savings associated with public health benefits due to clean heat measures;

(9) coordinating with the Agency of Natural Resources to ensure that greenhouse gas emissions reductions achieved in another sector through the implementation of the Clean Heat Standard are not double-counted in the Vermont Greenhouse Gas Emissions Inventory and Forecast;

(10) advising the Commission on the periodic assessment and revision requirement established in subdivision 8124(a)(3) of this chapter; and

(11) any other matters referred to the TAG by the Commission.

(b) Members of the TAG shall be appointed by the Commission and shall include the Department of Public Service, the Agency of Natural Resources, the Department of Health, and parties who have, or whose representatives have, expertise in one or more of the following areas: technical and analytical expertise in measuring lifecycle greenhouse gas emissions, energy modeling and data analysis, clean heat measures and energy technologies, sustainability and non-greenhouse gas emissions strategies designed to reduce and avoid impacts to the environment, mitigating environmental burdens as defined in 3 V.S.A. § 6002, public health impacts of air quality and climate change, delivery of heating fuels, land use changes, deforestation and forest degradation, and climate change mitigation policy and law. The Commission shall accept and review motions to join the TAG from interested parties who have, or whose representatives have, expertise in one or more of the areas

listed in this subsection. Members who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement for expenses under 32 V.S.A. § 1010.

(c) The Commission shall hire a third-party consultant responsible for developing clean heat measure characterizations and relevant assumptions, including CO<sub>2</sub>e lifecycle emissions analyses. The TAG shall provide input and feedback on the consultant's work. The Commission may use appropriated funds to hire the consultant.

(d) Emission analyses and associated assumptions developed by the consultant shall be reviewed and approved annually by the Commission. In reviewing the consultant's work, the Commission shall provide a public comment period on the work. The Commission may approve or adjust the consultant's work as it deems necessary based on its review and the public comments received.

#### § 8129. CLEAN HEAT STANDARD EQUITY ADVISORY GROUP

(a) The Commission shall establish the Clean Heat Standard Equity Advisory Group to assist the Commission in developing and implementing the Clean Heat Standard in a manner that ensures an equitable share of clean heat measures are delivered to Vermonters with low income and moderate income and that Vermonters with low income and moderate income who are not early participants in clean heat measures are not negatively impacted in their ability to afford heating fuel. Its duties shall include:

(1) providing feedback to the Commission on strategies for engaging Vermonters with low income and moderate income in the public process for developing the Clean Heat Standard program;

(2) supporting the Commission in assessing whether customers are equitably served by clean heat measures and how to increase equity;

(3) identifying actions needed to provide customers with low income and moderate income with better service and to mitigate the fuel price impacts calculated in section 8128 of this title;

(4) recommending any additional programs, incentives, or funding needed to support customers with low income and moderate income and organizations that provide social services to Vermonters in affording heating fuel and other heating expenses;

(5) providing feedback to the Commission on the impact of the Clean Heat Standard on the experience of Vermonters with low income and moderate income; and

(6) providing information to the Commission on the challenges renters face in equitably accessing clean heat measures and recommendations to ensure that renters have equitable access to clean heat measures.

(b) The Clean Heat Standard Equity Advisory Group shall consist of up to 10 members appointed by the Commission and at a minimum shall include at least one representative from each of the following groups: the Department of Public Service; the Department for Children and Families' Office of Economic Opportunity; community action agencies; Efficiency Vermont; individuals with socioeconomically, racially, and geographically diverse backgrounds; renters; rental property owners; the Vermont Housing Finance Agency; and a member of the Vermont Fuel Dealers Association. Members who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement for expenses under 32 V.S.A. § 1010.

(c) The Equity Advisory Group shall cease to exist when the initial Clean Heat Standard rules are adopted. Thereafter, the issues described in subsection (a) of this section shall be reviewed by the Commission, in compliance with 3 V.S.A. chapter 72.

#### § 8130. SEVERABILITY

If any provision of this chapter or its application to any person or circumstance is held invalid or in violation of the Constitution or laws of the United States or in violation of the Constitution or laws of Vermont, the invalidity or the violation shall not affect other provisions of this chapter that can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable.

#### § 8131. RULEMAKING AUTHORITY

Notwithstanding any other provision of law to the contrary, the Commission shall not file proposed rules with the Secretary of State implementing the Clean Heat Standard without specific authorization enacted by the General Assembly.

Sec. 4. 10 V.S.A. § 582 is amended to read:

#### § 582. GREENHOUSE GAS INVENTORIES; REGISTRY

(a) Inventory and forecasting. The Secretary shall work, in conjunction with other states or a regional consortium, to establish a periodic and consistent inventory of greenhouse gas emissions. The Secretary shall publish the Vermont Greenhouse Gas Emission Inventory and Forecast by ~~no~~ not later than June 1, 2010, and updates shall be published annually until 2028, until a regional or national inventory and registry program is established in which Vermont participates, or until the federal National Emissions Inventory

includes mandatory greenhouse gas reporting. The Secretary of Natural Resources shall include a supplemental accounting in the Vermont Greenhouse Gas Emissions Inventory and Forecast that measures the upstream and lifecycle greenhouse gas emissions of liquid, gaseous, solid geologic and biogenic fuels combusted in Vermont.

\* \* \*

#### Sec. 5. CONFIDENTIALITY OF FUEL TAX RETURNS; 2024

(a) Notwithstanding 32 V.S.A. § 3102(a), from January 1, 2024 until December 31, 2024, the Commissioner of Taxes shall disclose to the Public Utility Commission and the Department of Public Service a return or return information related to the fuel tax imposed under 33 V.S.A. § 2503, provided the return or return information provided is necessary to verify the identity, fuel tax liability, and registration status of an entity that sells heating fuel into Vermont for purposes of administering the Clean Heat Standard established in 30 V.S.A. chapter 94.

(b) Pursuant to 32 V.S.A. § 3102(h), the person or persons receiving return or return information under this section shall be subject to the penalty provisions of 32 V.S.A. § 3102(a) for unauthorized disclosure of return or return information as if such person were the agent of the Commissioner. Pursuant to 32 V.S.A. § 3102(g), nothing in this section shall be construed to prohibit the publication of statistical information, rulings, determinations, reports, opinions, policies, or other information, provided the data is disclosed in a form that cannot identify or be associated with a particular person.

(c) Pursuant to 1 V.S.A. § 317(c)(6), a fuel tax return and related documents, correspondence, and certain types of substantiating forms that include the same type of information as in the tax return itself filed with or maintained by the Vermont Department of Taxes disclosed to the Public Utility Commission and the Department of Public Service under this section shall be exempt from public inspection and copying.

#### Sec. 6. PUBLIC UTILITY COMMISSION IMPLEMENTATION

(a) Commencement. On or before August 31, 2023, the Public Utility Commission shall commence a proceeding to implement Sec. 3 (Clean Heat Standard) of this act.

(b) Facilitator. The Commission shall hire a third-party consultant with expertise in equity, justice, and diversity to design and conduct public engagement. The Commission and the facilitator shall incorporate the Guiding Principles for a Just Transition into the public engagement process. The Commission may use funds appropriated under this act on hiring the



consultant. Public engagement shall be conducted by the facilitator for the purposes of:

(1) supporting the Commission in assessing whether customers will be equitably served by clean heat measures and how to increase equity in the delivery of clean heat measures;

(2) identifying actions needed to provide customers with low income and moderate income with better service and to mitigate the fuel price impacts calculated in 30 V.S.A. § 8128;

(3) recommending any additional programs, incentives, or funding needed to support customers with low income and moderate income and organizations that provide social services to Vermonters in affording heating fuel and other heating expenses; and

(4) providing information to the Commission on the challenges renters face in equitably accessing clean heat measures and recommendations to ensure that renters have equitable access to clean heat measures.

(c) Public engagement process. Before commencing rulemaking, the Commission shall use the forms of public engagement described in this subsection to inform the design and implementation of the Clean Heat Standard. Any failure by the Commission to meet the specific procedural requirements of this section shall not affect the validity of the Commission's actions.

(1) The Commission shall allow any person to register at any time in the Commission's online case management system, ePUC, as a participant in the Clean Heat Standard proceeding. All members of the Equity Advisory Group shall be made automatic participants to that proceeding. All registered participants in the proceeding, including all members of the Equity Advisory Group, shall receive all notices of public meetings and all notices of opportunities to comment in that proceeding.

(2) The Commission shall hold at least six public hearings or workshops that shall be recorded and publicly posted on the Commission's website or on ePUC. These meetings shall be open to everyone, including all stakeholders, members of the public, and all other potentially affected parties, with translation services available to those attending.

(3) The Commission also shall provide at least three opportunities for the submission of written comments. Any person may submit written comments to the Commission.

(d) Advertising. The Commission shall use funding appropriated in this act on advertising the public meetings in order to provide notice to a wide variety of segments of the public. All advertisements of public meetings shall include a notice of language assistance services. The Commission shall arrange for language assistance to be provided to members of the public as requested using the services of professional language services companies.

(e) Draft proposed rules. The Commission shall publish draft proposed rules publicly and provide notice of them through the Commission's online case management system, ePUC, to the stakeholders in this rulemaking who registered their names and e-mail addresses with the Commission through ePUC. The Commission shall provide a 30-day comment period on the draft and accept written comments from the public and stakeholders. The Commission shall consider changes in response to the public comments before filing the proposed rules with the Secretary of State and the Legislative Committee on Administrative Rules.

(f) Final rules.

(1) On or before January 15, 2025, the Commission shall submit to the General Assembly final proposed rules to implement the Clean Heat Standard. The Commission shall not file the final proposed rules with the Secretary of State until specific authorization is enacted by the General Assembly to do so.

(2) Notwithstanding 3 V.S.A. §§ 820, 831, 836–840, and 841(a), upon affirmative authorization enacted by the General Assembly authorizing the adoption of rules implementing the Clean Heat Standard, the Commission shall file, as the final proposed rule, the rules implementing the Clean Heat Standard approved by the General Assembly with the Secretary of State and Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 841. The filing shall include everything that is required under 3 V.S.A. §§ 838(a)(1)–(5), (8)–(13), (15), and (16), (b), (c), and 841(b)(1).

(3) The review, adoption, and effect of the rules implementing the Clean Heat Standard shall be governed by 3 V.S.A. §§ 841(c); 842, exclusive of subdivision (b)(4); 843; 845; and 846, exclusive of subdivision (a)(3).

(4) Once adopted and effective, any amendments to the rules implementing the Clean Heat Standard shall be made in accordance with the Administrative Procedure Act, 3 V.S.A. chapter 25, unless the adopted rules allow for amendments through a different process in accordance with 30 V.S.A. § 8126(c) and (d).

(g) Consultant. The Commission may contract with a consultant to assist with implementation of 30 V.S.A. § 8127 (clean heat credits).

(h) Funding. On or before February 15, 2024, the Commission shall report to the General Assembly on suggested revenue streams that may be used or created to fund the Commission's administration of the Clean Heat Standard program and shall include programs to support market transformation such as workforce development, market uplift, and training that may be administered by a third party.

(i) Check-back reports. On or before February 15, 2024 and January 15, 2025, the Commission shall submit a written report to and be available to provide oral testimony to the House Committee on Environment and Energy and the Senate Committees on Finance and on Natural Resources and Energy detailing the efforts undertaken to establish the Clean Heat Standard. The reports shall include, to the extent available, estimates of the impact of the Clean Heat Standard on customers, including impacts to customer rates and fuel bills for participating and nonparticipating customers, net impacts on total spending on energy for thermal sector end uses, fossil fuel reductions, greenhouse gas emission reductions, and, if possible, impacts on economic activity and employment. The modeled impacts shall estimate high-, medium-, and low-price impacts. The reports shall recommend any legislative action needed to address enforcement or other aspects of the Clean Heat Standard, including how to ensure fuel use that occurs outside the thermal sector is not impacted under the program.

(j) Assistance. The Agency of Commerce and Community Development, the Department of Public Service, and other State agencies and departments shall assist the Commission with economic modeling for the required reports and rulemaking process.

Sec. 7. PUBLIC UTILITY COMMISSION AND DEPARTMENT OF  
PUBLIC SERVICE POSITIONS; APPROPRIATION

(a) The following new positions are created in the Public Utility Commission for the purpose of carrying out this act:

- (1) one permanent exempt Staff Attorney;
- (2) one permanent exempt Analyst; and
- (3) one limited-service exempt Analyst.

(b) The sum of \$825,000.00 is appropriated to the Public Utility Commission from the General Fund in fiscal year 2024 for the positions established in subsection (a) of this section; for all consultants required by this act; and for additional operating costs required to implement the Clean Heat Standard, including marketing and public outreach for Sec. 6 of this act.

(c) The following new positions are created in the Department of Public Service for the purpose of carrying out this act:

(1) one permanent exempt Staff Attorney; and

(2) two permanent classified Program Analysts.

(d) The sum of \$900,000.00 is appropriated to the Department of Public Service from the General Fund in fiscal year 2024 for the positions established in subsection (c) of this section, to retain consultants that may be required to support verification and evaluation required by 30 V.S.A. § 8127(a), for conducting the potential study, and for associated operating costs related to the implementation of the Clean Heat Standard.

#### Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

**Rep. Dolan of Waitsfield**, for the Committee on Appropriations, recommended that the report of the Committee on Environment and Energy be amended as follows:

First: In Sec. 3, 30 V.S.A. chapter 94, in section 8128, in subsection (b), by adding a new first sentence to read as follows:

The Clean Heat Standard Technical Advisory Group shall consist of up to 15 members appointed by the Commission. The Commission shall establish the procedure for the TAG, including member term lengths and meeting procedures.

Second: In Sec. 3, 30 V.S.A. chapter 94, in section 8129, in subsection (b), after “Efficiency Vermont,” by inserting “the Vermont Association of Area Agencies on Aging,”

Third: In Sec. 6, Public Utility Commission implementation, by inserting a new subsection (k) to read as follows:

(k) Report on equity issues. On or before January 15, 2025, the Equity Advisory Group shall report to the General Assembly on the Group’s findings from the review of issues under 30 V.S.A. § 8129(a).

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Environment and Energy was amended as recommended by the Committee on Appropriations.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Environment and Energy, as amended?, **Rep. James of Manchester, Kornheiser of Brattleboro, Sibilia of Dover, Carpenter of Hyde Park, Farlice-Rubio of Barnet, Leavitt of Grand Isle, Noyes of Wolcott, Sims of Craftsbury, and Taylor of Colchester** moved to further amend the report of the Committee on Environment and Energy, as amended, as follows:

First: In Sec. 3, 30 V.S.A. chapter 94, in section 8124, in subdivision (d)(1), after “highest energy burdens,” by inserting “residents of manufactured homes,”

Second: In Sec. 3, 30 V.S.A. chapter 94, in section 8127, in subdivision (d)(11), after “high efficiency manufactured home” by inserting “and weatherization or other efficiency or electrification measures in manufactured homes”

Third: In Sec. 3, 30 V.S.A. chapter 94, in section 8129, by striking out subdivision (a)(6) in its entirety and inserting in lieu thereof the following:

(6) providing information to the Commission on the challenges renters and residents of manufactured homes face in equitably accessing clean heat measures and recommendations to ensure that renters and residents of manufactured homes have equitable access to clean heat measures.

Fourth: In Sec. 3, 30 V.S.A. chapter 94, in section 8129, in subsection (b), by striking out “community action agencies” and inserting in lieu thereof “a community action agency with expertise in low-income weatherization; a community action agency with expertise in serving residents of manufactured homes”

Fifth: In Sec. 6, Public Utility Commission implementation, in subsection (f), by inserting a new subdivision (5) to read as follows:

(5) The final proposed rules shall contain the first set of annual required amounts for obligated parties as described in 30 V.S.A. § 8124(a)(1). The first set of annual required amounts shall only be adopted through the rulemaking process established in this section, not through an order.

Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Environment and Energy, as amended?, **Representatives Harrison of Chittenden, Arrison of Weathersfield, Brownell of Pownal, Lipsky of Stowe, and Morris of Springfield** moved that the report of the Committee on Environment and Energy, as amended, be further amended as follows:

In Sec. 3, 30 V.S.A. chapter 94, section 8124, in subsection (a), by striking subdivision (4) in its entirety and inserting in lieu thereof the following:

(4) The Commission shall temporarily, for a period not to exceed 36 months, adjust the annual requirements for good cause after notice and opportunity for public process. Good cause shall include a shortage of clean heat credits, market conditions as identified by the Department's potential study conducted pursuant to section 8125 of this title, undue adverse financial impacts on particular customers or demographic segments, or if the average price of heating fuel in Vermont increases to more than 20 cents above the average fuel price in New England. The Commission shall ensure that any downward adjustment has the minimum impact possible on the State's ability to comply with the thermal sector portion of the requirements of 10 V.S.A. § 578(a)(2) and (3). The Commission shall determine how the long the average Vermont fuel price needs to be increased before taking action required under this subdivision.

Pending the question, Shall the report of the Committee on Environment and Energy, as amended, be further amended as offered by Rep. Harrison of Chittenden and others?, **Rep. Harrison of Chittenden** 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 report of the Committee on Environment and Energy, as amended, be further amended as offered by Rep. Harrison of Chittenden and others?, was decided in the negative. Yeas, 43. Nays, 101.

Those who voted in the affirmative are:

Andriano of Orwell	Galfetti of Barre Town	Morris of Springfield
Arrison of Weathersfield	Goslant of Northfield	Morrissey of Bennington
Bartley of Fairfax	Graham of Williamstown	Oliver of Sheldon
Beck of St. Johnsbury	Hango of Berkshire	Page of Newport City
Branagan of Georgia	Harrison of Chittenden *	Parsons of Newbury
Brennan of Colchester	Higley of Lowell	Peterson of Clarendon
Brownell of Pownal	Labor of Morgan	Samms of Castleton *
Burditt of West Rutland	Laroche of Franklin	Shaw of Pittsford
Canfield of Fair Haven	Lipsky of Stowe	Smith of Derby
Clifford of Rutland City	Maguire of Rutland City	Taylor of Milton
Corcoran of Bennington	Marcotte of Coventry	Toof of St. Albans Town
Demar of Enosburgh	Mattos of Milton	Walker of Swanton
Dickinson of St. Albans Town	McCoy of Poultney	Williams of Granby
Donahue of Northfield	McFaun of Barre Town	Wilson of Lyndon
	Morgan of Milton	

Those who voted in the negative are:

Andrews of Westford	Dolan of Waitsfield	Nicoll of Ludlow
Anthony of Barre City	Durfee of Shaftsbury	Notte of Rutland City *
Arsenault of Williston *	Emmons of Springfield	Noyes of Wolcott

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

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

Cordes of Lincoln	Gregoire of Fairfield	Logan of Burlington
Elder of Starksboro	Headrick of Burlington	

**Rep. Arsenault of Williston** explained her vote as follows:

“Madam Speaker:

I voted no because this concept is unvetted and premature. Now is not the time to constrain the necessary and detailed work that lies ahead of the PUC, which will be done in coordination with technical and equity experts. The 2025 Legislature will have more information to make choices about the details of the implementation of the clean heat standard in 2025 once that body has the opportunity for additional review and debate.”

**Rep. Chesnut-Tangerman of Middletown Springs** explained his vote as follows:

“Madam Speaker:

The time to make the decision to halt or proceed with the program is after we have the information, not before. I vote no.”

**Rep. Harrison of Chittenden** explained his vote as follows:

“Madam Speaker:

This amendment would have helped mitigate the worst fears of Vermonters. I am sorry it did not pass.”

**Rep. Notte of Rutland City** explained his vote as follows:

“Madam Speaker:

I vote no on this amendment. S.5 establishes a comprehensive study to enable us to meet our emissions reduction goals. We will review this information in 2025 and make the decision that is right for Vermonters. I do not want to see this process hampered in any way, including altering it to accommodate unverifiable but scary sounding possibilities. This Legislature is committed to doing right by our constituents and this amendment is not needed.”

**Rep. Roberts of Halifax** explained his vote as follows:

“Madam Speaker:

The amendment would only tie the hands of the PUC, in its work, and not add to the consumer protections already inherent in S.5.”

**Rep. Sammis of Castleton** explained his vote as follows:

“Madam Speaker:

I stand in support of this amendment because Vermonters here in 2023, not just 2025, deserve clarity and accountability. This bill as it currently sits is vague at best. It places assumptions and responsibilities onto a future that has not even occurred yet. To clarify, our current costs in energy are a direct relation to: coming out of a global pandemic, the largest land war in Europe since 1945, and a federal government which consistently chooses not to pursue exploration and usage of domestic energy sources. This has created a perfect storm of energy shortages. To also clarify, the people sitting in this room have a responsibility for the people of Vermont. Not the Paris Accords, not any Federal administration, not any political party, not special interest groups. The people of Vermont – no one else. They trust us with their loved ones and their lives. This amendment provides some accountability, not kicking the can



down the road to a future legislature a bill which is essentially a blank check with no context or explicit cost. Quite frankly, if we can't provide accountability to the people of Vermont, we don't deserve to be here."

**Rep. Stebbins of Burlington** explained her vote as follows:

"Madam Speaker:

I vote no on this amendment because it is bad policy. Twenty cents above what? Per a gallon of oil? Per millions of metrics of British thermal units of propane? Per pounds of carbon emissions from gas? This amendment shows exactly why we need this bill, so that experts in energy, economics, and equity are able to research and analyze energy policy, rather than legislators going by what feels right."

Thereupon, the House proposed to the Senate to amend the bill as recommended by the Committee on Environment and Energy, as amended.

Thereafter, **Rep. Higley of Lowell** moved to amend the House proposal of amendment by adding a new Sec. 4a to read as follows:

Sec. 4a. REPEAL

10 V.S.A. § 594 (cause of action) is repealed.

Pending the question, Shall the House amend its proposal of amendment as offered by Rep. Higley of Lowell?, **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 House amend its proposal of amendment as offered by Rep. Higley of Lowell?, was decided in the negative. Yeas, 41. Nays, 103.

Those who voted in the affirmative are:

Andriano of Orwell *	Goslant of Northfield	Morgan of Milton
Bartley of Fairfax	Graham of Williamstown	Morrissey of Bennington
Beck of St. Johnsbury	Hango of Berkshire	Oliver of Sheldon
Branagan of Georgia	Harrison of Chittenden	Page of Newport City
Brennan of Colchester	Higley of Lowell	Parsons of Newbury
Burditt of West Rutland	Labor of Morgan	Peterson of Clarendon
Canfield of Fair Haven	LaBounty of Lyndon	Sammis of Castleton
Clifford of Rutland City	Laroche of Franklin	Shaw of Pittsford
Corcoran of Bennington	Lipsky of Stowe	Smith of Derby
Demar of Enosburgh	Maguire of Rutland City	Taylor of Milton
Dickinson of St. Albans Town	Marcotte of Coventry	Toof of St. Albans Town
Donahue of Northfield	Mattos of Milton	Walker of Swanton
Galfetti of Barre Town	McCoy of Poultney	Williams of Granby
	McFaun of Barre Town	Wilson of Lyndon

Those who voted in the negative are:

Andrews of Westford	Dodge of Essex	Nicoll of Ludlow
Anthony of Barre City	Dolan of Essex Junction	Notte of Rutland City *
Arrison of Weathersfield	Dolan of Waitsfield	Noyes of Wolcott
Arsenault of Williston	Durfee of Shaftsbury	Nugent of South Burlington
Austin of Colchester	Emmons of Springfield	O'Brien of Tunbridge
Bartholomew of Hartland	Farlice-Rubio of Barnet	Ode of Burlington
Berbeco of Winooski	Garofano of Essex	Pajala of Londonderry
Birong of Vergennes	Goldman of Rockingham	Patt of Worcester
Black of Essex	Graning of Jericho	Pearl of Danville
Bluemle of Burlington	Holcombe of Norwich	Pouech of Hinesburg
Bongartz of Manchester	Hooper of Randolph	Priestley of Bradford
Bos-Lun of Westminster	Hooper of Burlington	Rachelson of Burlington
Boyden of Cambridge	Houghton of Essex Junction	Rice of Dorset
Brady of Williston	Howard of Rutland City	Roberts of Halifax *
Brown of Richmond	Hyman of South Burlington	Satcowitz of Randolph
Brownell of Pownal	James of Manchester	Scheu of Middlebury
Brumsted of Shelburne	Jerome of Brandon	Sheldon of Middlebury
Burke of Brattleboro	Kornheiser of Brattleboro	Sibilia of Dover
Burrows of West Windsor	Krasnow of South Burlington	Sims of Craftsbury
Buss of Woodstock	Lalley of Shelburne	Small of Winooski
Campbell of St. Johnsbury	LaLonde of South Burlington	Squirrell of Underhill
Carpenter of Hyde Park	LaMont of Morristown	Stebbins of Burlington *
Carroll of Bennington	Lanpher of Vergennes	Stevens of Waterbury
Casey of Montpelier	Leavitt of Grand Isle	Stone of Burlington
Chapin of East Montpelier	Long of Newfane	Surprenant of Barnard
Chase of Chester	Masland of Thetford	Taylor of Colchester
Chase of Colchester	McCann of Montpelier	Templeman of Brownington
Chesnut-Tangerman of Middletown Springs	McCarthy of St. Albans City	Toleno of Brattleboro
Christie of Hartford	McGill of Bridport	Torre of Moretown
Cina of Burlington	Mihaly of Calais	Troiano of Stannard
Coffey of Guilford	Minier of South Burlington	Waters Evans of Charlotte
Cole of Hartford	Morris of Springfield	White of Bethel
Conlon of Cornwall	Mrowicki of Putney	Whitman of Bennington
Demrow of Corinth	Mulvaney-Stanak of Burlington	Williams of Barre City
		Wood of Waterbury

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

Cordes of Lincoln	Gregoire of Fairfield	Logan of Burlington
Elder of Starksboro	Headrick of Burlington	

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**Rep. Andriano of Orwell** explained his vote as follows:

“Madam Speaker:

I agree with the Global Warming Solutions Act, but for a long time I’ve believed it is bad policy for a court to be able to order the adoption of rules. This short circuits our normal rule making system and leaves an open question as to how such an order would interact with the normal course of rulemaking and the ability of the public and Legislative Committee on Administrative Rules to have input. I oppose that on procedural grounds, which is why I voted yes on this amendment.”

**Rep. Notte of Rutland City** explained his vote as follows:

“Madam Speaker:

I vote no on this amendment. Removing this language from the Global Warming Solutions Act removes a promise to Vermonters. It removes accountability. It introduces doubt. Vermonters have been provided with a promise in fighting climate change. This amendment would have taken this promise away from them.”

**Rep. Roberts of Halifax** explained his vote as follows:

“Madam Speaker:

Climate change isn't an existential threat to life on Earth in the future, it is life on Earth today. The bold thinking in Global Warming Solutions and the Affordable Heat Act will help us envision a future where we are both more prosperous and more self-reliant, one in which our children can see a future for themselves, one in which our small towns become more climate resilient. S.5 will help Vermont rely less on fossil fuel energy from outside our borders, including from regimes that make war on our allies and trample human rights. We must continue to ask our energy suppliers to better their environment and social records, we must ask our housing markets to serve people who are often left out, and this bill will give us new systems, and new data to do just that.”

**Rep. Stebbins of Burlington** explained her vote as follows:

“Madam Speaker:

I vote no on this amendment because it confuses the path of accountability of the General Assembly and the State of Vermont with regards to its emissions reduction requirements. Confusion in legal proceedings just increases costs for all.”

Pending the question, Shall the bill be read a third time?, **Rep. Harrison of Chittenden** 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, 46.

Those who voted in the affirmative are:

Andrews of Westford	Dodge of Essex *	Mulvaney-Stanak of Burlington
Anthony of Barre City	Dolan of Essex Junction	Nicoll of Ludlow
Arsenault of Williston	Dolan of Waitsfield	Notte of Rutland City
Austin of Colchester	Durfee of Shaftsbury	Noyes of Wolcott
Bartholomew of Hartland	Emmons of Springfield	Nugent of South Burlington
Berbeco of Winooski	Farlice-Rubio of Barnet	Ode of Burlington
Birong of Vergennes	Garofano of Essex	Pajala of Londonderry
Black of Essex	Goldman of Rockingham	Patt of Worcester
Bluemle of Burlington	Graning of Jericho	Pearl of Danville
Bongartz of Manchester	Holcombe of Norwich	Pouech of Hinesburg
Bos-Lun of Westminster	Hooper of Randolph	Priestley of Bradford
Boyden of Cambridge	Hooper of Burlington	Rachelson of Burlington
Brady of Williston	Houghton of Essex Junction	Rice of Dorset
Brown of Richmond	Howard of Rutland City	Roberts of Halifax
Brumsted of Shelburne	Hyman of South Burlington	Satcowitz of Randolph
Burke of Brattleboro	James of Manchester *	Scheu of Middlebury
Burrows of West Windsor	Jerome of Brandon	Sheldon of Middlebury *
Buss of Woodstock	Kornheiser of Brattleboro	Sibilia of Dover
Campbell of St. Johnsbury	Krasnow of South Burlington	Sims of Craftsbury
Carpenter of Hyde Park	Lalley of Shelburne	Squirrell of Underhill
Carroll of Bennington	LaLonde of South Burlington	Stebbins of Burlington
Casey of Montpelier	LaMont of Morristown	Stevens of Waterbury
Chapin of East Montpelier	Lanpher of Vergennes	Stone of Burlington
Chase of Chester	Leavitt of Grand Isle	Surprenant of Barnard
Chase of Colchester	Long of Newfane	Taylor of Colchester
Chesnut-Tangerman of Middletown Springs	Masland of Thetford	Toleno of Brattleboro
Christie of Hartford	McCann of Montpelier	Torre of Moretown
Cina of Burlington	McCarthy of St. Albans City*	Troiano of Stannard
Coffey of Guilford *	McGill of Bridport	Waters Evans of Charlotte
Cole of Hartford	Mihaly of Calais	White of Bethel
Conlon of Cornwall	Minier of South Burlington	Whitman of Bennington
Corcoran of Bennington	Mrowicki of Putney	Williams of Barre City *
Demrow of Corinth		Wood of Waterbury

Those who voted in the negative are:

Andriano of Orwell	Graham of Williamstown	O'Brien of Tunbridge
Arrison of Weathersfield	Hango of Berkshire	Oliver of Sheldon
Bartley of Fairfax	Harrison of Chittenden	Page of Newport City
Beck of St. Johnsbury	Higley of Lowell	Parsons of Newbury *
Branagan of Georgia	Labor of Morgan	Peterson of Clarendon *

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Brennan of Colchester	LaBounty of Lyndon	Sammis of Castleton
Brownell of Pownal	Laroche of Franklin	Shaw of Pittsford
Burditt of West Rutland	Lipsky of Stowe	Small of Winooski
Canfield of Fair Haven	Maguire of Rutland City	Smith of Derby
Clifford of Rutland City	Marcotte of Coventry	Taylor of Milton
Demar of Enosburgh	Mattos of Milton	Templeman of Brownington
Dickinson of St. Albans Town	McCoy of Poultney *	Toof of St. Albans Town
Donahue of Northfield *	McFaun of Barre Town	Walker of Swanton
Galfetti of Barre Town	Morgan of Milton *	Williams of Granby
Goslant of Northfield	Morris of Springfield	Wilson of Lyndon
	Morrissey of Bennington	

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

Cordes of Lincoln	Gregoire of Fairfield	Logan of Burlington
Elder of Starksboro	Headrick of Burlington	

**Rep. Coffey of Guilford** explained her vote as follows:

“Madam Speaker:

Vermonters of fixed, low, and even moderate incomes can’t afford to pay higher prices for fossil fuels to heat their homes, and that’s exactly why this bill is being proposed and why I voted yes today. S.5 is a necessary step in reducing our carbon emissions in Vermont, and will help us navigate this transition in a thoughtful, predictable way to provide more affordable options for rural and Vermonters living on low, moderate, and fixed incomes.”

**Rep. Dodge of Essex** explained her vote as follows:

“Madam Speaker:

I was 100% clear when I campaigned that I would support measures such as the Clean Heat Standard, and I was elected by a wide margin. I am happy to see the improvements to the old Clean Heat Standard bill as S.5 went through our body this biennium. Madam Speaker, I also got some vote no messages, but I heard the majority of my constituents loud and clear: They are in favor of this bill. I support it as well.”

**Rep. Donahue of Northfield** explained her vote as follows:

“Madam Speaker:

We need to continue to be active and aggressive in taking responsibility to address climate change from our little piece of earth. But doing our part will not change the world trajectory. What this bill does is place the cost of attempting to change the world trajectory on our small population, with a highly disproportionate impact on our constituents and our State’s economy, without even having a fundamental grasp of how high those costs may be. I vote no.”

**Rep. James of Manchester** explained her vote as follows:

“Madam Speaker:

Climate action is a complex problem. And complex problems sometimes require complex solutions. I believe the Affordable Heat Act holds great promise – that it will help those Vermonters who are *least able to afford* rising fossil fuel prices – and for whom the investment required to switch clean heat is currently out of reach. I voted yes to give this potential solution the support, study, and deliberation it requires.”

**Rep. McCarthy of St. Albans City** explained his vote as follows:

“Madam Speaker:

This bill will help the Vermonters who can least afford to replace a furnace or water heater join in the benefits of the cleaner energy options available today, and make sure they don’t get left behind as we respond to the changing climate. I vote yes.”

**Rep. McCoy of Poultney** explained her vote as follows:

“Madam Speaker:

As elected officials, we have an obligation to ensure Vermonters know what the financial costs and impacts of this bill will be on their lives and the State’s economy before passage, because that is how lawmaking and governing is supposed to work, and what Vermonters expect and deserve. Without a study conducted, we do not know what these costs will be. Delegating our job of legislating to an unelected commission is something I will never vote for.”

**Rep. Morgan of Milton** explained his vote as follows:

“Madam Speaker:

We were all sent here to represent our constituency. Overwhelmingly, my constituents are opposed to this bill. I vote no.”

**Rep. Parsons of Newbury** explained his vote as follows:

“Madam Speaker:

With this bill, we are driving down a one-way, single lane road, carbon tax, dead ahead. And apparently, we’re telling our Vermont passengers not to trust their lying eyes...Well I trust my constituents...Their outreach didn’t fall on deaf ears. I vote no for them.”

**Rep. Peterson of Clarendon** explained his vote as follows:

“Madam Speaker:

This bill does not address climate change, and this is a waste of time and money. I vote no.”

**Rep. Sheldon of Middlebury** explained her vote as follows:

“Madam Speaker:

Climate change is disrupting lives all over the world and at the same time, dramatic fluctuations in global fuel prices are hurting Vermonters. I voted yes because the Affordable Heat Act will enable all Vermonters to reduce the costs of heating their homes while also addressing climate change.”

**Rep. Williams of Barre City** explained his vote as follows:

“Madam Speaker:

I and some others of this body have grown up living with the Damaclean threat of climate change hanging above our heads since we were children. And it is exhausting. I vote yes on S.5, that I was not afraid to do my part for my younger sisters and brothers and their children, that they might not inherit a world on fire.”

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

**S. 37**

**Rep. Goldman of Rockingham**, for the Committee on Health Care, to which had been referred Senate bill, entitled

An act relating to access to legally protected health care activity and regulation of health care providers

Recommended 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:

Sec. 1. 1 V.S.A. § 150 is added to read:

§ 150. LEGALLY PROTECTED HEALTH CARE ACTIVITY

(a) “Gender-affirming health care services” means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature, including medication, relating to the treatment of gender dysphoria and gender incongruence. “Gender-affirming health care services” does not include

conversion therapy as defined by 18 V.S.A. § 8351.

(b)(1) “Legally protected health care activity” means:

(A) the exercise and enjoyment, or attempted exercise and enjoyment, by any person of rights to reproductive health care services or gender-affirming health care services secured by this State;

(B) any act or omission undertaken to aid or encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive health care services or gender-affirming health care services secured by this State, provided that the provision of such a health care service by a person duly licensed under the laws of this State and physically present in this State shall be legally protected if the service is permitted under the laws of this State, regardless of the patient’s location; or

(C) the provision, issuance, or use of, or enrollment in, insurance or other health coverage for reproductive health care services or gender-affirming health care services that are legal in this State, or any act to aid or encourage, or attempt to aid or encourage, any person in the provision, issuance, or use of, or enrollment in, insurance or other health coverage for those services, regardless of the location of the insured or individual seeking insurance or health coverage, if the insurance or health coverage is permitted under the laws of this State.

(2) Except as provided in subdivision (3) of this subsection, the protections applicable to “legally protected health care activity” shall not apply to a lawsuit, judgment, or civil, criminal, or administrative action that is based on conduct for which an action would exist under the laws of this State if the course of conduct that forms the basis for liability had occurred entirely in this State.

(3) Notwithstanding subdivision (2) of this subsection, the provision of a health care service by a person duly licensed under the laws of this State and physically present in this State shall be legally protected if the service is permitted under the laws of this State, regardless of the patient’s location or whether the health care provider is licensed in the state where the patient is located at the time the service is rendered.

(c) “Reproductive health care services” means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature, including medication, relating to pregnancy, contraception, assisted reproduction, pregnancy loss management, or the termination of a pregnancy.



\* \* \* Medical Malpractice \* \* \*

Sec. 2. 8 V.S.A. chapter 129 is amended to read:

CHAPTER 129. INSURANCE TRADE PRACTICES

\* \* \*

§ 4722. DEFINITIONS

\* \* \*

(4)(A) “Abusive litigation” means litigation or other legal action to deter, prevent, sanction, or punish any person engaging in legally protected health care activity by:

(i) filing or prosecuting any action in any other state where liability, in whole or part, directly or indirectly, is based on legally protected health care activity that occurred in this State, including any action in which liability is based on any theory of vicarious, joint, or several liability derived therefrom; or

(ii) attempting to enforce any order or judgment issued in connection with any such action by any party to the action or any person acting on behalf of a party to the action.

(B) A lawsuit shall be considered to be based on conduct that occurred in this State if any part of any act or omission involved in the course of conduct that forms the basis for liability in the lawsuit occurs or is initiated in this State, whether or not such act or omission is alleged or included in any pleading or other filing in the lawsuit.

(5) “Legally protected health care activity” has the same meaning as in 1 V.S.A. § 150.

\* \* \*

§ 4724. UNFAIR METHODS OF COMPETITION OR UNFAIR OR DECEPTIVE ACTS OR PRACTICES DEFINED

The following are hereby defined as unfair methods of competition or unfair or deceptive acts or practices in the business of insurance:

\* \* \*

(7) Unfair discrimination; arbitrary underwriting action.

(A) Making or permitting any unfair discrimination between insureds of the same class and equal risk in the rates charged for any contract of insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contracts.

\* \* \*

(F)(i) Discriminating against a health care provider, as defined by 18 V.S.A. § 9496, or adjusting or otherwise calculating a health care provider's risk classification or premium charges on the basis that:

(I) the health care provider provides or assists in the provision of legally protected health care activity that is unlawful in another state;

(II) another state's laws create potential or actual liability for that activity;

(III) abusive litigation against a provider concerning legally protected health care activity resulted in a claim, settlement, or judgement against the provider; or

(IV) the license of the provider has been disciplined in any way by another state based solely on the provider's provision of legally protected health care activity.

(ii) For purposes of this subdivision (F), it shall not be unfairly discriminatory nor an arbitrary underwriting action against a health care provider if the risk classifications, premium charges, or other underwriting considerations are based on factors other than those listed in subdivision (i) of this subdivision (F).

\* \* \*

\* \* \* Insurance Coverage \* \* \*

Sec. 3. 8 V.S.A. § 4088m is added to read:

§ 4088m. COVERAGE FOR GENDER-AFFIRMING HEALTH CARE SERVICES

(a) Definitions. As used in this section:

(1) "Gender-affirming health care services" has the same meaning as in 1 V.S.A. § 150.

(2) "Health insurance plan" means Medicaid and any other public health care assistance program, any individual or group health insurance policy, any hospital or medical service corporation or health maintenance organization subscriber contract, or any other health benefit plan offered, issued, or renewed for any person in this State by a health insurer as defined by 18 V.S.A. § 9402. For purposes of this section, health insurance plan includes any health benefit plan offered or administered by the State or any subdivision or instrumentality of the State. The term does not include benefit plans providing coverage for a specific disease or other limited benefit coverage,

except that it includes any accident and sickness health plan.

(b) Coverage.

(1) A health insurance plan shall provide coverage for gender-affirming health care services that:

(A) are medically necessary and clinically appropriate for the individual's diagnosis or health condition; and

(B) are included in the State's essential health benefits benchmark plan.

(2) Coverage provided pursuant to this section by Medicaid or any other public health care assistance program shall comply with all federal requirements imposed by the Centers for Medicare and Medicaid Services.

(3) Nothing in this section shall prohibit a health insurance plan from providing greater coverage for gender-affirming health care services than is required under this section.

(c) Cost sharing. A health insurance plan shall not impose greater coinsurance, co-payment, deductible, or other cost-sharing requirements for coverage of gender-affirming health care services than apply to the diagnosis and treatment of any other physical or mental condition under the plan.

Sec. 4. 8 V.S.A. § 4099e is added to read:

§ 4099e. COVERAGE FOR ABORTION AND ABORTION-RELATED SERVICES

(a) Definitions. As used in this section:

(1) "Abortion" means any medical treatment intended to induce the termination of, or to terminate, a clinically diagnosable pregnancy except for the purpose of producing a live birth.

(2) "Health insurance plan" means Medicaid and any other public health care assistance program, any individual or group health insurance policy, any hospital or medical service corporation or health maintenance organization subscriber contract, or any other health benefit plan offered, issued, or renewed for any person in this State by a health insurer as defined by 18 V.S.A. § 9402. For purposes of this section, health insurance plan shall include any health benefit plan offered or administered by the State or any subdivision or instrumentality of the State. The term shall not include benefit plans providing coverage for a specific disease or other limited benefit coverage, except that it shall include any accident and sickness health plan.

(b) Coverage. A health insurance plan shall provide coverage for abortion and abortion-related care.

(c) Cost sharing. The coverage required by this section shall not be subject to any co-payment, deductible, coinsurance, or other cost-sharing requirement or additional charge, except:

(1) to the extent such coverage would disqualify a high-deductible health plan from eligibility for a health savings account pursuant to 26 U.S.C. § 223; and

(2) for coverage provided by Medicaid.

#### Sec. 5. STATE PLAN AMENDMENT

The Agency of Human Services shall seek a state plan amendment from the Centers for Medicare and Medicaid Services or federal authorities if needed to allow Vermont's Medicaid program to provide coverage consistent with this act.

\* \* \* Professional Regulation \* \* \*

Sec. 6. 3 V.S.A. § 129a is amended to read:

#### § 129a. UNPROFESSIONAL CONDUCT

(a) In addition to any other provision of law, the following conduct by a licensee constitutes unprofessional conduct. When that conduct is by an applicant or person who later becomes an applicant, it may constitute grounds for denial of a license or other disciplinary action. Any one of the following items or any combination of items, whether the conduct at issue was committed within or outside the State, shall constitute unprofessional conduct:

\* \* \*

(7) Willfully making or filing false reports or records in the practice of the profession, willfully impeding or obstructing the proper making or filing of reports or records, or willfully failing to file the proper reports or records, or willfully providing inaccurate health or medical information to a patient, including purposeful misrepresentation of a patient's health status.

\* \* \*

(29) Providing or claiming to provide services or medications that are purported to reverse the effects of a medication abortion.

\* \* \*

(f)(1) Health care providers. Notwithstanding subsection (e) of this section or any other law to the contrary, no health care provider who is certified, registered, or licensed in Vermont shall be subject to professional disciplinary

action by a board or the Director, nor shall a board or the Director take adverse action on an application for certification, registration, or licensure of a qualified health care provider, based solely on:

(A) the health care provider providing or assisting in the provision of legally protected health care activity; or

(B) a criminal, or civil, action or disciplinary action in another state against the health care provider by a licensing board of another state, that is based solely on the provider providing or assisting in the provision of legally protected health care activity.

(2) Definitions. As used in this subsection:

(A) “Health care provider” has the same meaning as in 18 V.S.A. § 9496 means a person who provides professional health care services to an individual during that individual’s medical care, treatment, or confinement.

(B) “Health care services” means services for the diagnosis, prevention, treatment, cure, or relief of a physical or mental health condition, including procedures, products, devices, and medications.

(C) “Legally protected health care activity” has the same meaning as in 1 V.S.A. § 150.

Sec. 7. 26 V.S.A. § 1354 is amended to read:

§ 1354. UNPROFESSIONAL CONDUCT

\* \* \*

(d)(1) Health care providers. Notwithstanding any other law to the contrary, no health care provider who is certified, registered, or licensed in Vermont shall be subject to professional disciplinary action by the Board, nor shall the Board take adverse action on an application for certification, registration, or licensure of a qualified health care provider, based solely on:

(A) the health care provider providing or assisting in the provision of legally protected health care activity; or

(B) a criminal, or civil, action or disciplinary action in another state against the health care provider by a licensing board of another state, that is based solely on the provider providing or assisting in the provision of legally protected health care activity.

(2) Definitions. As used in this subsection:

(A) “Health care provider” has the same meaning as in 18 V.S.A. § 9496 means a person who provides professional health care services to an individual during that individual’s medical care, treatment, or confinement.

(B) “Health care services” means services for the diagnosis, prevention, treatment, cure, or relief of a physical or mental health condition, including procedures, products, devices, and medications.

(C) “Legally protected health care activity” has the same meaning as in 1 V.S.A. § 150.

\* \* \* Pregnancy Centers \* \* \*

Sec. 8. 9 V.S.A. chapter 63, subchapter 11 is added to read:

Subchapter 11. Pregnancy Services Centers

§ 2491. FINDINGS; LEGISLATIVE INTENT

(a) Findings. The General Assembly finds that:

(1) Centers that seek to counsel clients against abortion, often referred to as crisis pregnancy centers or limited-services pregnancy centers, have become common across the country, including in Vermont. Accurate information about the services that a limited-services pregnancy center performs, in addition to forthright acknowledgement of its limitations, is essential to enable individuals in this State to make informed decisions about their care. This includes individuals being informed of whether they are receiving services from a licensed and qualified health care provider at a limited-services pregnancy center, as this allows individuals to determine if they need to seek medical care elsewhere in order to continue or terminate a pregnancy.

(2) Although some limited-services pregnancy centers openly acknowledge in their advertising, on their websites, and at their facilities that they neither provide abortions nor refer clients to other providers of abortion services, others provide confusing and misleading information to pregnant individuals contemplating abortion by leading those individuals to believe that their facilities offer abortion services and unbiased counseling. Some limited-services pregnancy centers have promoted patently false or biased medical claims about abortion, pregnancy, contraception, and reproductive health care providers.

(3) False and misleading advertising by centers that do not offer or refer clients for abortion is of special concern to the State because of the time-sensitive and constitutionally protected nature of the decision to continue or terminate a pregnancy. When a pregnant individual is misled into believing that a center offers services that it does not in fact offer or receives false or misleading information regarding health care options, the individual loses time crucial to the decision whether to terminate a pregnancy and may lose the option to choose a particular method or to terminate a pregnancy at all.

(4) Telling the truth is how trained health care providers demonstrate respect for patients, foster trust, promote self-determination, and cultivate an environment where best practices in shared decision-making can flourish. Without veracity in information and communication, it is difficult for individuals to make informed, voluntary choices that are essential to one's sense of personal agency and autonomy.

(5) Advertising strategies and educational information about health care options that lack transparency, use misleading or ambiguous terminology, misrepresent or obfuscate services provided, or provide factually inaccurate information are a form of manipulation that disrespects individuals, undermines trust, broadens health disparity, and can result in patient harm.

(b) Intent.

(1) It is the intent of the General Assembly to ensure that the public is provided with accurate, factual information about the types of health care services that are available to pregnant individuals in this State. The General Assembly respects the constitutionally protected right of each individual to personal reproductive autonomy, which includes the right to receive clear, honest, and nonmisleading information about the individual's options and to make informed, voluntary choices after considering all relevant information.

(2) The General Assembly respects the right of limited-services pregnancy centers to counsel individuals against abortion, and nothing in this subchapter should be construed to regulate, limit, or curtail such advocacy.

§ 2492. DEFINITIONS

As used in this subchapter:

(1) "Abortion" means any medical treatment intended to induce the termination of, or to terminate, a clinically diagnosable pregnancy except for the purpose of producing a live birth.

(2) "Client" means an individual who is inquiring about or seeking services at a pregnancy services center.

(3) "Emergency contraception" means any drug approved by the U.S. Food and Drug Administration as a contraceptive method for use after sexual intercourse, whether provided over the counter or by prescription.

(4) "Health information" means any oral or written information in any form or medium that relates to health insurance or the past, present, or future physical or mental health or condition of a client.

(5) “Limited-services pregnancy center” means a pregnancy services center that does not directly provide, or provide referrals to clients for, abortions or emergency contraception.

(6) “Pregnancy services center” means a facility, including a mobile facility, where the primary purpose is to provide services to individuals who are or may be pregnant and that either offers obstetric ultrasounds, obstetric sonograms, or prenatal care to pregnant individuals or has the appearance of a medical facility. A pregnancy services center has the appearance of a medical facility if two or more of the following factors are present:

(A) The center offers pregnancy testing or pregnancy diagnosis, or both.

(B) The center has staff or volunteers who wear medical attire or uniforms.

(C) The center contains one or more examination tables.

(D) The center contains a private or semiprivate room or area containing medical supplies or medical instruments.

(E) The center has staff or volunteers who collect health information from clients.

(F) The center is located on the same premises as a State-licensed medical facility or provider or shares facility space with a State-licensed medical provider.

(7) “Premises” means land and improvements or appurtenances or any part thereof.

#### § 2493. UNFAIR AND DECEPTIVE ACT

(a) It is an unfair and deceptive act and practice in commerce and a violation of section 2453 of this title for any limited-services pregnancy center to disseminate or cause to be disseminated to the public any advertising about the services or proposed services performed at that center that is untrue or clearly designed to mislead the public about the nature of services provided. Advertising includes representations made directly to consumers; marketing practices; communication in any print medium, such as newspapers, magazines, mailers, or handouts; and any broadcast medium, such as television or radio, telephone marketing, or advertising over the Internet such as through websites and web ads. For purposes of this chapter, advertising or the provision of services by a limited-services pregnancy center is an act in commerce.



(b) Health care providers certified, registered, or licensed under Title 26 of the Vermont Statutes Annotated who are employed by, contracted to provide services for or on behalf of, or volunteer to provide services at a limited-services pregnancy center shall be responsible for conducting and providing health care services, information, and counseling at the center. The failure of a health care professional certified, registered, or licensed under Title 26 of the Vermont Statutes Annotated to conduct or to ensure that health care services, information, and counseling at the limited-services pregnancy services center are conducted in accordance with State law and professional standards of practice may constitute unprofessional conduct under 3 V.S.A. § 129a and 26 V.S.A. § 1354.

(c) The Attorney General has the same authority to make rules, conduct civil investigations, and bring civil actions with respect to violations of subsection (a) of this section as provided under subchapter 1 of this chapter.

\* \* \* Reports; Interstate Compacts \* \* \*

Sec. 9. 18 V.S.A. § 9405 is amended to read:

§ 9405. STATE HEALTH IMPROVEMENT PLAN; HEALTH RESOURCE  
ALLOCATION PLAN

\* \* \*

(b) The Green Mountain Care Board, in consultation with the Secretary of Human Services or designee, shall publish on its website the Health Resource Allocation Plan identifying Vermont's critical health needs, goods, services, and resources, which shall be used to inform the Board's regulatory processes, cost containment and statewide quality of care efforts, health care payment and delivery system reform initiatives, and any allocation of health resources within the State. The Plan shall identify Vermont residents' needs for health care services, programs, and facilities; the resources available and the additional resources that would be required to realistically meet those needs and to make access to those services, programs, and facilities affordable for consumers; and the priorities for addressing those needs on a statewide basis. The Board may expand the Plan to include resources, needs, and priorities related to the social determinants of health. The Plan shall be revised periodically, but not less frequently than once every four years.

\* \* \*

(3) The Board shall receive and consider public input on the Plan at a minimum of one Board meeting and one meeting of the Advisory Committee and shall give interested persons an opportunity to submit their views orally and in writing.

(4) The Board shall include reproductive health care services and gender-affirming health care services, as those terms are defined in 1 V.S.A. § 150, in its Plan analysis.

(5) As used in this section:

(A) “Health resources” means investments into the State’s health care system, including investments in personnel, equipment, and infrastructure necessary to deliver:

\* \* \*

Sec. 9a. AGENCY OF HUMAN SERVICES; STATE HEALTH  
ASSESSMENT; COMMUNITY PROFILES

The Agency of Human Services shall work with LGBTQA+ community stakeholders and health care providers during the upcoming State Health Assessment and Community Profiles community engagement processes to explore barriers to equitable access to gender-affirming health care services, as defined in 1 V.S.A. § 150.

Sec. 10. BOARD OF MEDICAL PRACTICE; OFFICE OF PROFESSIONAL  
REGULATION; INTERSTATE COMPACTS; REPORT

On or before November 1, 2025, the Office of Professional Regulation, in consultation with the Board of Medical Practice, shall submit a report to the House Committee on Health Care and the Senate Committee on Health and Welfare with findings and recommendations for legislative action to address any concerns regarding the State’s participation, or contemplated participation, in interstate licensure compacts as a result of the provisions of this act, including the State’s participation in the Nurse Licensure Compact pursuant to 26 V.S.A. chapter 28, subchapter 5 and the Interstate Medical Licensure Compact pursuant to 26 V.S.A. chapter 23, subchapter 3A.

Sec. 10a. 26 V.S.A. chapter 56 is amended to read:

CHAPTER 56. OUT-OF-STATE TELEHEALTH LICENSURE &  
REGISTRATION AND INTERSTATE COMPACTS

Subchapter 1. Out-of-State Telehealth Licensure And Registration

\* \* \*

Subchapter 2. Interstate Compacts; Health Care Provider Compacts§ 3071. HEALTH CARE PROVIDER COMPACTS; DIRECTION TO  
VERMONT REPRESENTATIVES

(a) The General Assembly finds that a state’s prohibition of or limitation on the provision of gender-affirming health care services or reproductive health care services, or both, as defined by 1 V.S.A. § 150, prohibits health care providers from following health care best practices and is a failure on the part of the state to provide health care services that are medically necessary and clinically appropriate for its residents. Therefore, it is the General Assembly’s intent to protect the ability of professionals licensed, certified, or registered in Vermont, and professionals from other member states seeking to practice a profession in Vermont pursuant to an interstate compact or agreement, to have the benefit of compacts and agreements while at the same time engaging in, providing, or otherwise facilitating, personally or professionally, gender-affirming health care and reproductive health care services.

(b) Vermont’s representative or delegate for an interstate compact or agreement related to health care shall seek an amendment or exception to the language, rules, directives, or bylaws of the compact or agreement, as necessary, so that if a licensee is disciplined by another state solely for providing or assisting in the provision of gender-affirming health care services or reproductive health care services that would be legal and meet professional standards of care if provided in Vermont, the compact or agreement does not require that Vermont take professional disciplinary action against the licensee.

\* \* \* Emergency Contraception \* \* \*

Sec. 11. 26 V.S.A. chapter 36, subchapter 1 is amended to read:

Subchapter 1. General Provisions

\* \* \*

§ 2022. DEFINITIONS

As used in this chapter:

\* \* \*

(22) “Emergency contraception” means any drug approved by the U.S. Food and Drug Administration as a contraceptive method for use after sexual intercourse, whether provided over the counter or by prescription.

§ 2023. CLINICAL PHARMACY; PRESCRIBING

\* \* \*

(b) A pharmacist may prescribe in the following contexts:

\* \* \*

(2) State protocol.

(A) A pharmacist may prescribe, order, or administer in a manner consistent with valid State protocols that are approved by the Commissioner of Health after consultation with the Director of Professional Regulation and the Board and the ability for public comment:

\* \* \*

(ix) emergency prescribing of albuterol or glucagon while contemporaneously contacting emergency services; and

(x) tests for SARS-CoV for asymptomatic individuals or related serology for individuals by entities holding a Certificate of Waiver pursuant to the Clinical Laboratory Amendments of 1988 (42 U.S.C. § 263a); and

(xi) emergency contraception.

\* \* \*

Sec. 11a. 26 V.S.A. § 2077 is added to read:

§ 2077. EMERGENCY CONTRACEPTION; VENDING MACHINES

(a) A retail or institutional drug outlet licensed under this chapter or a postsecondary school, as defined in and subject to 16 V.S.A. § 176, may make over-the-counter emergency contraception and other nonprescription drugs or articles for the prevention of pregnancy or conception available through a vending machine or similar device.

(b) Notwithstanding any provision of subsection 2032(h) of this chapter to the contrary, the Board may adopt rules in accordance with 3 V.S.A. chapter 25 to regulate the location, operation, utilization, and oversight of the vending machines and similar devices described in subsection (a) of this section in a manner that balances consumer access with appropriate safeguards for theft prevention and safety.

\* \* \* Higher Education; Health Care Services \* \* \*

Sec. 12. 16 V.S.A. chapter 78 is added to read:

CHAPTER 78. ACCESS TO REPRODUCTIVE AND GENDER-AFFIRMING HEALTH CARE SERVICES

§ 2501. DEFINITIONS

As used in this chapter:

(1) “Gender-affirming health care readiness” means each institution’s preparedness to provide gender-affirming health care services to students or assist students in obtaining gender-affirming health care services, including having in place equipment, protocols, patient educational materials, informational websites, and training for staff; provided, however, that gender-affirming health care readiness may include the provision of gender-affirming health care services.

(2) “Gender-affirming health care services” has the same meaning as in 1 V.S.A. § 150.

(3) “Institution” means the University of Vermont or a college in the Vermont State College system.

(4) “Medication abortion” means an abortion provided by medication techniques.

(5) “Reproductive health care services” has the same meaning as in 1 V.S.A. § 150 and includes medication abortion.

(6) “Reproductive health care readiness” means each institution’s preparedness to provide reproductive health care services to students or assist students in obtaining reproductive health care services, including having in place equipment, protocols, patient educational materials, informational websites, and training for staff; provided, however, that reproductive health care readiness may include the provision of reproductive health care services.

(7) “Telehealth” has the same meaning as in 26 V.S.A. § 3052.

§ 2502. GENDER-AFFIRMING HEALTH CARE AND REPRODUCTIVE  
HEALTH CARE READINESS; REPORTS

(a) Each institution shall report to the Agency of Human Services annually, on or before November 1, on the current status of its gender-affirming health care and reproductive health care readiness, including:

(1) whether the institution has an operational health center on campus;

(2) whether the institution employs health care providers on campus;

(3) the types of gender-affirming health care services and reproductive health care services that the institution offers to its students on campus and the supports that the institution provides to students who receive those services;

(4) the institution’s efforts to assist students with obtaining gender-affirming health care services and reproductive health care services from licensed health care professionals through telehealth;

(5) the institution's proximity to a hospital, clinic, or other facility that provides gender-affirming health care services or reproductive health care services, or both, that are not available to students on campus;

(6) the information that the institution provides regarding facilities that offer gender-affirming health care services and reproductive health care services that are not available to students on campus, including information regarding the scope of the services that are available at each such facility; and

(7) the availability, convenience, and cost of public transportation between the institution and the closest facility that provides gender-affirming health care services or reproductive health care services, or both, and whether the institution provides transportation.

(b) On or before January 31 of each year, the Agency of Human Services shall compile the materials submitted pursuant to subsection (a) of this section and report to the House Committees on Education, on Health Care, and on Human Services and the Senate Committees on Education and on Health and Welfare on the status of gender-affirming health care and reproductive health care readiness at Vermont's institutions.

Sec. 13. GENDER-AFFIRMING HEALTH CARE AND REPRODUCTIVE  
HEALTH CARE READINESS; IMPLEMENTATION

Each institution shall submit its first report on the status of its gender-affirming health care and reproductive health care readiness as required under 16 V.S.A. § 2502(a) to the Agency of Human Services on or before November 1, 2023, and the Agency shall provide its first legislative report on or before January 31, 2024.

\* \* \* Prohibition on Disclosure of Protected Health Information \* \* \*

Sec. 14. 18 V.S.A. § 1881 is amended to read:

§ 1881. DISCLOSURE OF PROTECTED HEALTH INFORMATION

PROHIBITED

(a) As used in this section:

(1) "Business associate" has the same meaning as in 45 C.F.R. § 160.103.

(2) "Covered entity" shall have has the same meaning as in 45 C.F.R. § 160.103.

(3) "Legally protected health care activity" has the same meaning as in 1 V.S.A. § 150.

~~(2)~~(4) “Protected health information” ~~shall have~~ has the same meaning as in 45 C.F.R. § 160.103.

(5) “Telehealth” has the same meaning as in 26 V.S.A. § 3052.

(b) A covered entity or business associate shall not disclose protected health information unless the disclosure is permitted under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

(c) In order to protect patients and providers who engage in legally protected health care activity, a covered entity or business associate shall not disclose protected health information related to a legally protected health care activity for use in a civil or criminal action; a proceeding preliminary to a civil or criminal action; or a probate, legislative, or administrative proceeding unless the disclosure meets one or more of the following conditions:

(1) The disclosure is authorized by the patient or the patient’s conservator, guardian, or other authorized legal representative.

(2) The disclosure is specifically required by federal law, Vermont law, or rules adopted by the Vermont Supreme Court.

(3) The disclosure is ordered by a court of competent jurisdiction pursuant to federal law, Vermont law, or rules adopted by the Vermont Supreme Court. An order compelling disclosure under this subdivision shall include the court’s determination that good cause exists to require disclosure of the information related to legally protected health care activity.

(4) The disclosure is to be made to a person designated by the covered entity or business associate and will be used solely in the defense of the covered entity or business associate against a claim that has been made, or there is a reasonable belief will be made, against the covered entity or business associate in a civil or criminal action, a proceeding preliminary to a civil or criminal action, or a probate, legislative, or administrative proceeding.

(5) The disclosure is to Vermont’s Board of Medical Practice or Office of Professional Regulation, as applicable, in connection with a bona fide investigation in Vermont of a licensed, certified, or registered health care provider or a bona fide investigation of whether an individual who is not licensed, certified, or registered to practice a health care profession in Vermont engaged in unauthorized practice in this State, whether in person or through telehealth.

(6) The disclosure is to the Vermont Department of Health or the Vermont Department of Disabilities, Aging, and Independent Living, or both, in connection with a bona fide investigation of a licensed health care facility in Vermont.

\* \* \* Effective Dates \* \* \*

Sec. 15. EFFECTIVE DATES

(a) This section, Sec. 1 (definitions), Sec. 2 (medical malpractice), Secs. 6 and 7 (unprofessional conduct), Sec. 8 (pregnancy services centers), Secs. 9, 9a, and 10 (reports and analyses), Sec. 11a (emergency contraception; vending machines), Secs. 12 and 13 (gender-affirming health care and reproductive health care readiness; reports), and Sec. 14 (prohibition on disclosure of protected health information) shall take effect on passage.

(b) Secs. 3 and 4 (insurance coverage) shall take effect on January 1, 2024 and shall apply to all health insurance plans issued on and after 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.

(c) Sec. 5 (state plan amendment) shall take effect on January 1, 2024, except that the Agency of Human Services shall submit its request for approval of Medicaid coverage of the services prescribed in Sec. 4 of this act, if needed, to the Centers for Medicare and Medicaid Services on or before July 1, 2023, and the Medicaid coverage shall begin on the later of the date of approval or January 1, 2024.

(d) Sec. 10a (interstate compacts; state representatives) shall take effect on July 1, 2023.

(e) Sec. 11 (emergency contraception) shall take effect on or before September 1, 2023, on such date as the Commissioner of Health approves the State protocol.

**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 Health Care.

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 Health Care?, **Representatives Houghton of Essex Junction, Berbeco of Winooski, Black of Essex, Carpenter of Hyde Park, Cina of Burlington, Cordes of Lincoln, Farlice-Rubio of Barnet, Goldman of Rockingham, and McFaun of Barre Town** moved that the report of the Committee on Health Care be amended in Sec. 1, 1 V.S.A. § 150, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:



(c)(1) “Reproductive health care services” means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature, including medication, relating to pregnancy, contraception, assisted reproduction, pregnancy loss management, or the termination of a pregnancy.

(2) “Reproductive health care services” includes medication that was approved by the U.S. Food and Drug Administration (FDA) for termination of a pregnancy as of January 1, 2023, regardless of the medication’s current FDA approval status:

(A) when such medication is procured, ordered, stored, distributed, prescribed, dispensed, or administered, or a combination thereof, by a person duly licensed under the laws of this State, as long as the licensee’s actions conform to the essential standards of acceptable and prevailing practice for the licensee’s profession; or

(B) when such medication is used by an individual.

Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Health Care, as amended?,

**Rep. Higley of Lowell** moved that the report of the Committee on Health Care be further amended as follows:

First: In Sec. 8, 9 V.S.A. chapter 63, subchapter 11, in section 2491, in subsection (a), in subdivision (1), following “counsel clients against abortion”, by striking out “, often referred to as crisis pregnancy centers or limited-services pregnancy centers.”

Second: In Sec. 8, 9 V.S.A. chapter 63, subchapter 11, in section 2491, in subsection (a), by adding a new subdivision (6) to read as follows:

(6) Some individuals may be intimidated in receiving services to support the exercise of their right to choose to bear a child at a pregnancy services center where abortion services are provided.

Third: In Sec. 8, 9 V.S.A. chapter 63, subchapter 11, by striking out the phrase “limited-services pregnancy center” each time it appears and inserting in lieu thereof “pregnancy services center”

Fourth: In Sec. 8, 9 V.S.A. chapter 63, subchapter 11, by striking out the phrase “limited-services pregnancy centers” each time it appears and inserting in lieu thereof “pregnancy services centers”

Fifth: In Sec. 8, 9 V.S.A. chapter 63, subchapter 11, in section 2492, by striking out subdivision (5) in its entirety and by renumbering the remaining subdivisions to be numerically correct.

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

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Health Care, as amended?,

**Rep. Williams of Granby** moved that the report of the Committee on Health Care be further amended in Sec. 4, 8 V.S.A. § 4099e, as follows:

First: By striking out the section heading in its entirety and inserting in lieu thereof a new section heading to read as follows:

§ 4099e. COVERAGE FOR REPRODUCTIVE HEALTH CARE SERVICES

Second: In subsection (a), by striking out subdivision (1) in its entirety, by redesignating subdivision (2) to be subdivision (1), and by adding a new subdivision (2) to read as follows:

(2) “Reproductive health care services” has the same meaning as in 1 V.S.A. § 150.

Third: By striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) Coverage. A health insurance plan shall provide coverage for reproductive health care services.

Thereupon, **Rep. Williams of Granby** asked and was granted leave of the House to withdraw her amendment.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Health Care, as amended?,

**Rep. Donahue of Northfield** moved that the report of the Committee on Health Care be further amended as follows:

In Sec. 6, 3 V.S.A. § 129a, in subsection (a), in subdivision (29), following “effects of a medication abortion”, by adding “, except that it shall not constitute unprofessional conduct if the licensee, acting within the licensee’s scope of practice and meeting existing standards of care in the prescription or administration of a medication for an off-label use, provides a medication for the purpose of assisting an individual in the attempt to exercise the right to choose to bear a child after the individual has initiated but not completed the process of having a medication abortion”

Which was disagreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Health Care, as amended?,

**Rep. Houghton of Essex Junction** moved that the report of the Committee on Health Care be further amended as follows:

First: In Sec. 6, 3 V.S.A. § 129a, in subdivision (f)(1)(B), by removing “or”, “action”, and “by a licensing board of another state.”

Second: In Sec. 6, 3 V.S.A. § 129a, in subdivision (f)(2)(A), by removing the phrase “has the same meaning as in 18 V.S.A. § 9496”

Third: In Sec. 7, 26 V.S.A. § 1354, in subdivision (d)(1)(B), by removing “or”, “action”, and “by a licensing board of another state.”

Fourth: In Sec. 7, 26 V.S.A. § 1354, in subdivision (d)(2)(A), by removing the phrase “has the same meaning as in 18 V.S.A. § 9496”

Fifth: After the enacting clause, by inserting a reader assistance heading to read as follows:

\* \* \* Definitions \* \* \*

Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Health Care, as amended?, **Representatives Houghton of Essex Junction, Black of Essex, Carpenter of Hyde Park, Cina of Burlington, Cordes of Lincoln, Farlice-Rubio of Barnet, Goldman of Rockingham, and McFaun of Barre Town** moved that the report of the Committee on Health Care be further amended in Sec. 12, 16 V.S.A. chapter 78, in § 2501, as follows:

First: By striking out subdivision (4) in its entirety and renumbering the remaining subdivisions to be numerically correct

Second: In the newly renumbered subdivision (4), by striking out “and includes medication abortion”

Which was agreed to. Thereafter, the House proposed to the Senate to amend the bill as recommended by the Committee on Health Care, as amended.

Pending the question, Shall the bill be read a third time?, **Rep. Houghton of Essex Junction** 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, 115. Nays, 17.

## Those who voted in the affirmative are:

Andrews of Westford	Dodge of Essex	Mrowicki of Putney
Andriano of Orwell	Dolan of Essex Junction	Mulvaney-Stanak of Burlington
Anthony of Barre City	Dolan of Waitsfield	Nicoll of Ludlow
Arrison of Weathersfield	Durfee of Shaftsbury	Notte of Rutland City
Arsenault of Williston	Emmons of Springfield	Noyes of Wolcott
Austin of Colchester	Farlice-Rubio of Barnet	Nugent of South Burlington
Bartholomew of Hartland	Galfetti of Barre Town	Ode of Burlington
Bartley of Fairfax	Garofano of Essex	Page of Newport City
Beck of St. Johnsbury	Goldman of Rockingham	Pajala of Londonderry
Berbeco of Winooski	Goslant of Northfield	Patt of Worcester
Birong of Vergennes	Graning of Jericho	Pearl of Danville
Black of Essex	Harrison of Chittenden	Pouech of Hinesburg
Bluemle of Burlington	Holcombe of Norwich	Priestley of Bradford
Bongartz of Manchester	Hooper of Randolph	Rachelson of Burlington
Bos-Lun of Westminster	Houghton of Essex Junction	Rice of Dorset
Boyden of Cambridge	Howard of Rutland City	Roberts of Halifax
Brady of Williston	Hyman of South Burlington	Satcowitz of Randolph
Branagan of Georgia	James of Manchester	Scheu of Middlebury
Brown of Richmond	Jerome of Brandon	Sheldon of Middlebury
Brumsted of Shelburne	Kornheiser of Brattleboro	Sibilia of Dover
Burke of Brattleboro	Krasnow of South Burlington	Sims of Craftsbury
Burrows of West Windsor	Lalley of Shelburne	Small of Winooski
Buss of Woodstock	LaLonde of South Burlington	Smith of Derby
Campbell of St. Johnsbury	LaMont of Morristown	Squirrell of Underhill
Carpenter of Hyde Park	Lanpher of Vergennes	Stebbins of Burlington
Carroll of Bennington	Laroche of Franklin	Stevens of Waterbury
Casey of Montpelier	Leavitt of Grand Isle	Stone of Burlington
Chase of Chester	Lipsky of Stowe	Surprenant of Barnard
Chase of Colchester	Long of Newfane	Taylor of Colchester
Chesnut-Tangerman of Middletown Springs	Maguire of Rutland City	Templeman of Brownington
Christie of Hartford	Masland of Thetford	Toleno of Brattleboro
Cina of Burlington	McCann of Montpelier	Toof of St. Albans Town
Coffey of Guilford	McCarthy of St. Albans City	Torre of Moretown
Cole of Hartford	McFaun of Barre Town	Troiano of Stannard
Conlon of Cornwall	McGill of Bridport	Walker of Swanton
Corcoran of Bennington	Mihaly of Calais	Waters Evans of Charlotte
Cordes of Lincoln	Minier of South Burlington	White of Bethel
Demrow of Corinth	Morris of Springfield	Whitman of Bennington
		Williams of Barre City

## Those who voted in the negative are:

Canfield of Fair Haven	Higley of Lowell	Morrissey of Bennington
Clifford of Rutland City	Labor of Morgan	Oliver of Sheldon
Dickinson of St. Albans Town	LaBounty of Lyndon	Peterson of Clarendon
Donahue of Northfield	Mattos of Milton	Shaw of Pittsford
Hango of Berkshire	McCoy of Poultney	Taylor of Milton
	Morgan of Milton	Williams of Granby

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

Brennan of Colchester	Graham of Williamstown	O'Brien of Tunbridge
Brownell of Pownal	Gregoire of Fairfield	Parsons of Newbury
Burditt of West Rutland	Headrick of Burlington	Sammis of Castleton
Chapin of East Montpelier	Hooper of Burlington	Wilson of Lyndon
Demar of Enosburgh	Logan of Burlington	Wood of Waterbury
Elder of Starksboro	Marcotte of Coventry	

### Senate Proposal of Amendment Concurred in

#### H. 41

The Senate proposed to the House to amend House bill, entitled

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

The Senate proposed to the House to amend the bill as follows:

First: In Sec. 3, 24 V.S.A. §§ 1968 and 1969, in section 1968, in subdivision (c)(4), after the word “volunteers” by inserting the words and relevant law enforcement and prosecutors

Second: By striking out Sec. 4, report; Community Justice Unit of the Office of the Attorney General, in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

#### Sec. 4. REPORT; COMMUNITY JUSTICE UNIT OF THE OFFICE OF THE ATTORNEY GENERAL

(a) On or before December 1, 2025, the Community Justice Unit, in collaboration with the Vermont Network, and the participating community justice centers shall submit an interim report to the House and Senate Committees on Judiciary regarding the establishment of memorandums of understanding pursuant to 24 V.S.A. § 1968, the status of implementation of programming, referral sources, available data on effectiveness, and the available resources and capacity for such programming.

(b) On or before July 1, 2028, the Community Justice Unit, in collaboration with the Vermont Network, and the participating community justice centers shall submit a final report to the House and Senate Committees on Judiciary regarding the establishment of memorandums of understanding pursuant to 24 V.S.A. § 1968, the status of implementation of programming, referral sources, available data on effectiveness, and the available resources and capacity for such programming.

Which proposal of amendment was considered and concurred in.

**Action on Bill Postponed****H. 53**

House bill, entitled

An act relating to driver's license suspensions

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Dolan of Essex Junction**, action on the bill was postponed until April 26, 2023.

**Joint Resolution Adopted****J.R.H. 5**

Joint House resolution, entitled

Joint resolution authorizing the Green Mountain Girls State educational program to use the facilities of the State House on a mutually agreed upon day and for a designated time span during the week of June 18, 2023

Appearing on the Action Calendar, was taken up and adopted on the part of the House.

**Message from the Senate No. 43**

A message was received from the Senate by Ms. Kucserik, 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. 89.** An act relating to civil and criminal procedures concerning legally protected health care activity.

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

The Senate has considered bills originating in the House of the following titles:

**H. 190.** An act relating to removing the residency requirement from Vermont's patient choice at end of life laws.

**H. 271.** An act relating to approval of amendments to the charter of the Town of Springfield.

And has passed the same in concurrence.

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**Adjournment**

At seven o'clock and fifty 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.

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**Friday, April 21, 2023**

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.

**Ceremonial Reading****H.C.R. 12**

House concurrent resolution congratulating the Colchester 10-to-12 Little League Softball All-Stars on winning the 2022 Vermont Little League Softball Championship

Offered by: Representatives Austin of Colchester, Brennan of Colchester, Chase of Colchester, and Taylor of Colchester

Offered by: Senator Mazza

Whereas, in the sixth inning of the second and decisive game of the 2022 Vermont Little League softball championship, the Colchester 10-to-12 Little League Softball All-Stars trailed their rival, the Champlain team, 13–9, and

Whereas, despite this significant scoring deficit, Colchester rebounded strongly to clinch the Vermont Little League Softball championship, 14–13, and

Whereas, the talented Colchester players, who first earned a berth in the New England Little League Softball championship competition, and then surprisingly advanced to this regional tournament's final game, were Athalie Fane-Cushing, Destiny Hendy, Eliza Fischer, Elle Robinson, Emily Feltz, Haley Bouvier, Harlow Hier, Makenna Pratt, Olivia O'Dell, Persephone Tirrito, Taylor Davidson, and Teagan Kane, and Mat Robinson, Tim Davidson, and Chris Kane were superb coaches and mentors, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the Colchester 10-to-12 Little League Softball All-Stars on winning the 2022 Vermont Little League Softball Championship, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Colchester 10-to-12 Little League Softball All-Stars.

Having been adopted in concurrence on Friday, January 27, 2023 in accord with Joint Rule 16b, was read.

**Amendment to Proposal of Amendment Offered;  
Question Divided; Third Reading;  
Bill Passed in Concurrence with Proposal of Amendment**

**S. 5**

Senate bill, entitled

An act relating to affordably meeting the mandated greenhouse gas reductions for the thermal sector through efficiency, weatherization measures, electrification, and decarbonization

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: In Sec. 6, Public Utility Commission implementation, in subsection (f), in subdivision (1), by striking out “January 15, 2025” and inserting in lieu thereof “September 15, 2024”

Second: In Sec. 6, 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) Check-back report. On or before February 15, 2024, the Commission shall submit a written report to and be available to provide oral testimony to the House Committee on Environment and Energy and the Senate Committees on Finance and on Natural Resources and Energy detailing the efforts undertaken to establish the Clean Heat Standard. The report shall include, to the extent available, estimates of the impact of the Clean Heat Standard on customers, including impacts to customer rates and fuel bills for participating and nonparticipating customers, net impacts on total spending on energy for thermal sector end uses, fossil fuel reductions, greenhouse gas emission reductions, and, if possible, impacts on economic activity and employment. The modeled impacts shall estimate high-, medium-, and low-price impacts. The report shall recommend any legislative action needed to address enforcement or other aspects of the Clean Heat Standard, including how to



ensure fuel use that occurs outside the thermal sector is not impacted under the program.

Third: In Sec. 3, 30 V.S.A. chapter 94, in section 8127, by striking subsection (e) in its entirety and renumbering the remaining subsections to be numerically correct.

Pending the question, Shall the House proposal of amendment be amended as offered by Rep. Beck of St. Johnsbury?, **Rep. McCoy of Poultney** asked that the question be divided to first consider its first and second instances of amendment and to then consider its third instance of amendment, and the Speaker ruled that the question was divisible in that manner.

Pending the question, Shall the House proposal of amendment be amended as offered by Rep. Beck of St. Johnsbury in the first and second instances of amendment?, **Rep. McCoy of Poultney** requested the vote be by division, and it was disagreed to: Yeas, 34. Nays, 101.

Pending the question, Shall the House proposal of amendment be amended as offered by Rep. Beck of St. Johnsbury in the third instance of amendment, **Rep. McCoy of Poultney** requested the vote be by division, and it was disagreed to: Yeas, 33. Nays, 105.

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

### **Third Reading; Bill Passed in Concurrence With Proposal of Amendment**

#### **S. 37**

Senate bill, entitled

An act relating to access to legally protected health care activity and regulation of health care providers

Was taken up and read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment?, **Rep. Laroche of Franklin** 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, 114. Nays, 24.

Those who voted in the affirmative are:

Andrews of Westford	Dodge of Essex	Morris of Springfield
Andriano of Orwell	Dolan of Essex Junction	Mrowicki of Putney
Anthony of Barre City	Dolan of Waitsfield	Mulvaney-Stanak of
Arrison of Weathersfield	Durfee of Shaftsbury	Burlington

Arsenault of Williston	Elder of Starksboro	Nicoll of Ludlow
Austin of Colchester	Emmons of Springfield	Notte of Rutland City
Bartholomew of Hartland	Farlice-Rubio of Barnet	Noyes of Wolcott
Bartley of Fairfax	Galfetti of Barre Town	Nugent of South Burlington
Beck of St. Johnsbury	Garofano of Essex	O'Brien of Tunbridge
Berbeco of Winooski	Goldman of Rockingham	Ode of Burlington
Black of Essex	Goslant of Northfield	Pajala of Londonderry
Bluemle of Burlington	Graning of Jericho *	Patt of Worcester
Bongartz of Manchester	Gregoire of Fairfield	Pouech of Hinesburg
Bos-Lun of Westminster	Harrison of Chittenden	Priestley of Bradford
Boyden of Cambridge	Holcombe of Norwich	Rachelson of Burlington
Brady of Williston	Hooper of Randolph	Rice of Dorset
Brown of Richmond	Houghton of Essex Junction	Roberts of Halifax
Brownell of Pownal	Howard of Rutland City	Satcowitz of Randolph
Brumsted of Shelburne	Hyman of South Burlington	Scheu of Middlebury
Burke of Brattleboro	James of Manchester	Sheldon of Middlebury
Burrows of West Windsor	Jerome of Brandon	Sibilia of Dover
Buss of Woodstock	Kornheiser of Brattleboro	Sims of Craftsbury *
Campbell of St. Johnsbury	Krasnow of South Burlington	Small of Winooski *
Carpenter of Hyde Park	Lalley of Shelburne	Squirrell of Underhill
Carroll of Bennington	LaLonde of South Burlington	Stebbins of Burlington
Casey of Montpelier	LaMont of Morristown	Stevens of Waterbury
Chapin of East Montpelier	Lanpher of Vergennes	Stone of Burlington
Chase of Chester	Leavitt of Grand Isle	Surprenant of Barnard
Chase of Colchester	Lipsky of Stowe	Taylor of Colchester
Chesnut-Tangerman of Middletown Springs	Long of Newfane	Templeman of Brownington
Christie of Hartford	Maguire of Rutland City	Toleno of Brattleboro
Cina of Burlington	Masland of Thetford	Toof of St. Albans Town
Coffey of Guilford	McCann of Montpelier	Torre of Moretown
Cole of Hartford	McCarthy of St. Albans City	Troiano of Stannard
Conlon of Cornwall	McFaun of Barre Town	Walker of Swanton
Corcoran of Bennington	McGill of Bridport	Waters Evans of Charlotte
Cordes of Lincoln	Mihaly of Calais	White of Bethel
Demrow of Corinth	Minier of South Burlington	Whitman of Bennington
		Williams of Barre City

Those who voted in the negative are:

Branagan of Georgia *	Labor of Morgan	Parsons of Newbury
Brennan of Colchester	LaBounty of Lyndon	Peterson of Clarendon
Burditt of West Rutland	Laroche of Franklin *	Sammis of Castleton
Canfield of Fair Haven	Marcotte of Coventry	Shaw of Pittsford
Clifford of Rutland City	Mattos of Milton	Taylor of Milton
Dickinson of St. Albans Town	McCoy of Poultney	Williams of Granby
Hango of Berkshire	Morrissey of Bennington	Wilson of Lyndon
Higley of Lowell	Oliver of Sheldon	

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

Birong of Vergennes	Headrick of Burlington	Pearl of Danville
Demar of Enosburgh	Hooper of Burlington	Smith of Derby
Donahue of Northfield	Logan of Burlington	Wood of Waterbury
Graham of Williamstown	Page of Newport City	

**Rep. Branagan of Georgia** explained her vote as follows:

“Madam Speaker:

I am disappointed to learn we did not receive a complete answer to yesterday’s question on pills available from vending machines. Trust among ourselves is extremely important. For this reason, I am changing my vote – I vote no.”

**Rep. Graning of Jericho** explained her vote as follows:

“Madam Speaker:

I am proud to serve in a legislative body that acts to protect reproductive and gender affirming health care providers.”

**Rep. Laroche of Franklin** explained his vote as follows:

“Madam Speaker:

I am sorry that I had to call this roll call vote. I apologize for this and simply did not want my name associated with this bill.”

**Rep. Sims of Craftsbury** explained her vote as follows:

“Madam Speaker:

Deceptive marketing and misinformation harms Vermonters. I voted yes to protect Vermonters from being told inaccurate medical information and to require pregnancy service centers to comply with Vermont’s laws and standards of practice.”

**Rep. Small of Winooski** explained her vote as follows:

“Madam Speaker:

I vote yes today in honor of the trans youth across our State and nation. This legislation is not only a beacon of hope but will save lives.”

**Rep. Long of Newfane** presiding.

**Second Reading; Bill Amended; Third Reading Ordered****H. 504**

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

An act relating to approval of amendments to the charter of the Town of Berlin

Recommended that the bill be amended in Sec. 2, 24 App. V.S.A. chapter 105 (Town of Berlin), in section 73, in subsection (c), following the words “value of personal property or inventory” by striking out the word “taxation”

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

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

**Second Reading; Bill Amended; Third Reading Ordered****H. 505**

**Rep. Waters Evans of Charlotte**, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

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

Recommended that the bill be amended in Sec. 2, 24 App. V.S.A. chapter 9 (City of Rutland), in section 8.9, by striking out subsection (d) in its entirety and inserting in lieu thereof the following:

(d) Revenues received through a tax imposed under this section shall be used for any of the following:

(1) deposit in any capital improvement reserve fund established in accordance with 24 V.S.A. § 2804;

(2) reducing the deficit in any underfunded pension; or

(3) financing the construction, reconstruction, or repair of City buildings, streets, sidewalks, or other infrastructure.

**Rep. Branagan of Georgia**, for the Committee on Ways and Means, recommended the bill be amended as recommended by the Committee on Government Operations and Military Affairs.

**Speaker** presiding.

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

**Second Reading; Proposal of Amendment Agreed to;  
Third Reading Ordered**

**S. 36**

**Rep. Burditt of West Rutland**, for the Committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to permitting an arrest without a warrant for assaults and threats against health care workers and disorderly conduct at health care facilities

Recommended 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:

Sec. 1. Rule 3 of the Vermont Rules of Criminal Procedure is amended to read:

Rule 3. Arrest Without a Warrant; Citation to Appear

\* \* \*

(c) Nonwitnessed Misdemeanor Offenses. If an officer has probable cause to believe a person has committed or is committing a misdemeanor outside the presence of the officer, the officer may issue a citation to appear before a judicial officer in lieu of arrest. The officer may arrest the person without a warrant if the officer has probable cause to believe:

\* \* \*

(8) The person has committed a misdemeanor which involves an assault against a family member, or against a household member, as defined in 15 V.S.A. § 1101(2), or a child of such a family or household member.

\* \* \*

(14) The person has violated 13 V.S.A. § 1023 (simple assault).

\* \* \*

(18) The person has committed a misdemeanor that involves an assault against:

(A) a health care worker in a hospital as those terms are defined in 13 V.S.A. § 1028(d)(3) and 18 V.S.A. § 1902(1); or

(B) a person providing emergency medical treatment as defined in 24 V.S.A. § 2651(9).

(19) The person has violated 13 V.S.A. § 1702 (criminal threatening) against:

(A) a health care worker in a hospital as those terms are defined in 13 V.S.A. § 1028(d)(3) and 18 V.S.A. § 1902(1); or

(B) a person providing emergency medical treatment as defined in 24 V.S.A. § 2651(9).

(20) The person has committed a violation of 13 V.S.A. § 1026(a)(1) (disorderly conduct for engaging in fighting or in violent or threatening behavior) that interfered with the provision of medically necessary health care services:

(A) in a hospital as defined in 18 V.S.A. § 1902(1); or

(B) by a person providing emergency medical treatment as defined in 24 V.S.A. § 2651(9).

\* \* \*

Sec. 2. 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, 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.

\* \* \*

(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) A person who violates subsection (a) of this section with the intent to terrify or intimidate a health care worker or an emergency medical personnel member because of the worker's or member's action or inaction taken in the provision of health care services shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(h) As used in this section:

(1) "Serious bodily injury" has the same meaning as in section 1021 of this title.

(2) "Threat" and "threaten" 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.

(9) "Emergency medical personnel" has the same meaning as in 24 V.S.A. § 2651(6).

~~(h)~~(i) Any person charged under this section who is younger than the age identified in 33 V.S.A. § 5201(d) shall be subject to a juvenile proceeding.

(10) "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

(11) "Health care worker" has the same meaning as in section 1028 of this title.

Sec. 3. 18 V.S.A. § 1883 is added to read:

§ 1883. DISCLOSURE OF PROTECTED HEALTH INFORMATION

REQUIRED

(a) When a law enforcement officer responds to an alleged crime committed by a patient at a hospital:

(1) an authorized representative of the hospital shall disclose to the law enforcement officer the following information before the officer removes the patient from the hospital:

(A) information that is sufficient to confirm whether the patient is stabilized, has been evaluated, or is awaiting inpatient care; and

(B) any other information that will be necessary for purposes of safely taking custody of the patient; and

(2) the law enforcement officer shall not remove the patient from the hospital if an authorized representative of the hospital informs the officer that the patient is not stabilized, has not yet been evaluated, or is awaiting inpatient care.

(b) When a law enforcement officer responds to an alleged crime committed by a patient at a scene where emergency medical treatment was or is being provided:

(1) a member of the emergency medical personnel who provided the treatment shall disclose to the law enforcement officer the following information before the officer removes the patient from the emergency medical treatment scene:

(A) information that is sufficient to confirm whether the patient is stabilized, has been evaluated, or is awaiting transport for health care; and

(B) any other information that will be necessary for purposes of safely taking custody of the patient; and

(2) the law enforcement officer shall not remove the patient from the emergency medical treatment scene if a member of the emergency medical personnel who provided the treatment informs the officer that the patient is not stabilized, has not yet been evaluated, or is awaiting transport for health care.

(c) As used in this section:

(1) "Emergency medical personnel" has the same meaning as in 24 V.S.A. § 2651(6).

(2) "Emergency medical treatment" has the same meaning as in 24 V.S.A. § 2651(9).

(3) "Hospital" has the same meaning as in subdivision 1902(1) of this title.



(4) “Stabilized” means that no material deterioration of the patient’s medical condition is likely, within reasonable medical probability, to result from or occur during the transport of the patient from the hospital or the emergency medical treatment scene.

#### Sec. 4. REPORT ON DE-ESCALATION

On or before January 15, 2024, the Vermont Program for Quality in Health Care, in consultation with stakeholders, including hospital employee stakeholders, shall provide a report to the Senate Committee on Health and Welfare and the House Committee on Health Care regarding adequate training, including de-escalation of potentially violent situations in hospitals, sufficient staffing levels, ongoing assessment of visitors and patients for aggressive behavior, indicators to adapt care interventions and environments appropriately, centralized reporting, and factors related to physical environments. With a health equity impact informed lens, the report shall include best practices, barriers to best practices, and recommendations for appropriate policy improvements.

#### Sec. 5. DEPARTMENT OF PUBLIC SAFETY REPORT ON ARRESTS

##### WITHOUT WARRANT

On or before January 15, 2024, the Department of Public Safety shall report to the House and Senate Committees on Judiciary on any systemic or statutory changes needed to permit the Department to collect data on responses and arrests pursuant to Vermont Rules of Criminal Procedure 3(c)(18), (19), and (20). The report shall include changes necessary to collect data on the number and demographics of persons arrested; the town, county, and type of health care facility where the arrest occurred; and the number and types of charges filed after the arrest.

#### Sec. 6. 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 crimes against health care workers at hospitals and against emergency medical treatment providers”

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.

**Second Reading; Proposal of Amendment Agreed to;  
Third Reading Ordered**

**S. 48**

**Rep. White of Bethel**, for the Committee on Commerce and Economic Development, to which had been referred Senate bill, entitled

An act relating to regulating the sale of catalytic converters

Recommended 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:

Sec. 1. 9 V.S.A. chapter 82 is amended to read:

CHAPTER 82. SCRAP METAL PROCESSORS

\* \* \*

§ 3022. PURCHASE OF NONFERROUS SCRAP, METAL ARTICLES,  
PROPRIETARY ARTICLES, AND RAILROAD SCRAP

(a) Catalytic converters.

(1) A scrap metal processor shall not purchase more than one used and detached catalytic converter per day from any person, other than a motor vehicle recycler or motor vehicle repair shop.

(2) A person, other than a motor vehicle recycler or motor vehicle repair shop, shall not transport simultaneously two or more used and detached catalytic converters unless:

(A) each catalytic converter is engraved or otherwise permanently marked with the vehicle identification number of the vehicle from which it was removed; and

(B) the person transporting the catalytic converter has in the person's possession documentation demonstrating proof of lawful ownership as specified in subdivision (b)(1) of this section.

(b) Documentation required for sale. A scrap metal processor may purchase nonferrous scrap, metal articles, proprietary articles, and railroad scrap only if the scrap metal processor complies with all the following procedures:

(1) At the time of sale, the processor:

(A) requires the seller to provide a current government-issued photographic identification that indicates the seller's full name, current address, and date of birth, and records in a permanent ledger the identification

information of the seller, the time and date of the transaction, the license number of the seller's vehicle, and a description of the items received from the seller; and

(B) requests and, ~~if available,~~ collects:

(i) ~~third-party documentation from the seller of the items offered for sale, that establishes that the seller lawfully owns the items to be sold, such as a bill of sale, itemized receipt, or letter of authorization, signed by the person from whom the seller purchased the item; or similar evidence~~

(ii) a written affidavit of ownership that establishes states that the seller lawfully owns the items to be sold.

(2) After purchasing an item from a person who ~~fails to~~ does not provide ~~documentation a bill of sale, itemized receipt, or letter of authorization signed by the person from whom the seller purchased the item~~ pursuant to subdivision (1)(B)(i) of this subsection, the processor:

(A) submits to the Department of Public Safety ~~no~~ not later than the close of the following business day a report that describes the item and the seller's identifying information required in subdivision (1)(A) of this subsection; and

(B) holds the item for at least 10 days following purchase.

(c) Retention of records. The information collected by a scrap metal processor pursuant to this section shall be retained for at least five years at the processor's normal place of business or other readily accessible and secure location. On request, this information shall be made available to any law enforcement official or authorized security agent of a governmental entity who provides official credentials at the scrap metal processor's business location during regular business hours.

### § 3023. PENALTIES

(a) A ~~scrap metal processor person~~ person who violates any provision of this chapter for the first time may be assessed a civil penalty not to exceed \$1,000.00 for each transaction.

(b) A ~~scrap metal processor person~~ person who violates any provision of this chapter for a second or subsequent time shall be fined not more than \$25,000.00 for each transaction.

Sec. 2. 24 V.S.A. § 2242 is amended to read:

§ 2242. REQUIREMENT FOR OPERATION OR MAINTENANCE

(a) A person shall not operate, establish, or maintain a salvage yard unless ~~he or she~~ the person:

(1) holds a certificate of approval for the location of the salvage yard; and

(2) holds a certificate of registration issued by the Secretary to operate, establish, or maintain a salvage yard.

(b) The issuance of a certificate of registration under subsection (a) of this section shall not relieve a salvage yard from the obligation to comply with existing State and federal environmental laws and to obtain all permits required under State or federal environmental law.

(c) The Secretary may require a person to obtain a salvage yard certificate of registration under this section upon a determination, based on available information, that the person has taken action to circumvent the requirements of this subchapter.

(d) Prior to issuing a certificate of registration, the Secretary shall obtain written acknowledgment that the person seeking the certificate is aware of, and will comply with, the requirements for buying, selling, transporting, and keeping records concerning nonferrous scrap, metal articles, proprietary articles, and railroad scrap pursuant to 9 V.S.A. chapter 82.

Sec. 3. 24 V.S.A. § 2244 is added to read:

§ 2244. PERIODIC INSPECTIONS

(a) The Secretary shall conduct an unannounced inspection of the physical operation, record-keeping practices, and regulatory compliance practices of salvage yards to ensure compliance with applicable provisions of this subchapter.

(b) As part of the inspection program, the Secretary shall annually inspect at least one facility to ensure compliance with 9 V.S.A. chapter 82.

Sec. 4. ADOPTION OF FORMS; PUBLIC OUTREACH

(a) The Department of Public Safety shall adopt and make available on its public website sample forms for an affidavit or other proof of ownership, for collection and retention of records, and for other record-keeping purposes that persons may use to comply with the requirements for buying, selling, transporting, and keeping records concerning nonferrous scrap, metal articles, proprietary articles, and railroad scrap pursuant to 9 V.S.A. chapter 82.

(b) The Department of Public Safety and the Agency of Natural Resources shall coordinate to design and implement a public outreach campaign to educate sellers of scrap metal and proprietary articles, including catalytic converters; scrap metal processors; and law enforcement on the requirements for buying, selling, transporting, and keeping records concerning nonferrous scrap, metal articles, proprietary articles, and railroad scrap pursuant to 9 V.S.A. chapter 82 and other relevant provisions of law.

Sec. 5. 20 V.S.A. § 2355 is amended to read:

§ 2355. COUNCIL POWERS AND DUTIES

\* \* \*

(b)(1) The Council shall conduct and administer training schools and offer courses of instruction for law enforcement officers and other criminal justice personnel. The Council shall offer courses of instruction for law enforcement officers in different areas of the State and shall strive to offer nonovernight courses whenever possible.

(2) The Council may also offer the basic officer's course for preservice students and educational outreach courses for the public, including firearms safety and use of force.

(3) Following the conclusion of each session of the General Assembly, the Council shall prepare and make available to law enforcement agencies throughout the State and constables exercising law enforcement authority pursuant to 24 V.S.A. § 1936 materials or training concerning new or amended State law that affects law enforcement activities, including changes to civil, criminal, and administrative violations, procedures, penalties, and enforcement.

\* \* \*

Sec. 6. 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, the report of the Committee on Commerce and Economic Development agreed to, and third reading ordered.

**Bill Committed Pending Second Reading**

**S. 56**

Senate bill, entitled

An act relating to child care and early childhood education

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up and pending second reading, on motion of **Rep. Wood of Waterbury**, the bill was committed to the Committee on Education.

**Action on Bill Postponed**

**S. 73**

Senate bill, entitled

An act relating to workers' compensation coverage for firefighters with cancer

Was taken up and, pending second reading, on motion of **Rep. Sammis of Castleton**, action on the bill was postponed until April 25, 2023.

**Message from the Senate No. 44**

A message was received from the Senate by Ms. Kucserik, 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. 3.** An act relating to prohibiting paramilitary training camps.

And has concurred therein.

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

**H.C.R. 92.** House concurrent resolution in memory of Vergennes Fire Chief James M. Breur.

**H.C.R. 93.** House concurrent resolution recognizing April 2023 as Donate Life Awareness Month in Vermont.

**H.C.R. 94.** House concurrent resolution congratulating the National Wild Turkey Federation on its 50th anniversary.

**H.C.R. 95.** House concurrent resolution congratulating the 2022 Green Mountain Council Class of Eagle Scouts and the recipient of the Summit Award.

**H.C.R. 96.** House concurrent resolution congratulating The Wilson House on its 35th anniversary.

**H.C.R. 97.** House concurrent resolution honoring Boy Scout Troop 1 in Barre on becoming the official descendant of America's first Boy Scout troop.

**H.C.R. 98.** House concurrent resolution congratulating the 2023 Vermont finalists for the Presidential Awards for Excellence in Mathematics and Science Teaching.

**H.C.R. 99.** House concurrent resolution recognizing July 2023 as Self-Care Awareness Month in Vermont.

### **Adjournment**

At eleven o'clock and twenty-two minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Monday, April 24, 2023, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 24.

### **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. 92**

House concurrent resolution in memory of Vergennes Fire Chief James M. Breur

#### **H.C.R. 93**

House concurrent resolution recognizing April 2023 as Donate Life Awareness Month in Vermont

#### **H.C.R. 94**

House concurrent resolution congratulating the National Wild Turkey Federation on its 50th anniversary

#### **H.C.R. 95**

House concurrent resolution congratulating the 2022 Green Mountain Council Class of Eagle Scouts and the recipient of the Summit Award

#### **H.C.R. 96**

House concurrent resolution congratulating The Wilson House on its 35th anniversary

#### **H.C.R. 97**

House concurrent resolution honoring Boy Scout Troop 1 in Barre on becoming the official descendant of America's first Boy Scout troop

**H.C.R. 98**

House concurrent resolution congratulating the 2023 Vermont finalists for the Presidential Awards for Excellence in Mathematics and Science Teaching

**H.C.R. 99**

House concurrent resolution recognizing July 2023 as Self-Care Awareness Month 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 2023 Biennial Session.]

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**Monday, April 24, 2023**

At ten o'clock in the forenoon, **Rep. Lanpher of Vergennes** called the House to order. Noting a lack of quorum and pursuant to House Rule 9, the House adjourned until Tuesday, April 25, 2023 at ten o'clock in the forenoon.

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**Tuesday, April 25, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rep. Joseph Andriano of Orwell.

**Pledge of Allegiance**

Page Ziva Baker of Westfield led the House in the Pledge of Allegiance.

**Bill Referred to Committee on Appropriations****S. 14**

Senate bill, entitled

An act relating to a report on criminal justice-related investments and trends  
Appearing on the Action Calendar, and pursuant to House Rule 35(a),  
carrying an appropriation, was referred to the Committee on Appropriations.



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**Ceremonial Reading****H.C.R. 93**

House concurrent resolution recognizing April 2023 as Donate Life Awareness Month in Vermont

Offered by: Representatives Rachelson of Burlington, Andrews of Westford, Anthony of Barre City, Arsenault of Williston, Austin of Colchester, Beck of St. Johnsbury, Berbeco of Winooski, Black of Essex, Bos-Lun of Westminster, Brown of Richmond, Brownell of Pownal, Brumsted of Shelburne, Buss of Woodstock, Campbell of St. Johnsbury, Canfield of Fair Haven, Chapin of East Montpelier, Chesnut-Tangerman of Middletown Springs, Coffey of Guilford, Cole of Hartford, Dolan of Essex Junction, Dolan of Waitsfield, Donahue of Northfield, Farlice-Rubio of Barnet, Galfetti of Barre Town, Goslant of Northfield, Graning of Jericho, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Headrick of Burlington, Houghton of Essex Junction, Howard of Rutland City, Krasnow of South Burlington, LaBounty of Lyndon, Logan of Burlington, Masland of Thetford, McCann of Montpelier, McGill of Bridport, Minier of South Burlington, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Noyes of Wolcott, Ode of Burlington, Page of Newport City, Patt of Worcester, Priestley of Bradford, Rice of Dorset, Scheu of Middlebury, Sibia of Dover, Small of Winooski, Stebbins of Burlington, Stone of Burlington, and White of Bethel

Offered by: Senators Clarkson, Collamore, Hardy, Lyons, Vyhovsky, Watson, and Wrenner

Whereas, the federal Health Resources and Services Administration reports that, despite the 42,000 donor transplants performed in 2022, more than 104,000 persons are on the national transplant waiting list, and every 10 minutes another person's name is added, and

Whereas, on a daily basis, 17 persons die in the United States while waiting to receive an organ, a number that translates to 6,000 annually, and

Whereas, according to the University of Texas Southwestern Medical Center, an estimated 450,000 Americans annually need tissue transplants to improve or even save their lives, and

Whereas, Vermont is a leader in the percentage of driver's license holders who have signed up to be organ donors, and

Whereas, on Tuesday, April 25, during National Donate Life Awareness Month—a commemoration that the U.S. Secretary of Human Services established in 2003—the Vermont Department of Motor Vehicles and the Vermont Department of Health will cohost a celebration of the effectiveness of

organ donations that is also intended to encourage Vermonters to designate themselves as organ donors, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates April 2023 as Donate Life Awareness Month in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Commissioner of Health, the Vermont Commissioner of Motor Vehicles, and Donate Life Vermont.

Having been adopted in concurrence on Friday, April 21, 2023 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. 504**

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Berlin

#### **H. 505**

House bill, entitled

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

### **Third Reading; Bills Passed in Concurrence With Proposal of Amendment**

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

#### **S. 36**

Senate bill, entitled

An act relating to permitting an arrest without a warrant for assaults and threats against health care workers and disorderly conduct at health care facilities

#### **S. 48**

Senate bill, entitled

An act relating to regulating the sale of catalytic converters

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**Action on Bill Postponed****H. 89**

House bill, entitled

An act relating to civil and criminal procedures concerning legally protected health care activity

Was taken up and, pending consideration of the Senate proposal of amendment, on motion of **Rep. LaLonde of South Burlington**, action on the bill was postponed until April 26, 2023.

**Second Reading; Proposal of Amendment Agreed to;  
Third Reading Ordered****S. 73**

**Rep. Sammis of Castleton**, for the Committee on Commerce and Economic Development, to which had been referred Senate bill, entitled

An act relating to workers' compensation coverage for firefighters with cancer

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

First: In Sec. 1, 21 V.S.A. § 601, definitions, in subdivision (11)(E)(iii), after "liver," by inserting "lung,"

Second: By striking out Secs. 2 and 3 in their entireties and inserting in lieu thereof Secs. 2, 3, and 4 to read as follows:

Sec. 2. ANNUAL CANCER SCREENINGS; PERSONAL PROTECTIVE  
EQUIPMENT UPGRADES; REPORT

(a) On or before January 15, 2024, the Director of the Division of Fire Safety shall submit a written report to the House Committees on Appropriations, on Commerce and Economic Development, and on Government Operations and Military Affairs and the Senate Committees on Appropriations; on Economic Development, Housing and General Affairs; and on Government Operations regarding the following topics:

(1) the projected cost for the State to fund annual or biennial cancer screenings for all career and volunteer firefighters in Vermont;

(2) the projected cost for the State to fund cancer screenings for all enrollees in the Vermont Fire Academy Firefighter I certification program prior to the commencement of training;

(3) potential opportunities for the State to reduce the cost for fire departments to provide annual cancer screenings for their firefighters;

(4) the projected cost for the State to fund the replacement of personal protective equipment for all volunteer and career firefighters on a rolling basis so that all personal protective equipment is replaced within 10 years after being acquired; and

(5) potential opportunities for the State to reduce the cost to fire departments for the replacement of personal protective equipment.

(b) The report may include recommendations for legislative action to facilitate:

(1) the early identification of cancer in firefighters;

(2) the acquisition of personal protective equipment by fire departments;  
and

(3) the elimination of PFAS and other carcinogens in firefighting equipment.

### Sec. 3. WORKERS' COMPENSATION FOR FIREFIGHTERS WITH CANCER; ELIGIBILITY

(a) On or before January 15, 2024, the Commissioners of Labor and of Financial Regulation, in consultation with the Director of the Division of Fire Safety, shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs regarding the following topics:

(1) the potential impacts on workers' compensation claims, premiums, and loss costs of amending or repealing the provisions of 21 V.S.A. § 601(11)(E) that bar a firefighter from the presumption that the firefighter's cancer resulted from work-related exposure if the firefighter:

(A) is over 65 years of age; or

(B) has used tobacco products within the last 10 years;

(2) the potential impacts on workers' compensation claims, premiums, and loss costs of amending 21 V.S.A. § 601(11)(E)(iii) to expand the list of cancers presumed to have been caused by exposure to working conditions as a firefighter, including:

(A) additional types of cancer:

(i) that occur more frequently in firefighters than the general public;

(ii) that are caused by carcinogens to which firefighters are exposed in the line of duty; or

(iii) both; or

(B) all forms of cancer; and

(3) potential methods for apportioning liability for workers' compensation in instances where a firefighter has been employed by more than one fire department, including when a firefighter is employed as a career firefighter by one department and a volunteer firefighter by another department.

(b) The report may include recommendations for legislative action to:

(1) amend or repeal the provisions of 21 V.S.A. § 601(11)(E) that bar a firefighter from the presumption that the firefighter's cancer resulted from work-related exposure if the firefighter is over 65 years of age or has used tobacco products within the last 10 years; and

(2) amend 21 V.S.A. § 601(11)(E)(iii) to expand the list of cancers presumed to have been caused by exposure to working conditions as a firefighter to include either:

(A) additional specific cancers for which firefighters have a significantly increased risk in comparison to the general public; or

(B) all forms of cancer.

#### Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

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 Commerce and Economic Development?, **Rep. Sammis of Castleton** moved to substitute an amendment for the report of the Commerce and Economic Development by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 601 is amended to read:

#### § 601. DEFINITIONS

~~Unless the context otherwise requires, words and phrases used in this chapter shall be construed as follows~~ As used in this chapter:

\* \* \*

(11) "Personal injury by accident arising out of and in the course of employment" includes an injury caused by the willful act of a third person directed against an employee because of that employment.

\* \* \*

(E) In the case of a firefighter, as defined in 20 V.S.A. § 3151(3) and (4), who dies or has a disability from a cancer listed in subdivision (iii) of this subdivision (E), the firefighter shall be presumed to have had the cancer as a result of exposure to conditions in the line of duty, unless it is shown by a preponderance of the evidence that the cancer was caused by nonservice-connected risk factors or nonservice-connected exposure, provided:

(i)(I) the firefighter completed an initial and any subsequent cancer screening evaluations as recommended by the American Cancer Society based on the age and sex of the firefighter prior to becoming a firefighter or ~~within two years of July 1, 2007~~ while serving as a firefighter, and the evaluation indicated no evidence of cancer;

(II) the firefighter was engaged in firefighting duties or other hazardous activities over a period of at least five years in Vermont prior to the diagnosis; and

(III) the firefighter is under 65 years of age.

(ii) The presumption shall not apply to any firefighter who has used tobacco products at any time within 10 years of the date of diagnosis.

(iii) The disabling cancer shall be limited to leukemia, lymphoma, or multiple myeloma, and cancers originating in the bladder, brain, breast, colon, gastrointestinal tract, kidney, liver, lung, pancreas, reproductive system, skin, or ~~testicles~~ thyroid.

(F) A firefighter who is diagnosed with cancer within 10 years of the last active date of employment as a firefighter shall be eligible for benefits under this subdivision. The date of injury shall be the date of the last injurious exposure as a firefighter.

(G) It is recommended that fire departments:

(i) maintain incident report records for at least 10 years; and

(ii) offer or provide annual cancer screenings to all firefighters who are employed by or who volunteer for the department.

\* \* \*

Sec. 2. ANNUAL CANCER SCREENINGS; PERSONAL PROTECTIVE  
EQUIPMENT UPGRADES; REPORT

(a) On or before January 15, 2024, the Director of the Division of Fire Safety shall submit a written report to the House Committees on Appropriations, on Commerce and Economic Development, and on Government Operations and Military Affairs and the Senate Committees on Appropriations; on Economic Development, Housing and General Affairs; and on Government Operations regarding the following topics:

(1) the projected cost for the State to fund annual or biennial cancer screenings for all career and volunteer firefighters in Vermont;

(2) the projected cost for the State to fund cancer screenings for all enrollees in the Vermont Fire Academy Firefighter I certification program prior to the commencement of training;

(3) potential opportunities for the State to reduce the cost for fire departments to provide annual cancer screenings for their firefighters;

(4) the projected cost for the State to fund the replacement of personal protective equipment for all volunteer and career firefighters on a rolling basis so that all personal protective equipment is replaced within 10 years after being acquired; and

(5) potential opportunities for the State to reduce the cost to fire departments for the replacement of personal protective equipment.

(b) The report may include recommendations for legislative action to facilitate:

(1) the early identification of cancer in firefighters;

(2) the acquisition of personal protective equipment by fire departments;  
and

(3) the elimination of PFAS and other carcinogens in firefighting equipment.

Sec. 3. WORKERS' COMPENSATION FOR FIREFIGHTERS WITH  
CANCER; ELIGIBILITY; REPORT

(a) On or before January 15, 2024, the Commissioners of Labor and of Financial Regulation, in consultation with the Director of the Division of Fire Safety, shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs regarding the following topics:

(1) the potential impacts on workers' compensation claims, premiums, and loss costs of amending or repealing the provisions of 21 V.S.A. § 601(11)(E) that bar a firefighter from the presumption that the firefighter's cancer resulted from work-related exposure if the firefighter:

(A) is over 65 years of age; or

(B) has used tobacco products within the last 10 years;

(2) the potential impacts on workers' compensation claims, premiums, and loss costs of amending 21 V.S.A. § 601(11)(E)(iii) to expand the list of cancers presumed to have been caused by exposure to working conditions as a firefighter, including:

(A) additional types of cancer:

(i) that occur more frequently in firefighters than the general public;

(ii) that are caused by carcinogens to which firefighters are exposed in the line of duty; or

(iii) both; or

(B) all forms of cancer; and

(3) potential methods for apportioning liability for workers' compensation in instances where a firefighter has been employed by more than one fire department, including when a firefighter is employed as a career firefighter by one department and a volunteer firefighter by another department.

(b) The report may include recommendations for legislative action to:

(1) amend or repeal the provisions of 21 V.S.A. § 601(11)(E) that bar a firefighter from the presumption that the firefighter's cancer resulted from work-related exposure if the firefighter is over 65 years of age or has used tobacco products within the last 10 years; and

(2) amend 21 V.S.A. § 601(11)(E)(iii) to expand the list of cancers presumed to have been caused by exposure to working conditions as a firefighter to include either:

(A) additional types of cancer:

(i) that occur more frequently in firefighters than the general public;

(ii) that are caused by carcinogens to which firefighters are exposed in the line of duty; or



(iii) both; or

(B) all forms of cancer.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

Which was agreed to. Thereafter, the report of the Committee on Commerce and Economic Development, as substituted, was agreed to and third reading ordered.

**Message from the Senate No. 45**

A message was received from the Senate by Ms. Kucserik, 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. 25.** 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. 222.** An act relating to reducing overdoses.

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 eleven o'clock and two minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

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**Wednesday, April 26, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Rep. Mari Cordes of Lincoln.

**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 April 2023, he signed a bill originating in the House of the following title:

**H. 35 An act relating to the Victims Assistance Program****Bill Referred to Committee on Ways and Means****S. 95**

Senate bill, entitled

An act relating to banking and insurance

Appearing 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.

**Joint Resolution Adopted in Concurrence****J.R.S. 25**

By Senator Baruth,

**J.R.S. 25.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, April 28, 2023, it be to meet again no later than Tuesday, May 2, 2023.

Was taken up, read, and adopted in concurrence.

**Ceremonial Readings****H.C.R. 30**

House concurrent resolution congratulating World Learning Inc on its 90th anniversary

Offered by: Representatives Burke of Brattleboro, Bos-Lun of Westminster, Chase of Chester, Goldman of Rockingham, Kornheiser of Brattleboro, Long of Newfane, Mrowicki of Putney, Pajala of Londonderry, Roberts of Halifax, Sibilias of Dover, and Toleno of Brattleboro

Offered by: Senators Harrison and Hashim

Whereas, in 1932, World Learning Inc (World Learning) was established in Putney as The Experiment in International Living, the first program to enable Americans to engage in overseas educational and intercultural programs, and

Whereas, after World War II, World Learning sent groups of youth to Western Europe to assist in rebuilding war-torn communities, and

Whereas, in 1961, the Kennedy Administration enlisted The Experiment in International Living to design and deliver trainings for Peace Corps volunteers and to serve as a training center for 70 projects for over 30 countries, and

Whereas, based on its Peace Corps projects and similar activities, in 1964, World Learning established the School for International Training (SIT), which now annually sends over 2,000 American college and graduate students on semester-abroad study programs in 55 countries, and

Whereas, from 1979 to 1996, World Learning provided services in support of the resettlement of Southeast Asian refugees, and since December 2021, it has engaged in refugee resettlement efforts in southern Vermont, and

Whereas, World Learning administers more than 90 development programs in over 30 countries, and its youth, academic, and professional exchanges bring over 2,000 emerging leaders to the United States each year for educationally enriching degree and nondegree programs, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates World Learning Inc on its 90th anniversary, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to World Learning Inc.

Having been adopted in concurrence on Friday, February 10, 2023 in accord with Joint Rule 16b, was read.

**H.C.R. 97**

House concurrent resolution honoring Boy Scout Troop 1 in Barre on becoming the official descendant of America's first Boy Scout troop

Offered by: Representatives Williams of Barre City, Anthony of Barre City, Galfetti of Barre Town, and McFaun of Barre Town

Whereas, on January 24, 1908, Robert Baden-Powell established the Boy Scout movement in England with the issuance of the first installment of his publication *Scouting for Boys*, and

Whereas, the Boy Scouts of America were not officially organized until February 8, 1910, but the movement's presence in the United States precedes that formal inauguration date, and

Whereas, more than one Boy Scout troop has laid claim to the great honor of being the nation's first, but no troop has a stronger claim to this distinction than Troop 1 in Barre, with a history dating from 1909, when it met under the leadership of Barre resident William Foster Milne and the sponsorship of the First Baptist Church, and

Whereas, the U.S. Postal Service has honored Troop 1's pedigree, and an urn recognizing its historic status stands in front of the First Baptist Church, and

Whereas, in November 2018, an even more impressive sculptural recognition of Troop 1's legacy—a life-sized monument carved by local artisan Giuliano Cecchinelli II—was dedicated in Barre City's Depot Square, and it depicts two Scouts, one draped over the other's back in the fireman's carry, and

Whereas, Boy Scouting thrived for many years in Barre, but sadly, the changing times had reduced its presence to only two troops, 714 and 795, and

Whereas, in 2022, the two troops merged and adopted the historic designation Troop 1, and under the sponsorship of Granite Lodge #35 Free and Accepted Masons, the new Troop 1 is moving forward on an exciting path, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors Boy Scout Troop 1 in Barre on becoming the official descendant of America's first Boy Scout troop, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Boy Scout Troop 1 in Barre.

Having been adopted in concurrence on Friday, April 21, 2023 in accord with Joint Rule 16b, was read.

**Senate Proposal of Amendment Concurred in  
With a Further Amendment Thereto**

**H. 53**

The Senate proposed to the House to amend House bill, entitled  
An act relating to driver's license suspensions

The Senate proposed to the House to amend the bill by striking out Sec. 2, effective date, in its entirety and inserting in lieu thereof the following:

Sec. 2. IMPLEMENTATION

The Commissioner of Motor Vehicles shall not suspend any driver's licenses or privileges to operate that are not already suspended as of the effective date of this act solely for the nonpayment of a civil penalty for a traffic violation committed prior to the effective date of this act.

Sec. 3. EFFECTIVE DATE

This act shall take effect 30 calendar days after passage.

Pending the question, Shall the House concur in the Senate proposal of amendment?, **Reps. Dolan of Essex Junction and Kornheiser of Brattleboro** moved to concur in the Senate proposal of amendment with further amendment thereto by striking out Secs. 2 and 3 in their entireties and inserting in lieu thereof the following:

Sec. 2. IMPLEMENTATION

The Commissioner of Motor Vehicles shall not suspend any driver's licenses or privileges to operate that are not already suspended as of the effective date of this section solely for the nonpayment of a civil penalty for a traffic violation committed prior to the effective date of this section.

Sec. 3. LEGISLATIVE FINDINGS

The General Assembly finds that the Domestic and Sexual Violence Special Fund, created by 13 V.S.A. § 5360 and which receives \$10.00 from each Judicial Bureau Surcharge imposed pursuant to 13 V.S.A. § 7282(a)(8)(D), might see decreased revenue if fewer individuals promptly pay judgments owed on traffic violations for which the imposition of points against the individual's driving record is authorized by law and that an increased revenue source is needed in order to ensure sufficient grant funding for the Vermont Network against Domestic and Sexual Violence and for the Criminal Justice Training Council position dedicated to domestic violence training.

Sec. 4. 32 V.S.A. § 1712 is amended to read:

§ 1712. TOWN CLERKS

Town clerks shall receive the following fees for issuing marriage licenses and vital event certificates:

(1) For issuing and recording a civil marriage license, ~~\$60.00~~ \$80.00 to be paid by the applicant, ~~\$10.00~~ \$15.00 of which sum shall be retained by the town clerk as a fee, ~~\$35.00~~ \$50.00 of which shall be deposited in the Domestic

and Sexual Violence Special Fund created by 13 V.S.A. § 5360, and \$15.00 of which sum shall be paid by the town clerk to the State Treasurer in a return filed quarterly upon forms furnished by the State Treasurer and specifying all fees received by ~~him or her~~ the town clerk during the quarter. Such quarterly period shall be as of the first day of January, April, July, and October.

\* \* \*

Sec. 5. EFFECTIVE DATES

(a) Sec. 4 (marriage licenses; 32 V.S.A. § 1712) shall take effect on July 1, 2023.

(b) All other sections shall take effect 30 calendar days after passage.

and that after passage the title of the bill be amended to read: “An act relating to driver’s license suspensions and revenue for the Domestic and Sexual Violence Special Fund”

Which was agreed to.

**Action on Bill Postponed**

**H. 89**

House bill, entitled

An act relating to civil and criminal procedures concerning legally protected health care activity

Was taken up and, pending consideration of the Senate proposal of amendment, on motion of **Rep. LaLonde of South Burlington**, action on the bill was postponed until April 27, 2023.

**Third Reading; Bill Passed in Concurrence  
With Proposal of Amendment**

**S. 73**

Senate bill, entitled

An act relating to workers’ compensation coverage for firefighters with cancer

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

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**Message from the Senate No. 46**

A message was received from the Senate by Ms. Kucserik, 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. 146.** An act relating to the permitting of indirect discharges.

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. 418.** An act relating to approval of an amendment to the charter of the Town of Barre.

And has passed the same in concurrence.

**Adjournment**

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

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**Thursday, April 27, 2023**

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.

**House Bill Introduced****H. 518**

By Reps. Dodge of Essex, Black of Essex, and Garofano of Essex,

House bill, entitled

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

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

**Senate Bill Referred****S. 146**

Senate bill, entitled

An act relating to the permitting of indirect discharges

Was read the first time and referred to the Committee on Environment and Energy.

**Bills Referred to Committee on Ways and Means**

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. 490**

House bill, entitled

An act relating to approving the merger of the Village of Lyndonville with the Town of Lyndon

**S. 56**

Senate bill, entitled

An act relating to child care and early childhood education

**Pending Entry on the Notice Calendar;  
Bills Referred to Committee on Appropriations**

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:

**S. 17**

Senate bill, entitled

An act relating to sheriff reforms

**S.99**

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles



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**Ceremonial Reading****H.C.R. 87**

House concurrent resolution congratulating Mikaela Shiffrin on her exceptional and historic 2022–2023 world record-setting accomplishments in World Cup Alpine ski racing

Offered by: Representatives James of Manchester, Andrews of Westford, Anthony of Barre City, Arsenault of Williston, Austin of Colchester, Bartholomew of Hartland, Bartley of Fairfax, Beck of St. Johnsbury, Berbeco of Winooski, Birong of Vergennes, Black of Essex, Bluemle of Burlington, Bongartz of Manchester, Bos-Lun of Westminster, Boyden of Cambridge, Branagan of Georgia, Brennan of Colchester, Brown of Richmond, Brownell of Pownal, Brumsted of Shelburne, Burditt of West Rutland, Burke of Brattleboro, Buss of Woodstock, Campbell of St. Johnsbury, Canfield of Fair Haven, Carpenter of Hyde Park, Chapin of East Montpelier, Chase of Chester, Chase of Colchester, Chesnut-Tangerman of Middletown Springs, Clifford of Rutland City, Coffey of Guilford, Conlon of Cornwall, Corcoran of Bennington, Cordes of Lincoln, Demar of Enosburgh, Demrow of Corinth, Dickinson of St. Albans Town, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Donahue of Northfield, Durfee of Shaftsbury, Emmons of Springfield, Farlice-Rubio of Barnet, Galfetti of Barre Town, Garofano of Essex, Goslant of Northfield, Graham of Williamstown, Graning of Jericho, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Headrick of Burlington, Higley of Lowell, Holcombe of Norwich, Hooper of Randolph, Hooper of Burlington, Houghton of Essex Junction, Howard of Rutland City, Hyman of South Burlington, Jerome of Brandon, Kornheiser of Brattleboro, Krasnow of South Burlington, Krowinski of Burlington, Labor of Morgan, Lalley of Shelburne, LaMont of Morristown, Laroche of Franklin, Leavitt of Grand Isle, Lipsky of Stowe, Logan of Burlington, Long of Newfane, Maguire of Rutland City, Marcotte of Coventry, Masland of Thetford, Mattos of Milton, McCann of Montpelier, McCoy of Poultney, McFaun of Barre Town, McGill of Bridport, Mihaly of Calais, Minier of South Burlington, Morgan of Milton, Morris of Springfield, Morrissey of Bennington, Mrowicki of Putney, Nicoll of Ludlow, Notte of Rutland City, Nugent of South Burlington, O'Brien of Tunbridge, Ode of Burlington, Oliver of Sheldon, Page of Newport City, Pajala of Londonderry, Parsons of Newbury, Patt of Worcester, Peterson of Clarendon, Pouech of Hinesburg, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Roberts of Halifax, Sammis of Castleton, Scheu of Middlebury, Shaw of Pittsford, Sheldon of Middlebury, Sibia of Dover, Sims of Craftsbury, Small of Winooski, Smith of Derby, Squirrell of Underhill, Stebbins of Burlington, Stevens of Waterbury, Stone of Burlington, Surprenant of Barnard, Taylor of Milton, Templeman of Brownington,

Toof of St. Albans Town, Torre of Moretown, Troiano of Stannard, Walker of Swanton, Waters Evans of Charlotte, Whitman of Bennington, Williams of Granby, Wilson of Lyndon, and Wood of Waterbury

Whereas, the FIS (International Ski and Snowboard Federation) Alpine World Cup is the world's foremost Alpine ski racing competition, and

Whereas, Mikaela Shiffrin, a Burke Mountain Academy graduate, first skied in a World Cup race prior to her 16th birthday and has since established an unsurpassed record on the world's most challenging Alpine ski trails, and

Whereas, the World Cup's annual overall title, represented by an iconic crystal globe, honors the male and female skiers who amass the most overall points over the five-month season, and smaller crystal globes are awarded in each individual racing discipline, and

Whereas, on January 24, 2023, at Kronplatz, Italy, she won her 83rd World Cup event, surpassing American racer Lindsey Vonn to become the winningest female Alpine racer of all time, and

Whereas, on March 11, 2023, at Åre, Sweden, she won her 87th event at the age of 27, surpassing a record held since the 1980s by male Swedish ski champion Ingemar Stenmark and becoming the all-time World Cup record holder, and

Whereas, she ended the 2022–2023 World Cup racing season with 88 victories, bringing her totals to 138 career podiums, 15 overall and discipline World Cup globes, and 17 Olympic and World Championship medals, and she is the first and only skier to have won a race in each of the six World Cup Alpine racing disciplines, and

Whereas, upon surpassing his record, 10-time Olympic and World Championship medalist Stenmark paid tribute to Shiffrin by saying, “She’s much better than I was. You cannot compare. She has everything,” now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates Mikaela Shiffrin on her exceptional and historic 2022–2023 world record-setting accomplishments in World Cup Alpine ski racing, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Mikaela Shiffrin and to U.S. Ski & Snowboard.

Having been adopted in concurrence on Friday, April 14, 2023 in accord with Joint Rule 16b, was read.

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**Senate Proposal of Amendment Concurred in****H. 89**

The Senate proposed to the House to amend House bill, entitled

An act relating to civil and criminal procedures concerning legally protected health care activity

The Senate proposed to the House to amend the bill as follows:

First: In Sec. 1, 1 V.S.A. § 150, by striking out subsections (a)–(c) in their entireties and inserting in lieu thereof new subsections (a)–(c) to read as follows:

(a) “Gender-affirming health care services” means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature, including medication, relating to the treatment of gender dysphoria and gender incongruence. “Gender-affirming health care services” does not include conversion therapy as defined by 18 V.S.A. § 8351.

(b)(1) “Legally protected health care activity” means:

(A) the exercise and enjoyment, or attempted exercise and enjoyment, by any person of rights to reproductive health care services or gender-affirming health care services secured by this State;

(B) any act or omission undertaken to aid or encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive health care services or gender-affirming health care services secured by this State, provided that the provision of such a health care service by a person duly licensed under the laws of this State and physically present in this State shall be legally protected if the service is permitted under the laws of this State, regardless of the patient’s location; or

(C) the provision, issuance, or use of, or enrollment in, insurance or other health coverage for reproductive health care services or gender-affirming health care services that are legal in this State, or any act to aid or encourage, or attempt to aid or encourage, any person in the provision, issuance, or use of, or enrollment in, insurance or other health coverage for those services, regardless of the location of the insured or individual seeking insurance or health coverage, if the insurance or health coverage is permitted under the laws of this State.

(2) Except as provided in subdivision (3) of this subsection, the protections applicable to “legally protected health care activity” shall not apply to a lawsuit; judgment; or civil, criminal, or administrative action that is based on conduct for which an action would exist under the laws of this State if the course of conduct that forms the basis for liability had occurred entirely in this State.

(3) Notwithstanding subdivision (2) of this subsection, the provision of a health care service by a person duly licensed under the laws of this State and physically present in this State shall be legally protected if the service is permitted under the laws of this State, regardless of the patient’s location or whether the health care provider is licensed in the state where the patient is located at the time the service is rendered.

(c)(1) “Reproductive health care services” means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature, including medication, relating to pregnancy, contraception, assisted reproduction, pregnancy loss management, or the termination of a pregnancy.

(2) “Reproductive health care services” includes medication that was approved by the U.S. Food and Drug Administration (FDA) for termination of a pregnancy as of January 1, 2023, regardless of the medication’s current FDA approval status:

(A) when such medication is procured, ordered, stored, distributed, prescribed, dispensed, or administered, or a combination thereof, by a person duly licensed under the laws of this State, as long as the licensee’s actions conform to the essential standards of acceptable and prevailing practice for the licensee’s profession; or

(B) when such medication is used by an individual.

Second: By striking out Sec. 9, effective dates, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

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

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

**Second Reading; Proposal of Amendment Agreed to;  
Third Reading Ordered**

**S. 14**

**Rep. Dolan of Essex Junction**, for the Committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to a report on criminal justice-related investments and trends

Recommended 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:

Sec. 1. 28 V.S.A. § 125 is amended to read:

§ 125. ~~JUSTICE REINVESTMENT II INITIATIVES~~ CRIMINAL JUSTICE INVESTMENTS AND TRENDS; REPORT

(a) Intent. It is the intent of the General Assembly that the report on Vermont's criminal justice investments and trends required under this section assist in the systemic assessment of the State's Justice Reinvestment and justice reform efforts and initiatives to inform future legislative policy and fiscal decisions.

(b) Definitions. As used in this section:

(1) "Arrest" means when a person is seized by law enforcement, charged with the commission of an offense, and referred for prosecution.

(2) "Clearance" means the process by which a law enforcement agency closes an offense by arrest or exceptional means in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program.

(3) "Desistance" means the process by which criminality, or the individual risk for antisocial conduct, declines over the life-course of the individual, generally after adolescence.

(4) "Exceptional means" means the death of the offender, the victim's refusal to cooperate with the prosecution after the offender is identified, the denial of extradition because the offender committed a crime in another jurisdiction and is being prosecuted for that offense, or other circumstance in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program.

(5) "Recidivism" has the same meaning as in section 4 of this title.

(c) Report.

~~(1) On or before January November 15 each year, 2024 and every three years thereafter, the Commissioner of Corrections Vermont Statistical Analysis Center (SAC), in consultation with the Commissioners of Corrections, of Health, of Mental Health, of Public Safety, of Labor, and for Children and Families and; the Attorney General; the Defender General; the Chief Superior Judge of the Superior Court; the Division of Racial Justice Statistics; the Executive Director of the Department of State's Attorneys and Sheriffs; and the Parole Board Director, shall submit a report to the House Committees on Appropriations, on Judiciary, and on Corrections and Institutions and, the Senate Committees on Appropriations and on Judiciary detailing the expenditures on Justice Reinvestment II and the following related initiatives:~~

~~(1) funding for domestic violence intervention programming in the Department of Corrections;~~

~~(2) funding for offender transitional housing capacity with the Department of Corrections and other departments;~~

~~(3) funding for the Department of Correction's data collection Offender Management System;~~

~~(4) funding for community-based mental health and substance use services for individuals under Department of Corrections supervision;~~

~~(5) funding provided for diversion and restorative justice programs including community justice centers, court diversion, and balanced and restorative justice (BARJ); and~~

~~(6) funding and a description of any other General Fund expenditures for Justice Reinvestment II initiatives, the Joint Legislative Justice Oversight Committee, and the Executive Director of the Office of Racial Equity examining the trends associated with Vermont's criminal justice-related investments and expenditures since the last report was submitted pursuant to this section.~~

~~(2) The report required pursuant to subdivision (1) of this subsection shall include data showing:~~

~~(A) recidivism rates;~~

~~(B) clearance rates;~~

~~(C) evidence of desistance, including successful completion of community supervision;~~

~~(D) returns to incarceration from community supervision with the following relevant data points:~~

(i) community supervision type, classified by probation, parole, and furlough;

(ii) an indication if a return was for a violation or a new charge, including the crime type;

(iii) an indication if a violation was classified as “significant/not violent” or “significant and violent” for any applicable statuses; and

(iv) all available demographic information;

(E) bail rates, including detainees held without bail, detainees held with bail and the associated monetary amounts, and bailees who post bail and are released;

(F) pretrial detainees held in Vermont correctional facilities, including the crime type and jurisdiction for which they are held;

(G) the funding for, and utilization of, substance use disorder treatment, mental health, educational, and vocational initiatives for incarcerated individuals; and

(H) the funding for, and utilization by, individuals served through Justice Reinvestment II and related initiatives, including:

(i) domestic violence intervention programming in the Department of Corrections, including the results from the evaluation framework between the Vermont Network Against Domestic and Sexual Violence and the University of Nebraska;

(ii) offender transitional housing capacity with the Department of Corrections and other departments;

(iii) advancements to the Department of Corrections’ data collection Offender Management System;

(iv) agencies, departments, municipalities, programs, and services employing restorative justice principles, including community justice centers;

(v) other General Fund expenditures for Justice Reinvestment II initiatives;

(vi) the Department of Corrections’ out-of-state beds contracted by the Department and the average cost per bed in fiscal year 2019 and for each fiscal year thereafter; and

(vii) the Department of Corrections’ in-state beds, separated by gender, including specialty units and units closed or unavailable in fiscal year 2019 and for each fiscal year thereafter.

~~(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.~~

(d) Informational availability.

(1) The information required pursuant to subsection (c) of this section shall include race, gender, age, and other demographic variables whenever possible.

(2) The report required pursuant to subsection (c) of this section shall explain any obstacles or impediments to the availability and collectability of data required pursuant to this section, including whether collecting certain data would put particular populations at risk, along with the substance use and mental health needs and educational and vocational status of justice-involved individuals.

(e) Data sharing. Notwithstanding any provision of law to the contrary, all State and local agencies and departments that possess the data necessary to compile the report required pursuant to this section shall, upon request, provide SAC with any data that it determines is relevant to the report. The obligation to disclose shall supersede any other legal obligation with respect to the data required pursuant to this section, and a department, agency, or other entity shall not decline to disclose data required based on any other purported legal obligation.

(f) Confidentiality. Any data or records transmitted to or obtained by SAC are exempt from public inspection and copying under the Public Records Act and shall be confidential to the extent required by law unless and until the data or records are included in the report required by this section. A State or local agency or department that transmits data or records to SAC shall be the sole records custodian for purposes of responding to requests for the data or records. SAC may direct any request for these data or records to the transmitting agency or department for response.

Sec. 2. 28 V.S.A. § 126 is added to read:

§ 126. COORDINATED JUSTICE REFORM ADVISORY COUNCIL

(a) Creation. There is created the Coordinated Justice Reform Advisory Council to establish a unified and collaborative State approach to support State and local community-based programs and services that are consistent with Vermont's restorative justice policy pursuant to section 2a of this title. The Council shall consult with State and local partners to use a data-driven approach that improves public safety, reduces correctional and criminal justice spending, and reinvests savings or redirects funding in strategies that foster desistance or decrease crime, delinquencies, and recidivism.



(b) Membership. The Coordinated Justice Reform Advisory Council shall be composed of the following members:

- (1) the Attorney General or designee;
- (2) the Chief Superior Judge of the Vermont Superior Court or designee;
- (3) the Commissioner of Corrections or designee;
- (4) the Commissioner for Children and Families or designee;
- (5) the Executive Director of the Vermont Center for Crime Victim Services or designee;
- (6) the Executive Director of the Vermont Statistical Analysis Center or designee;
- (7) one current member of the House of Representatives selected from the Committee on Appropriations, the Committee on Corrections and Institutions, or the Committee on Judiciary, appointed by the Speaker of the House; and
- (8) one current member of the Senate selected from the Committee on Appropriations or the Committee on Judiciary, appointed by the Committee on Committees.

(c) Powers and duties. The Coordinated Justice Reform Advisory Council shall:

- (1) Review and provide data-driven recommendations for the priorities and appropriations necessary to support a unified and collaborative State approach in accordance with subsection (a) of this section.
- (2) Review all relevant government appropriations, reauthorizations, and allocations made during the most recent fiscal year.
- (3) Consult with Department of Mental Health; the Department of State's Attorneys and Sheriffs; the Office of the Defender General; the Parole Board; the Office of Racial Equity; the Office of the Child, Youth, and Family Advocate; the Vermont Network Against Domestic and Sexual Violence; and community justice entities that receive State funding for programs and services employing restorative justice principles on the potential uses and priorities of funding in accordance with subsection (a) of this section.
- (4) Consistent with subsection (a) of this section, consider opportunities and make recommendations to establish a sustainable planning and funding structure to administer State and local community-based programs and services and modern data collection systems.

(5) On or before September 1, 2023 and annually thereafter, recommend to the Commissioner of Corrections the appropriate allocation of not more than \$900,000.00 from the Justice Reinvestment II line item of the Department of Corrections' budget for the upcoming fiscal year to support community-based programs and services, related data collection and analysis capacity, and other initiatives in accordance with subsection (a) of this section.

(d) Assistance. The Coordinated Justice Reform Advisory Council shall have the administrative, technical, and legal assistance of the Office of the Attorney General, the Department of Corrections, and the Department for Children and Families for those issues and services within the jurisdiction of the respective office or department.

(e) Reports. On or before November 15, 2023 and annually thereafter, the Coordinated Justice Reform Advisory Council shall submit recommendations pursuant to subdivisions (c)(4) and (c)(5) of this section to the Joint Legislative Justice Oversight Committee; the Senate Committees on Appropriations and on Judiciary; and the House Committees on Appropriations, on Corrections and Institutions, and on Judiciary. Any recommendations submitted pursuant to subdivision (c)(4) shall be in the form of proposed legislation.

(f) Meetings; officers; committees; rules; compensation; term.

(1) The Chief Superior Judge of the Vermont Superior Court or designee shall call the first meeting of the Coordinated Justice Reform Advisory Council on or before July 15, 2023.

(2) The Council shall meet not more than six times per year.

(3) The Chief Superior Judge of the Vermont Superior Court or designee shall serve as the Chair of the Council.

(4) The Council may elect additional officers from its members, establish committees or subcommittees, and adopt procedural rules or bylaws as necessary and appropriate to perform its work.

(5) Members who are appointed to the Council shall be appointed for terms of three years, except that the Commissioners of Corrections and for Children and Families and members appointed by the Speaker of the House of Representative and the Senate Committee on Committees shall be appointed for a term of two years. Initial appointments shall be made such that the Commissioners of Corrections and for Children and Families and the members appointed by the Speaker of the House of Representative and the Senate Committee on Committees shall be appointed for a term of one year. Members shall hold office for the term of their appointments until their successors have been appointed. Vacancies on the Council shall be filled for

the remaining period of the term in the same manner as initial appointments. Members are eligible for reappointment.

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

(7) Members of the Council 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 reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than six meetings per year.

(8) Council meetings shall be subject to the Open Meeting Law.

Sec. 3. 28 V.S.A. § 102(c) is amended to read:

(c) The Commissioner is charged with the following responsibilities:

\* \* \*

(23) To include the Coordinated Justice Reform Advisory Council's appropriation recommendations made pursuant to subdivision 126(c)(5) of this title in the Department's annual proposed budget for the purposes of developing the State budget required to be submitted to the General Assembly in accordance with 32 V.S.A. § 306.

Sec. 4. REPEALS

(a) 28 V.S.A. 102(c)(23) (Commissioner of Corrections' responsibility to incorporate Coordinated Justice Reform Advisory Council's recommendations into the Department's budget) is repealed on July 1, 2028.

(b) 28 V.S.A. § 125 (criminal justice investments and trends; report) is repealed on July 1, 2028.

(c) 28 V.S.A. § 126 (Coordinated Justice Reform Advisory Council) is repealed on July 1, 2028.

Sec. 5. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that Secs. 1 (criminal justice investments and trends; report) and 4(b) (prospective repeal of 28 V.S.A. § 125) shall take effect on passage.

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

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.

**Second Reading; Motion to Commit Disagreed to; Proposal of  
Amendment Agreed to; Third Reading Ordered**

**S. 91**

**Rep. Arsenault of Williston**, for the Committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to competency to stand trial and insanity as a defense

Recommended 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:

Sec. 1. 13 V.S.A. § 4801 is amended to read:

§ 4801. TEST OF INSANITY IN CRIMINAL CASES

(a) The test when used as a defense in criminal cases shall be as follows:

(1) A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect ~~he or she~~ the person lacks adequate capacity either to appreciate the criminality of ~~his or her~~ the person's conduct or to conform ~~his or her~~ the person's conduct to the requirements of law.

(2) The terms "mental disease or defect" do not include an abnormality manifested only by repeated criminal or otherwise ~~anti-social~~ antisocial conduct. The terms "mental disease or defect" ~~shall include~~ includes congenital and traumatic mental conditions as well as disease.

(b) The defendant shall have the burden of proof in establishing insanity as an affirmative defense by a preponderance of the evidence. The defendant shall be responsible for hiring the defendant's own forensic evaluator for the purpose of establishing insanity, provided that the Office of the Defender General shall pay for the evaluation of an indigent defendant.

Sec. 2. 13 V.S.A. § 4814 is amended to read:

§ 4814. ORDER FOR EXAMINATION OF COMPETENCY

(a) Any court before which a criminal prosecution is pending may order the Department of Mental Health to have the defendant examined by a psychiatrist at any time before, during, or after trial, and before final judgment in any of the following cases:

(1) ~~when the defendant enters a plea of not guilty, or when such a plea is entered in the defendant's behalf, and then gives notice of the defendant's intention to rely upon the defense of insanity at the time of the alleged crime, or to introduce expert testimony relating to a mental disease, defect, or other~~

~~condition bearing upon the issue of whether he or she had the mental state required for the offense charged; [Repealed.]~~

(2) when the defendant, the State, or an attorney, guardian, or other person acting on behalf of the defendant, raises before such court the issue of whether the defendant is mentally competent to stand trial for the alleged offense; or

~~(3) when the court believes that there is doubt as to the defendant's sanity at the time of the alleged offense; or [Repealed.]~~

(4) when the court believes that there is doubt as to the defendant's mental competency to be tried for the alleged offense.

(b) ~~Such~~ The order may be issued by the court on its own motion, or on motion of the State, the defendant, or an attorney, guardian, or other person acting on behalf of the defendant.

(c) An order issued pursuant to this section or Rule 16.1 of the Vermont Rules of Criminal Procedure shall order the release of all relevant records to the examiner, including all juvenile and adult court, mental health, and other health records.

(d) Notwithstanding any other provision of law, an examination ordered pursuant to subsection (a) of this section may be conducted by a doctoral-level psychologist trained in forensic psychology and licensed under 26 V.S.A. chapter 55. This subsection shall be repealed on July 1, 2024.

(e) After an initial competency determination, a court may order subsequent evaluations of a defendant to be performed by the Department of Mental Health only upon a showing of changed circumstances. In determining whether to order subsequent evaluations, the court shall consider a treating physician's clinical evidence, if any, indicating that the defendant's competency may have changed. This section shall not limit the parties' abilities to secure their own evaluations voluntarily or under Vermont Rule of Criminal Procedure 16.1.

(f) The court may issue a warrant for the arrest of a defendant who, after receiving notice of an evaluation ordered under this section, fails to appear for the evaluation.

Sec. 3. 13 V.S.A. § 4815 is amended to read:

§ 4815. PLACE OF EXAMINATION; TEMPORARY COMMITMENT

\* \* \*

(c) A motion for examination shall be made as soon as practicable after a party or the court has good faith reason to believe that there are grounds for an examination. A motion for an examination shall detail the facts indicating incompetency on which the motion is based and shall certify that the motion is made after the moving party has met with or personally observed the defendant. An attorney making such a motion shall be subject to the potential sanctions of Rule 11 of the Vermont Rules of Civil Procedure.

(d) Upon the making of a motion for examination, if the court finds sufficient facts to order an examination, the court shall order a mental health screening to be completed by a designated mental health professional while the defendant is still at the court.

(e) If the screening cannot be commenced and completed at the courthouse within two hours from the time of the defendant's appearance before the court, the court may forgo consideration of the screener's recommendations.

(f) The court and parties shall review the recommendation of the designated mental health professional and consider the facts and circumstances surrounding the charge and observations of the defendant in court. If the court finds sufficient facts to order an examination, it may be ordered to be completed in the least restrictive environment deemed sufficient to complete the examination, consistent with subsection (a) of this section.

\* \* \*

(h) ~~Except upon good cause shown, defendants~~ Defendants charged with misdemeanor offenses who are not in the custody of the Commissioner of Corrections shall be examined on an outpatient basis for mental competency unless the court makes findings on the record that there is good cause for an inpatient evaluation. Examinations occurring in the community shall be conducted at a location within 60 miles of the defendant's residence or at another location agreed to by the defendant.

\* \* \*

Sec. 4. 13 V.S.A. § 4816 is amended to read:

§ 4816. SCOPE OF EXAMINATION; REPORT; EVIDENCE

(a) Examinations provided for in section 4815 of this title shall have reference to ~~one or both of the following:~~

(1) mental competency of the person examined to stand trial for the alleged offense.

(2) ~~sanity of the person examined at the time of the alleged offense.~~

(b) A competency evaluation for an individual thought to have a developmental disability shall include a current evaluation by a psychologist skilled in assessing individuals with developmental disabilities.

(c)(1) As soon as practicable after the examination has been completed, the examining psychiatrist or, if applicable under subsection (b) of this section, ~~the psychiatrist and~~ the psychologist shall prepare a report containing findings in regard to the applicable provisions of subsection (a) of this section. The report shall be transmitted to the court issuing the order for examination, and copies of the report sent to the State's Attorney, to the respondent, to the respondent's attorney if the respondent is represented by counsel, to the Commissioner of Mental Health, and, if applicable, to the Department of Disabilities, Aging, and Independent Living.

~~(2) If the court orders examination of both the person's competency to stand trial and the person's sanity at the time of the alleged offense, those opinions shall be presented in separate reports and addressed separately by the court. In such cases, the examination of the person's sanity shall only be undertaken if the psychiatrist or, if applicable under subsection (b) of this section, the psychiatrist and the psychologist are able to form the opinion that the person is competent to stand trial, unless the defendant requests that the examinations occur concurrently. If the evaluation of the defendant's sanity at the time of the alleged offense does not occur until the defendant is deemed competent to stand trial, the psychiatrist or, if applicable under subsection (b) of this section, the psychiatrist and the psychologist shall make a reasonable effort to collect and preserve any evidence necessary to form an opinion as to sanity if the person regains competence.~~

(d) No statement made in the course of the examination by the person examined, whether or not ~~he or she~~ the person has consented to the examination, shall be admitted as evidence in any criminal proceeding for the purpose of proving the commission of a criminal offense or for the purpose of impeaching testimony of the person examined.

(e) The relevant portion of a psychiatrist's report shall be admitted into evidence as an exhibit on the issue of the person's mental competency to stand trial and the opinion shall be conclusive on the issue if agreed to by the parties and if found by the court to be relevant and probative on the issue.

(f) Introduction of a report under subsection (d) of this section shall not preclude either party or the court from calling the psychiatrist who wrote the report as a witness or from calling witnesses or introducing other relevant evidence. Any witness called by either party on the issue of the defendant's competency shall be at the State's expense, or, if called by the court, at the court's expense.

Sec. 5. 13 V.S.A. § 4817 is amended to read:

§ 4817. COMPETENCY TO STAND TRIAL; DETERMINATION

(a) A defendant shall be presumed to be competent and shall have the burden of proving incompetency by a preponderance of the evidence.

(b) A person shall not be tried for a criminal offense if ~~he or she~~ the person is found incompetent to stand trial by a preponderance of the evidence.

~~(b)(c)~~ If a person indicted, complained, or informed against for an alleged criminal offense, an attorney or guardian acting in ~~his or her~~ the person's behalf, or the State, at any time before final judgment, raises before the court before which such person is tried or is to be tried, the issue of whether such person is incompetent to stand trial, or if the court has reason to believe that such person may not be competent to stand trial, a hearing shall be held before such court at which evidence shall be received and a finding made regarding ~~his or her~~ the person's competency to stand trial. However, in cases where the court has reason to believe that such person may be incompetent to stand trial due to a mental disease or mental defect, such hearing shall not be held until an examination has been made and a report submitted by an examining psychiatrist in accordance with sections 4814–4816 of this title.

~~(e)(d)~~ A person who has been found incompetent to stand trial for an alleged offense may be tried for that offense if, upon subsequent hearing, such person is found by the court having jurisdiction of ~~his or her~~ the person's trial for the offense to have become competent to stand trial.

Sec. 6. 13 V.S.A. § 4820 is amended to read:

§ 4820. HEARING REGARDING COMMITMENT

(a) When a person charged on information, complaint, or indictment with a criminal offense:

(1) ~~Is reported by the examining psychiatrist following examination pursuant to sections 4814-4816 of this title to have been insane at the time of the alleged offense. [Repealed.]~~

(2) ~~Is~~ is found upon hearing pursuant to section 4817 of this title to be incompetent to stand trial due to a mental disease or mental defect.;

(3) ~~Is~~ is not indicted upon hearing by grand jury by reason of insanity at the time of the alleged offense, duly certified to the court.;; or

(4) ~~Upon~~ upon trial by court or jury is acquitted by reason of insanity at the time of the alleged offense; the court before which such person is tried or is to be tried for such offense, shall hold a hearing for the purpose of determining whether such person should be committed to the custody of the Commissioner



of Mental Health. Such person may be confined in jail or some other suitable place by order of the court pending hearing for a period not exceeding ~~15~~ 21 days.

(b) When a person is found to be incompetent to stand trial, has not been indicted by reason of insanity for the alleged offense, or has been acquitted by reason of insanity at the time of the alleged offense, the person shall be entitled to have counsel appointed from Vermont Legal Aid to represent the person. The Department of Mental Health and, if applicable, the Department of Disabilities, Aging, and Independent Living shall be entitled to appear and call witnesses at the proceeding.

(c) Notwithstanding any other provision of law, a commitment order issued pursuant to this chapter shall not modify or vacate orders concerning conditions of release or bail issued pursuant to chapter 229 of this title, and the commitment order shall remain in place unless expressly modified, provided that inpatient treatment shall be permitted if a person who is held without bail is found to be in need of inpatient treatment under this chapter.

#### Sec. 7. COMPETENCY RESTORATION PROGRAM PLAN

(a)(1) On or before November 15, 2023, the Department of Mental Health and the Department of Disabilities, Aging, and Independent Living shall report to the Governor, the Senate Committees on Judiciary and on Health and Welfare, and the House Committees on Judiciary, on Health Care, and on Human Services on whether a plan for a competency restoration program should be adopted in Vermont.

(2) For purposes of the report required by the section:

(A) the Department of Mental Health and the Department of Disabilities, Aging, and Independent Living shall consult with:

(i) the Chief Superior Judge or designee;

(ii) the Commissioner of Corrections or designee;

(iii) the Executive Director of the Department of State's Attorneys and Sheriffs or designee;

(iv) the Executive Director of the Vermont Center for Crime Victim Services or designee; and

(v) the Defender General or designee; and

(B) consideration shall be given to providing notification and information to victims of record.

(b) If a competency restoration plan is recommended, the report shall include recommendations for best practices, any changes to law necessary to establish the program, estimated costs, and a proposal for implementing the program.

Sec. 8. JOINT LEGISLATIVE JUSTICE OVERSIGHT COMMITTEE  
REVIEW; COMPETENCY EXAMINATIONS

(a) The Joint Legislative Justice Oversight Committee shall review whether Vermont law should permit competency examinations of defendants under 13 V.S.A. § 4814 to be conducted, in addition to psychiatrists and doctoral-level psychologists trained in forensic psychology, by other doctoral-level mental health providers, psychiatric nurse practitioners, or any other professionals. The review shall include consideration of laws on the issue in other states and whether any changes to 13 V.S.A. § 4814 or any other Vermont laws are necessary to permit referral of the evaluation to a psychiatrist when appropriate. The Committee's recommendation under subsection (c) of this section shall reflect its determination of which professionals, if any, should be permitted to conduct the competency examinations.

(b) The Joint Legislative Justice Oversight Committee shall conduct the review of competency evaluation procedures required by subsection (a) of this section at not more than four of its 2023 meetings. Two members of the Senate Committee on Health and Welfare appointed by the Chair of that Committee and two members of the House Committee on Health Care appointed by the Chair of that Committee shall be permitted to attend and participate in the meetings. Members of the Committees on Health and Welfare and on Health Care who attend the meetings as authorized by this section shall be permitted to participate in the Justice Oversight Committee's development of the recommendations required by subsection (c) of this section.

(c) On or before November 15, 2023, the Committee shall recommend any changes it deems advisable to 13 V.S.A. § 4814(d) (permitting competency examinations by doctoral-level psychologists trained in forensic psychology) to the Senate and House Committees on Judiciary, the Senate Committee on Health and Welfare, and the House Committee on Health Care.

Sec. 9. REPORT ON CUMULATIVE COMPETENCY EVALUATIONS

On or before December 15, 2023, the Department of Mental Health, in consultation with the Department of Disabilities, Aging, and Independent Living shall report on cumulative competency evaluations to the House Committees on Judiciary and Health Care and the Senate Committees on Judiciary and Health and Welfare. The report shall include recommendations

on how to address competency evaluations of persons who have already been determined incompetent to stand trial in another matter, including whether previous evaluations may be used or relied upon for subsequent evaluations.

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

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 Judiciary?, **Rep. Sammis of Castleton** moved that the bill be committed to the Committee on Health Care, which was disagreed to.

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

**Action on Bill Postponed**

**H. 222**

House bill, entitled

An act relating to reducing overdoses

Was taken up and, pending consideration of the Senate proposal of amendment, on motion of **Rep. Wood of Waterbury**, action on the bill was postponed two legislative days.

**Message from the Senate No. 47**

A message was received from the Senate by Ms. Kucserik, 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. 76.** An act relating to captive insurance.

**H. 146.** An act relating to amendments to the charter of the Northeast Kingdom Waste Management District.

And has passed the same in concurrence.

The Senate has considered bills originating in the House of the following titles:

**H. 473.** An act relating to radiologist assistants.

**H. 494.** 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 joint resolution originating in the House of the following title:

**J.R.H. 5.** Joint resolution authorizing the Green Mountain Girls State educational program to use the facilities of the State House on a mutually agreed upon day and for a designated time span during the week of June 18, 2023.

And has adopted the same in concurrence.

### **Adjournment**

At two o'clock and eight 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.

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### **Friday, April 28, 2023**

At nine o'clock and thirty minutes in the forenoon, **Rep. Long of Newfane** called the House to order.

### **Devotional Exercises**

Devotional exercises were conducted by Jon Gailmor, Singer, Elmore.

### **Ceremonial Readings**

#### **H.C.R. 95**

House concurrent resolution congratulating the 2022 Green Mountain Council Class of Eagle Scouts and the recipient of the Summit Award

Offered by: Representatives Morgan of Milton, Taylor of Milton, Arrison of Weathersfield, Austin of Colchester, Bartley of Fairfax, Beck of St. Johnsbury, Birong of Vergennes, Black of Essex, Boyden of Cambridge, Brady of Williston, Branagan of Georgia, Brennan of Colchester, Buss of Woodstock, Canfield of Fair Haven, Carpenter of Hyde Park, Carroll of Bennington, Chase of Colchester, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Clifford of Rutland City, Cole of Hartford, Conlon of Cornwall,

Demar of Enosburgh, Demrow of Corinth, Dickinson of St. Albans Town, Dolan of Essex Junction, Dolan of Waitsfield, Donahue of Northfield, Elder of Starksboro, Emmons of Springfield, Farlice-Rubio of Barnet, Galfetti of Barre Town, Garofano of Essex, Graham of Williamstown, Graning of Jericho, Hango of Berkshire, Harrison of Chittenden, Higley of Lowell, Holcombe of Norwich, Hooper of Randolph, Hooper of Burlington, Houghton of Essex Junction, Howard of Rutland City, Hyman of South Burlington, Jerome of Brandon, Labor of Morgan, LaBounty of Lyndon, Lanpher of Vergennes, Laroche of Franklin, Lipsky of Stowe, Maguire of Rutland City, Masland of Thetford, Mattos of Milton, McCarthy of St. Albans City, McCoy of Poultney, Mihaly of Calais, Minier of South Burlington, Morris of Springfield, Morrissey of Bennington, Mrowicki of Putney, Nugent of South Burlington, Ode of Burlington, Oliver of Sheldon, Page of Newport City, Parsons of Newbury, Patt of Worcester, Peterson of Clarendon, Pouech of Hinesburg, Roberts of Halifax, Sammis of Castleton, Shaw of Pittsford, Smith of Derby, Stebbins of Burlington, Taylor of Colchester, Toleno of Brattleboro, Troiano of Stannard, Walker of Swanton, Waters Evans of Charlotte, White of Bethel, Wilson of Lyndon, and Wood of Waterbury

Offered by: Senators Weeks, Baruth, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Starr, Watson, Westman, White, Williams, and Wrenner

Whereas, earning the Boy Scout rank of Eagle is a special honor, which only four percent of Scouts achieve, and

Whereas, an Eagle Scout is an individual who exhibits a strong commitment to service and perseveres to reach this challenging goal, and

Whereas, the following Scouts, members of troops in the Green Mountain Council, achieved Eagle rank during 2022: Denis Adams, Thomas Andres, Gavin Ashline, Paul Balkan, Morgan Barnes, Cameron Barney, Jackson Bennett, Tullus Bergeron, Bradley Bishop, Alec Blevins, Landon Boardman, Keith Carrara, Richard Cosgrove, James Cusick, Callum DeBoer, Jonah Delaney, Russell Endres, Ryan Fisher, Cassidy Fleming, Trenton Fletcher, Matthew Fournier, Andrew Gould, Nathaniel Jacobs, Morgan Jones, Andrew Kachmar, Gavin Kouwenhoven, Grant Laclair, Carolyn Lawrence, Charles Levene, Tyler Loiselle, Luke Miklus, Sean Moran, William Moran, Cooper Niles, Ryan Norris, Lucas Phillips, Simon Pientka, Stuart Robinson, Michael Sargent, Joshua Sherman, Rory Stein, Tristan Stute, Logan Sudol, Logan Vaughan, and Porter Walbridge Jr., and

Whereas, Venturing is an outdoor activity Boy Scout program for young men and women, and the Summit Award is the top Venturing rank, and

Whereas, in 2022, a Venturing Crew 39 member, Katherine Lewis, proudly earned the Summit Award, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the 2022 Green Mountain Council Class of Eagle Scouts and the recipient of the Summit Award, and be it further

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

Having been adopted in concurrence on Friday, April 21, 2023 in accord with Joint Rule 16b, was read.

### **H.C.R. 98**

House concurrent resolution congratulating the 2023 Vermont finalists for the Presidential Awards for Excellence in Mathematics and Science Teaching

Offered by: Representatives McCann of Montpelier, Andrews of Westford, Arsenault of Williston, Black of Essex, Bongartz of Manchester, Brady of Williston, Burke of Brattleboro, Carpenter of Hyde Park, Chapin of East Montpelier, Dodge of Essex, Dolan of Essex Junction, Garofano of Essex, Houghton of Essex Junction, and Noyes of Wolcott

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

Whereas, on a rotating basis, the eligible applicants are either elementary, or, as for the 2022–2023 academic year, secondary school teachers, and

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

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

Whereas, each jurisdictional awardee receives a \$10,000 National Science Foundation award and an all-expenses-paid trip to Washington, D.C. for the awards ceremony, recognition events, and professional development opportunities at which a maximum of two national awardees per state or jurisdiction are named, and

Whereas, in 2023, the fantastic Vermont teachers who earned PAEMST finalist status for math are Michelle Page (Brattleboro Union High School), Thomas Payeur (Essex Center for Technology), and Brian Schwartz (Green Mountain Technology and Career Center), and for science are Randy Brown (U-32), Allan Miller (Williston Central School), and Nicole Preiser (Burr and Burton Academy), now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the 2023 Vermont finalists for the Presidential Awards for Excellence in Mathematics and Science Teaching, and be it further

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

Having been adopted in concurrence on Friday, April 21, 2023 in accord with Joint Rule 16b, was read.

**Speaker** presiding.

**Third Reading; Bill Passed in Concurrence  
With Proposal of Amendment**

**S. 14**

Senate bill, entitled

An act relating to a report on criminal justice-related investments and trends

Was taken up, 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. 91**

Senate bill, entitled

An act relating to competency to stand trial and insanity as a defense

Was taken up and, pending third reading of the bill, **Rep. Wood of Waterbury** moved to amend the House proposal of amendment as follows:

First: In Sec. 7, competency restoration program plan, in subsection (a), by striking out subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) For purposes of the report required by the section:

(A) the Department of Mental Health and the Department of Disabilities, Aging, and Independent Living shall consult with:

(i) the Chief Superior Judge or designee;

(ii) the Commissioner of Corrections or designee;

(iii) the Executive Director of the Department of State's Attorneys and Sheriffs or designee;

(iv) the Executive Director of the Vermont Center for Crime Victim Services or designee;

(v) the Vermont Legal Aid Disability Law Project; and

(vi) the Defender General or designee; and

(B) consideration shall be given to providing notification and information to victims of record.

Second: In Sec. 8, Joint Legislative Justice Oversight Committee review; competency examinations, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) On or before November 15, 2023, the Committee shall recommend any changes it deems advisable to 13 V.S.A. § 4814(d) (permitting competency examinations by doctoral-level psychologists trained in forensic psychology) to the Senate and House Committees on Judiciary, the Senate Committee on Health and Welfare, the House Committee on Health Care, and the House Committee on Human Services.

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

### **Recess**

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

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



**Rules Suspended, Immediate Consideration;  
Senate Proposal of Amendment Not Concurred in;  
Committee of Conference Requested and Appointed;  
Rules Suspended, House Actions Messaged to Senate Forthwith**

**H. 494**

Appearing 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:

\* \* \* Purpose, Definitions, Legend \* \* \*

Sec. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL – Fiscal Year 2024 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 2024. It is the express intent of the General Assembly that activities of the various agencies, departments, divisions, boards, and commissions be limited to those which can be supported by funds appropriated in this act or other acts passed prior to June 30, 2023. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2024 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 serve as the primary source and reference for appropriations for fiscal year 2024.

(b) The sums stated in this act 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, 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, 2024.

#### 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 2024, 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 designated as federal in this act. 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 2024, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2023 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 no 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 provision of law to the contrary, the total number of authorized State positions, both classified and exempt, excluding temporary positions as defined in 3 V.S.A. § 311(a)(11), shall not be increased during fiscal year 2024 except for new positions authorized by the 2023 session. Limited service positions approved pursuant to 32 V.S.A. chapter 5 shall not be subject to this restriction.

#### Sec. A.108 LEGEND

(a) This act 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>

B.1000–B.1099 and E.1000–E.1099Debt ServiceB.1100–B.1199 and E.1100–E.1199One-time and other  
appropriation actions

(b) The C sections contain any amendments to the current fiscal year, the D sections contain fund transfers, reversions, and reserve allocations for the upcoming budget year, the F sections contain workforce and economic development policies, and the G sections contain changes to transportation fees.

## Sec. B.100 Secretary of administration - secretary's office

Personal services	2,593,097
Operating expenses	160,849
Grants	<u>100,000</u>
Total	2,853,946
Source of funds	
General fund	2,109,270
Special funds	100,000
Internal service funds	403,239
Interdepartmental transfers	<u>241,437</u>
Total	2,853,946

## Sec. B.101 Secretary of administration - finance

Personal services	1,374,393
Operating expenses	<u>138,363</u>
Total	1,512,756
Source of funds	
Interdepartmental transfers	<u>1,512,756</u>
Total	1,512,756

## Sec. B.102 Secretary of administration - workers' compensation insurance

Personal services	895,051
Operating expenses	<u>91,550</u>
Total	986,601
Source of funds	
Internal service funds	<u>986,601</u>
Total	986,601

## Sec. B.103 Secretary of administration - general liability insurance

Personal services	545,717
Operating expenses	<u>63,558</u>
Total	609,275

Source of funds	
Internal service funds	<u>609,275</u>
Total	609,275
Sec. B.104 Secretary of administration - all other insurance	
Personal services	196,464
Operating expenses	<u>54,633</u>
Total	251,097
Source of funds	
Internal service funds	<u>251,097</u>
Total	251,097
Sec. B.104.1 Retired State Employees Pension Plus Funding	
Grants	<u>9,000,000</u>
Total	9,000,000
Source of funds	
General fund	<u>9,000,000</u>
Total	9,000,000
Sec. B.105 Agency of digital services - communications and information technology	
Personal services	102,479,935
Operating expenses	<u>36,148,517</u>
Total	138,628,452
Source of funds	
General fund	186,726
Special funds	471,611
Internal service funds	<u>137,970,115</u>
Total	138,628,452
Sec. B.106 Finance and management - budget and management	
Personal services	1,456,438
Operating expenses	<u>306,717</u>
Total	1,763,155
Source of funds	
General fund	1,143,286
Internal service funds	<u>619,869</u>
Total	1,763,155
Sec. B.107 Finance and management - financial operations	
Personal services	2,555,838
Operating expenses	<u>810,848</u>
Total	3,366,686

Source of funds	
Internal service funds	<u>3,366,686</u>
Total	3,366,686
Sec. B.108 Human resources - operations	
Personal services	10,175,933
Operating expenses	<u>1,483,759</u>
Total	11,659,692
Source of funds	
General fund	1,777,169
Special funds	263,589
Internal service funds	9,127,114
Interdepartmental transfers	<u>491,820</u>
Total	11,659,692
Sec. B.108.1 Human resources - VTNR operations	
Personal services	1,909,749
Operating expenses	<u>693,001</u>
Total	2,602,750
Source of funds	
Internal service funds	<u>2,602,750</u>
Total	2,602,750
Sec. B.109 Human resources - employee benefits & wellness	
Personal services	1,140,195
Operating expenses	<u>655,062</u>
Total	1,795,257
Source of funds	
Internal service funds	<u>1,795,257</u>
Total	1,795,257
Sec. B.110 Libraries	
Personal services	2,404,179
Operating expenses	906,958
Grants	<u>230,214</u>
Total	3,541,351
Source of funds	
General fund	2,088,614
Special funds	73,614
Federal funds	1,251,244
Interdepartmental transfers	<u>127,879</u>
Total	3,541,351

Sec. B.111 Tax - administration/collection	
Personal services	25,023,254
Operating expenses	<u>5,787,491</u>
Total	30,810,745
Source of funds	
General fund	22,406,475
Special funds	8,359,270
Interdepartmental transfers	<u>45,000</u>
Total	30,810,745
Sec. B.112 Buildings and general services - administration	
Personal services	988,938
Operating expenses	<u>333,561</u>
Total	1,322,499
Source of funds	
Interdepartmental transfers	<u>1,322,499</u>
Total	1,322,499
Sec. B.113 Buildings and general services - engineering	
Personal services	45,644
Operating expenses	<u>1,230,723</u>
Total	1,276,367
Source of funds	
General fund	<u>1,276,367</u>
Total	1,276,367
Sec. B.113.1 Buildings and General Services Engineering - Capital Projects	
Personal services	2,730,738
Operating expenses	<u>500,000</u>
Total	3,230,738
Source of funds	
General fund	2,730,738
Interdepartmental transfers	<u>500,000</u>
Total	3,230,738
Sec. B.114 Buildings and general services - information centers	
Personal services	3,646,408
Operating expenses	<u>1,801,847</u>
Total	5,448,255
Source of funds	
General fund	668,401
Transportation fund	4,235,134

Special funds	<u>544,720</u>
Total	5,448,255
Sec. B.115 Buildings and general services - purchasing	
Personal services	1,670,521
Operating expenses	<u>191,576</u>
Total	1,862,097
Source of funds	
General fund	1,481,008
Interdepartmental transfers	<u>381,089</u>
Total	1,862,097
Sec. B.116 Buildings and general services - postal services	
Personal services	800,527
Operating expenses	<u>173,126</u>
Total	973,653
Source of funds	
General fund	87,613
Internal service funds	<u>886,040</u>
Total	973,653
Sec. B.117 Buildings and general services - copy center	
Personal services	898,526
Operating expenses	<u>208,536</u>
Total	1,107,062
Source of funds	
Internal service funds	<u>1,107,062</u>
Total	1,107,062
Sec. B.118 Buildings and general services - fleet management services	
Personal services	888,607
Operating expenses	<u>245,134</u>
Total	1,133,741
Source of funds	
Internal service funds	<u>1,133,741</u>
Total	1,133,741
Sec. B.119 Buildings and general services - federal surplus property	
Operating expenses	<u>4,298</u>
Total	4,298
Source of funds	
Enterprise funds	<u>4,298</u>
Total	4,298



Sec. B.120 Buildings and general services - state surplus property	
Personal services	340,128
Operating expenses	<u>169,529</u>
Total	509,657
Source of funds	
Internal service funds	<u>509,657</u>
Total	509,657
Sec. B.121 Buildings and general services - property management	
Personal services	1,625,691
Operating expenses	<u>465,485</u>
Total	2,091,176
Source of funds	
Internal service funds	<u>2,091,176</u>
Total	2,091,176
Sec. B.122 Buildings and general services - fee for space	
Personal services	18,762,037
Operating expenses	<u>17,272,131</u>
Total	36,034,168
Source of funds	
Internal service funds	35,964,112
Interdepartmental transfers	<u>70,056</u>
Total	36,034,168
Sec. B.124 Executive office - governor's office	
Personal services	1,583,965
Operating expenses	<u>467,778</u>
Total	2,051,743
Source of funds	
General fund	1,801,931
Interdepartmental transfers	<u>249,812</u>
Total	2,051,743
Sec. B.125 Legislative counsel	
Personal services	3,633,429
Operating expenses	<u>291,348</u>
Total	3,924,777
Source of funds	
General fund	<u>3,924,777</u>
Total	3,924,777

## Sec. B.126 Legislature

Personal services	5,898,458
Operating expenses	<u>4,649,260</u>
Total	10,547,718
Source of funds	
General fund	<u>10,547,718</u>
Total	10,547,718

## Sec. B.126.1 Legislative information technology

Personal services	1,279,864
Operating expenses	<u>663,583</u>
Total	1,943,447
Source of funds	
General fund	<u>1,943,447</u>
Total	1,943,447

## Sec. B.127 Joint fiscal committee

Personal services	2,517,690
Operating expenses	<u>191,250</u>
Total	2,708,940
Source of funds	
General fund	<u>2,708,940</u>
Total	2,708,940

## Sec. B.128 Sergeant at arms

Personal services	1,404,247
Operating expenses	<u>130,514</u>
Total	1,534,761
Source of funds	
General fund	<u>1,534,761</u>
Total	1,534,761

## Sec. B.129 Lieutenant governor

Personal services	258,394
Operating expenses	<u>44,090</u>
Total	302,484
Source of funds	
General fund	<u>302,484</u>
Total	302,484

## Sec. B.130 Auditor of accounts

Personal services	4,160,946
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Operating expenses	<u>183,967</u>
Total	4,344,913
Source of funds	
General fund	372,808
Special funds	53,145
Internal service funds	<u>3,918,960</u>
Total	4,344,913
Sec. B.131 State treasurer	
Personal services	5,374,687
Operating expenses	273,230
Grants	<u>400,000</u>
Total	6,047,917
Source of funds	
General fund	2,148,837
Special funds	3,737,463
Interdepartmental transfers	<u>161,617</u>
Total	6,047,917
Sec. B.132 State treasurer - unclaimed property	
Personal services	809,823
Operating expenses	<u>386,790</u>
Total	1,196,613
Source of funds	
Interdepartmental transfers	3,643
Private purpose trust funds	<u>1,192,970</u>
Total	1,196,613
Sec. B.133 Vermont state retirement system	
Personal services	221,698
Operating expenses	<u>2,717,089</u>
Total	2,938,787
Source of funds	
Pension trust funds	<u>2,938,787</u>
Total	2,938,787
Sec. B.134 Municipal employees' retirement system	
Personal services	222,371
Operating expenses	<u>1,480,237</u>
Total	1,702,608
Source of funds	
Pension trust funds	<u>1,702,608</u>
Total	1,702,608

## Sec. B.134.1 Vermont Pension Investment Commission

Personal services	2,002,637
Operating expenses	<u>248,561</u>
Total	2,251,198
Source of funds	
Special funds	<u>2,251,198</u>
Total	2,251,198

## Sec. B.135 State labor relations board

Personal services	258,094
Operating expenses	<u>49,671</u>
Total	307,765
Source of funds	
General fund	298,189
Special funds	6,788
Interdepartmental transfers	<u>2,788</u>
Total	307,765

## Sec. B.136 VOSHA review board

Personal services	86,954
Operating expenses	<u>15,054</u>
Total	102,008
Source of funds	
General fund	51,004
Interdepartmental transfers	<u>51,004</u>
Total	102,008

## Sec. B.136.1 Ethics Commission

Personal services	147,767
Operating expenses	<u>41,660</u>
Total	189,427
Source of funds	
Internal service funds	<u>189,427</u>
Total	189,427

## Sec. B.137 Homeowner rebate

Grants	<u>16,250,000</u>
Total	16,250,000
Source of funds	
General fund	<u>16,250,000</u>
Total	16,250,000

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>3,394,500</u>
Total	3,394,500
Source of funds	
General fund	<u>3,394,500</u>
Total	3,394,500
Sec. B.140 Municipal current use	
Grants	<u>18,600,000</u>
Total	18,600,000
Source of funds	
General fund	<u>18,600,000</u>
Total	18,600,000
Sec. B.142 Payments in lieu of taxes	
Grants	<u>12,280,750</u>
Total	12,280,750
Source of funds	
Special funds	<u>12,280,750</u>
Total	12,280,750
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	118,335,063
Transportation fund	4,235,134
Special funds	28,366,148
Federal funds	1,251,244
Internal service funds	203,532,178
Interdepartmental transfers	5,161,400
Enterprise funds	4,298
Pension trust funds	4,641,395
Private purpose trust funds	<u>1,192,970</u>
Total	366,719,830

## Sec. B.200 Attorney general

Personal services	12,957,305
Operating expenses	1,696,265
Grants	<u>20,000</u>
Total	14,673,570
Source of funds	
General fund	6,974,796
Special funds	2,142,678
Tobacco fund	422,000
Federal funds	1,583,958
Interdepartmental transfers	<u>3,550,138</u>
Total	14,673,570

## Sec. B.201 Vermont court diversion

Personal services	1,250
Grants	<u>3,142,971</u>
Total	3,144,221
Source of funds	
General fund	2,886,224
Special funds	<u>257,997</u>
Total	3,144,221

## Sec. B.202 Defender general - public defense

Personal services	15,416,603
Operating expenses	<u>1,235,698</u>
Total	16,652,301
Source of funds	
General fund	15,912,648
Special funds	589,653

Interdepartmental transfers	<u>150,000</u>
Total	16,652,301
Sec. B.203 Defender general - assigned counsel	
Personal services	7,213,974
Operating expenses	<u>49,500</u>
Total	7,263,474
Source of funds	
General fund	<u>7,263,474</u>
Total	7,263,474
Sec. B.204 Judiciary	
Personal services	52,555,909
Operating expenses	11,583,876
Grants	<u>121,030</u>
Total	64,260,815
Source of funds	
General fund	58,250,863
Special funds	2,888,542
Federal funds	953,928
Interdepartmental transfers	<u>2,167,482</u>
Total	64,260,815
Sec. B.205 State's attorneys	
Personal services	14,787,744
Operating expenses	<u>1,999,496</u>
Total	16,787,240
Source of funds	
General fund	15,904,997
Special funds	109,778
Federal funds	233,490
Interdepartmental transfers	<u>538,975</u>
Total	16,787,240
Sec. B.206 Special investigative unit	
Personal services	64,287
Operating expenses	24,295
Grants	<u>2,140,047</u>
Total	2,228,629
Source of funds	
General fund	<u>2,228,629</u>
Total	2,228,629

## Sec. B.206.1 Crime Victims Advocates

Personal services	2,604,804
Operating expenses	<u>106,693</u>
Total	2,711,497
Source of funds	
General fund	<u>2,711,497</u>
Total	2,711,497

## Sec. B.207 Sheriffs

Personal services	4,698,652
Operating expenses	<u>390,662</u>
Total	5,089,314
Source of funds	
General fund	<u>5,089,314</u>
Total	5,089,314

## Sec. B.208 Public safety - administration

Personal services	4,539,941
Operating expenses	5,417,264
Grants	<u>357,986</u>
Total	10,315,191
Source of funds	
General fund	6,001,814
Special funds	4,105
Federal funds	547,260
Interdepartmental transfers	<u>3,762,012</u>
Total	10,315,191

## Sec. B.209 Public safety - state police

Personal services	67,754,321
Operating expenses	13,861,460
Grants	<u>1,591,501</u>
Total	83,207,282
Source of funds	
General fund	53,896,213
Transportation fund	20,250,000
Special funds	3,166,387
Federal funds	4,311,304
Interdepartmental transfers	<u>1,583,378</u>
Total	83,207,282



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 Sec. B.210 Public safety - criminal justice services

Personal services	5,378,976
Operating expenses	<u>1,582,009</u>
Total	6,960,985
Source of funds	
General fund	1,467,321
Special funds	4,970,533
Federal funds	<u>523,131</u>
Total	6,960,985

## Sec. B.211 Public safety - emergency management

Personal services	4,561,578
Operating expenses	1,224,288
Grants	<u>25,350,252</u>
Total	31,136,118
Source of funds	
General fund	668,427
Special funds	710,000
Federal funds	29,561,807
Interdepartmental transfers	<u>195,884</u>
Total	31,136,118

## Sec. B.212 Public safety - fire safety

Personal services	8,663,478
Operating expenses	2,974,022
Grants	<u>107,000</u>
Total	11,744,500
Source of funds	
General fund	1,505,641
Special funds	9,567,787
Federal funds	626,072
Interdepartmental transfers	<u>45,000</u>
Total	11,744,500

## Sec. B.213 Public safety - Forensic Laboratory

Personal services	3,563,059
Operating expenses	<u>1,198,044</u>
Total	4,761,103
Source of funds	
General fund	3,626,083
Special funds	66,395
Federal funds	532,582

Interdepartmental transfers	<u>536,043</u>
Total	4,761,103
Sec. B.215 Military - administration	
Personal services	958,260
Operating expenses	746,963
Grants	<u>1,319,834</u>
Total	3,025,057
Source of funds	
General fund	<u>3,025,057</u>
Total	3,025,057
Sec. B.216 Military - air service contract	
Personal services	9,124,240
Operating expenses	<u>1,396,315</u>
Total	10,520,555
Source of funds	
General fund	665,922
Federal funds	<u>9,854,633</u>
Total	10,520,555
Sec. B.217 Military - army service contract	
Personal services	41,464,878
Operating expenses	<u>7,542,958</u>
Total	49,007,836
Source of funds	
Federal funds	<u>49,007,836</u>
Total	49,007,836
Sec. B.218 Military - building maintenance	
Personal services	789,478
Operating expenses	<u>937,403</u>
Total	1,726,881
Source of funds	
General fund	1,664,381
Special funds	<u>62,500</u>
Total	1,726,881
Sec. B.219 Military - veterans' affairs	
Personal services	1,204,996
Operating expenses	202,180
Grants	<u>33,300</u>
Total	1,440,476

Source of funds	
General fund	1,092,634
Special funds	241,942
Federal funds	<u>105,900</u>
Total	1,440,476
Sec. B.220 Center for crime victim services	
Personal services	1,967,547
Operating expenses	391,397
Grants	<u>9,181,723</u>
Total	11,540,667
Source of funds	
General fund	1,472,674
Special funds	3,461,972
Federal funds	<u>6,606,021</u>
Total	11,540,667
Sec. B.221 Criminal justice council	
Personal services	2,360,658
Operating expenses	<u>1,711,725</u>
Total	4,072,383
Source of funds	
General fund	3,720,035
Interdepartmental transfers	<u>352,348</u>
Total	4,072,383
Sec. B.222 Agriculture, food and markets - administration	
Personal services	2,648,873
Operating expenses	367,498
Grants	<u>217,222</u>
Total	3,233,593
Source of funds	
General fund	1,467,038
Special funds	1,242,062
Federal funds	<u>524,493</u>
Total	3,233,593
Sec. B.223 Agriculture, food and markets - food safety and consumer protection	
Personal services	4,963,520
Operating expenses	1,096,940
Grants	<u>2,780,000</u>
Total	8,840,460

Source of funds	
General fund	3,281,095
Special funds	3,942,188
Federal funds	1,605,177
Interdepartmental transfers	<u>12,000</u>
Total	8,840,460
Sec. B.224 Agriculture, food and markets - agricultural development	
Personal services	6,309,252
Operating expenses	678,344
Grants	<u>15,063,425</u>
Total	22,051,021
Source of funds	
General fund	2,968,393
Special funds	627,904
Federal funds	<u>18,454,724</u>
Total	22,051,021
Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship	
Personal services	2,594,186
Operating expenses	979,802
Grants	<u>212,000</u>
Total	3,785,988
Source of funds	
General fund	745,509
Special funds	2,297,266
Federal funds	390,117
Interdepartmental transfers	<u>353,096</u>
Total	3,785,988
Sec. B.225.1 Agriculture, food and markets - Vermont Agriculture and Environmental Lab	
Personal services	1,711,447
Operating expenses	<u>1,363,276</u>
Total	3,074,723
Source of funds	
General fund	1,296,731
Special funds	1,715,459
Interdepartmental transfers	<u>62,533</u>
Total	3,074,723

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 Sec. B.225.2 Agriculture, Food and Markets - Clean Water

Personal services	3,637,927
Operating expenses	575,499
Grants	<u>6,580,630</u>
Total	10,794,056
Source of funds	
General fund	1,732,136
Special funds	8,248,477
Federal funds	462,351
Interdepartmental transfers	<u>351,092</u>
Total	10,794,056

## Sec. B.226 Financial regulation - administration

Personal services	2,580,669
Operating expenses	<u>159,635</u>
Total	2,740,304
Source of funds	
Special funds	<u>2,740,304</u>
Total	2,740,304

## Sec. B.227 Financial regulation - banking

Personal services	2,426,962
Operating expenses	<u>510,179</u>
Total	2,937,141
Source of funds	
Special funds	<u>2,937,141</u>
Total	2,937,141

## Sec. B.228 Financial regulation - insurance

Personal services	4,872,900
Operating expenses	<u>634,698</u>
Total	5,507,598
Source of funds	
Special funds	<u>5,507,598</u>
Total	5,507,598

## Sec. B.229 Financial regulation - captive insurance

Personal services	5,294,300
Operating expenses	<u>710,775</u>
Total	6,005,075
Source of funds	
Special funds	<u>6,005,075</u>

Total	6,005,075
Sec. B.230 Financial regulation - securities	
Personal services	1,294,776
Operating expenses	<u>279,335</u>
Total	1,574,111
Source of funds	
Special funds	<u>1,574,111</u>
Total	1,574,111
Sec. B.232 Secretary of state	
Personal services	17,824,897
Operating expenses	<u>3,932,905</u>
Total	21,757,802
Source of funds	
Special funds	16,241,811
Federal funds	<u>5,515,991</u>
Total	21,757,802
Sec. B.233 Public service - regulation and energy	
Personal services	11,014,203
Operating expenses	1,730,270
Grants	<u>328,300</u>
Total	13,072,773
Source of funds	
Special funds	12,310,355
Federal funds	741,706
Enterprise funds	<u>20,712</u>
Total	13,072,773
Sec. B.233.1 VT Community Broadband Board	
Personal services	1,211,623
Operating expenses	155,443
Grants	<u>1,300,000</u>
Total	2,667,066
Source of funds	
Special funds	1,110,687
Federal funds	<u>1,556,379</u>
Total	2,667,066
Sec. B.234 Public utility commission	
Personal services	3,913,942
Operating expenses	<u>549,933</u>

Total	4,463,875
Source of funds	
Special funds	<u>4,463,875</u>
Total	4,463,875
Sec. B.235 Enhanced 9-1-1 Board	
Personal services	4,344,046
Operating expenses	<u>451,287</u>
Total	4,795,333
Source of funds	
Special funds	<u>4,795,333</u>
Total	4,795,333
Sec. B.236 Human rights commission	
Personal services	915,815
Operating expenses	<u>90,104</u>
Total	1,005,919
Source of funds	
General fund	920,110
Federal funds	<u>85,809</u>
Total	1,005,919
Sec. B.236.1 Liquor & Lottery Comm. Office	
Personal services	8,610,070
Operating expenses	<u>5,529,374</u>
Total	14,139,444
Source of funds	
Special funds	60,000
Tobacco fund	213,843
Interdepartmental transfers	70,000
Enterprise funds	<u>13,795,601</u>
Total	14,139,444
Sec. B.240 Cannabis Control Board	
Personal services	4,829,061
Operating expenses	<u>341,631</u>
Total	5,170,692
Source of funds	
Special funds	<u>5,170,692</u>
Total	5,170,692

## Sec. B.241 Total protection to persons and property

Source of funds	
General fund	208,439,656
Transportation fund	20,250,000
Special funds	109,230,607
Tobacco fund	635,843
Federal funds	133,784,669
Interdepartmental transfers	13,729,981
Enterprise funds	<u>13,816,313</u>
Total	499,887,069

## Sec. B.300 Human services - agency of human services - secretary's office

Personal services	14,083,686
Operating expenses	5,402,086
Grants	<u>2,895,202</u>
Total	22,380,974
Source of funds	
General fund	9,767,874
Special funds	135,517
Federal funds	11,678,441
Interdepartmental transfers	<u>799,142</u>
Total	22,380,974

## Sec. B.301 Secretary's office - global commitment

Grants	<u>1,988,334,293</u>
Total	1,988,334,293
Source of funds	
General fund	647,414,827
Special funds	32,994,384
Tobacco fund	21,049,373
State health care resources fund	25,265,312
Federal funds	1,257,576,227
Interdepartmental transfers	<u>4,034,170</u>
Total	1,988,334,293

## Sec. B.303 Developmental disabilities council

Personal services	458,902
Operating expenses	95,330
Grants	<u>191,595</u>
Total	745,827
Source of funds	
Special funds	12,000



Federal funds	<u>733,827</u>
Total	745,827
Sec. B.304 Human services board	
Personal services	648,082
Operating expenses	<u>89,467</u>
Total	737,549
Source of funds	
General fund	452,996
Federal funds	<u>284,553</u>
Total	737,549
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	136,568,959
Operating expenses	44,391,640
Grants	<u>2,912,301</u>
Total	183,872,900
Source of funds	
General fund	35,605,917
Special funds	4,753,011
Federal funds	134,621,243
Global Commitment fund	4,220,337
Interdepartmental transfers	<u>4,672,392</u>
Total	183,872,900
Sec. B.307 Department of Vermont health access - Medicaid program - global commitment	
Personal services	547,983
Grants	<u>929,980,238</u>
Total	930,528,221
Source of funds	
Global Commitment fund	<u>930,528,221</u>
Total	930,528,221

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>53,067,318</u>
Total	53,067,318
Source of funds	
General fund	53,062,626
Global Commitment fund	<u>4,692</u>
Total	53,067,318

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>34,621,472</u>
Total	34,621,472
Source of funds	
General fund	12,634,069
Federal funds	<u>21,987,403</u>
Total	34,621,472

Sec. B.311 Health - administration and support

Personal services	8,154,782
Operating expenses	7,410,428
Grants	<u>16,697,133</u>
Total	32,262,343
Source of funds	
General fund	3,131,446
Special funds	2,160,065
Federal funds	20,169,147
Global Commitment fund	6,732,468
Interdepartmental transfers	<u>69,217</u>
Total	32,262,343

Sec. B.312 Health - public health

Personal services	64,592,946
Operating expenses	13,047,530
Grants	<u>45,946,724</u>
Total	123,587,200
Source of funds	
General fund	12,408,429
Special funds	25,017,725
Tobacco fund	1,088,918
Federal funds	66,753,896
Global Commitment fund	16,582,951

Interdepartmental transfers	1,710,281
Permanent trust funds	<u>25,000</u>
Total	123,587,200
Sec. B.313 Health - substance abuse programs	
Personal services	6,253,749
Operating expenses	511,500
Grants	<u>60,641,638</u>
Total	67,406,887
Source of funds	
General fund	5,191,811
Special funds	1,435,054
Tobacco fund	949,917
Federal funds	21,771,442
Global Commitment fund	<u>38,058,663</u>
Total	67,406,887
Sec. B.314 Mental health - mental health	
Personal services	47,716,644
Operating expenses	5,272,240
Grants	<u>264,539,814</u>
Total	317,528,698
Source of funds	
General fund	25,282,556
Special funds	1,708,155
Federal funds	10,999,654
Global Commitment fund	279,524,193
Interdepartmental transfers	<u>14,140</u>
Total	317,528,698
Sec. B.316 Department for children and families - administration & support services	
Personal services	44,440,362
Operating expenses	17,168,731
Grants	<u>3,919,106</u>
Total	65,528,199
Source of funds	
General fund	37,090,554
Special funds	2,781,912
Federal funds	23,540,549
Global Commitment fund	1,659,321
Interdepartmental transfers	<u>455,863</u>

Total	65,528,199
Sec. B.317 Department for children and families - family services	
Personal services	43,987,652
Operating expenses	5,180,385
Grants	<u>92,941,639</u>
Total	142,109,676
Source of funds	
General fund	59,227,017
Special funds	729,587
Federal funds	33,937,204
Global Commitment fund	48,178,131
Interdepartmental transfers	<u>37,737</u>
Total	142,109,676
Sec. B.318 Department for children and families - child development	
Personal services	5,668,525
Operating expenses	812,971
Grants	<u>95,860,842</u>
Total	102,342,338
Source of funds	
General fund	35,016,309
Special funds	16,745,000
Federal funds	37,419,258
Global Commitment fund	<u>13,161,771</u>
Total	102,342,338
Sec. B.319 Department for children and families - office of child support	
Personal services	12,411,108
Operating expenses	<u>3,714,732</u>
Total	16,125,840
Source of funds	
General fund	4,900,195
Special funds	455,719
Federal funds	10,382,326
Interdepartmental transfers	<u>387,600</u>
Total	16,125,840
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>10,323,574</u>
Total	10,338,574
Source of funds	
General fund	10,041,239
Federal funds	11,320
Global Commitment fund	<u>286,015</u>
Total	10,338,574
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>35,536,413</u>
Total	35,567,046
Source of funds	
General fund	23,233,869
Special funds	5,970,229
Federal funds	3,531,330
Global Commitment fund	<u>2,831,618</u>
Total	35,567,046
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	758,166
Operating expenses	95,628
Grants	<u>27,534,109</u>
Total	28,387,903
Source of funds	
General fund	20,942,194
Special funds	83,135
Federal funds	4,935,273
Global Commitment fund	<u>2,427,301</u>
Total	28,387,903

Sec. B.326 Department for children and families - OEO - weatherization assistance

Personal services	415,233
Operating expenses	251,470
Grants	<u>11,838,018</u>
Total	12,504,721
Source of funds	
Special funds	7,649,635
Federal funds	<u>4,855,086</u>
Total	12,504,721

Sec. B.327 Department for Children and Families - Secure Residential Treatment

Personal services	258,100
Operating expenses	153,597
Grants	<u>3,476,862</u>
Total	3,888,559
Source of funds	
General fund	3,858,559
Global Commitment fund	<u>30,000</u>
Total	3,888,559

Sec. B.328 Department for children and families - disability determination services

Personal services	7,486,999
Operating expenses	<u>489,130</u>
Total	7,976,129
Source of funds	
General fund	118,796

Federal funds	<u>7,857,333</u>
Total	7,976,129
Sec. B.329 Disabilities, aging, and independent living - administration & support	
Personal services	42,900,084
Operating expenses	<u>6,323,252</u>
Total	49,223,336
Source of funds	
General fund	21,899,725
Special funds	1,390,457
Federal funds	24,831,870
Global Commitment fund	35,000
Interdepartmental transfers	<u>1,066,284</u>
Total	49,223,336
Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants	
Grants	<u>22,180,328</u>
Total	22,180,328
Source of funds	
General fund	9,020,695
Federal funds	7,321,114
Global Commitment fund	<u>5,838,519</u>
Total	22,180,328
Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired	
Grants	<u>1,907,604</u>
Total	1,907,604
Source of funds	
General fund	489,154
Special funds	223,450
Federal funds	890,000
Global Commitment fund	<u>305,000</u>
Total	1,907,604
Sec. B.332 Disabilities, aging, and independent living - vocational rehabilitation	
Grants	<u>10,179,845</u>
Total	10,179,845
Source of funds	
General fund	1,371,845

Federal funds	7,558,000
Interdepartmental transfers	<u>1,250,000</u>
Total	10,179,845
Sec. B.333 Disabilities, aging, and independent living - developmental services	
Grants	<u>308,668,057</u>
Total	308,668,057
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	431,512
Global Commitment fund	308,015,957
Interdepartmental transfers	<u>50,000</u>
Total	308,668,057
Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver	
Grants	<u>6,638,028</u>
Total	6,638,028
Source of funds	
Global Commitment fund	<u>6,638,028</u>
Total	6,638,028
Sec. B.334.1 Disabilities, aging and independent living - Long Term Care	
Grants	<u>268,715,683</u>
Total	268,715,683
Source of funds	
General fund	498,579
Federal funds	2,450,000
Global Commitment fund	<u>265,767,104</u>
Total	268,715,683
Sec. B.335 Corrections - administration	
Personal services	3,806,377
Operating expenses	<u>243,057</u>
Total	4,049,434
Source of funds	
General fund	<u>4,049,434</u>
Total	4,049,434
Sec. B.336 Corrections - parole board	
Personal services	412,972
Operating expenses	<u>59,257</u>



Total	472,229
Source of funds	
General fund	<u>472,229</u>
Total	472,229
Sec. B.337 Corrections - correctional education	
Personal services	3,648,027
Operating expenses	<u>245,425</u>
Total	3,893,452
Source of funds	
General fund	3,744,668
Education fund	0
Interdepartmental transfers	<u>148,784</u>
Total	3,893,452
Sec. B.338 Corrections - correctional services	
Personal services	139,473,576
Operating expenses	<u>24,600,099</u>
Total	164,073,675
Source of funds	
General fund	159,502,946
Special funds	935,963
Federal funds	492,196
Global Commitment fund	2,746,255
Interdepartmental transfers	<u>396,315</u>
Total	164,073,675
Sec. B.338.1 Corrections - Justice Reinvestment II	
Grants	<u>10,659,519</u>
Total	10,659,519
Source of funds	
General fund	8,081,831
Federal funds	13,147
Global Commitment fund	<u>2,564,541</u>
Total	10,659,519
Sec. B.339 Corrections - Correctional services-out of state beds	
Personal services	<u>4,130,378</u>
Total	4,130,378
Source of funds	
General fund	<u>4,130,378</u>
Total	4,130,378

## Sec. B.340 Corrections - correctional facilities - recreation

Personal services	598,105
Operating expenses	<u>455,845</u>
Total	1,053,950
Source of funds	
Special funds	<u>1,053,950</u>
Total	1,053,950

## Sec. B.341 Corrections - Vermont offender work program

Personal services	1,220,613
Operating expenses	<u>525,784</u>
Total	1,746,397
Source of funds	
Internal service funds	<u>1,746,397</u>
Total	1,746,397

## Sec. B.342 Vermont veterans' home - care and support services

Personal services	18,187,631
Operating expenses	<u>5,978,873</u>
Total	24,166,504
Source of funds	
General fund	4,199,478
Special funds	11,655,797
Federal funds	<u>8,311,229</u>
Total	24,166,504

## Sec. B.343 Commission on women

Personal services	396,540
Operating expenses	<u>74,880</u>
Total	471,420
Source of funds	
General fund	467,572
Special funds	<u>3,848</u>
Total	471,420

## Sec. B.344 Retired senior volunteer program

Grants	<u>155,490</u>
Total	155,490
Source of funds	
General fund	<u>155,490</u>
Total	155,490

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 Sec. B.345 Green Mountain Care Board

Personal services	8,136,639
Operating expenses	<u>402,594</u>
Total	8,539,233
Source of funds	
General fund	3,392,339
Special funds	<u>5,146,894</u>
Total	8,539,233

## Sec. B.346 Office of the Child, Youth, and Family Advocate

Personal services	387,000
Operating expenses	<u>26,000</u>
Total	413,000
Source of funds	
General fund	<u>413,000</u>
Total	413,000

## Sec. B.347 Total human services

Source of funds	
General fund	1,228,959,104
Special funds	124,537,345
Tobacco fund	23,088,208
State health care resources fund	25,265,312
Education fund	0
Federal funds	1,784,261,950
Global Commitment fund	1,941,036,077
Internal service funds	1,746,397
Interdepartmental transfers	28,591,925
Permanent trust funds	<u>25,000</u>
Total	5,157,511,318

## Sec. B.400 Labor - programs

Personal services	40,642,780
Operating expenses	5,955,495
Grants	<u>12,432,900</u>
Total	59,031,175
Source of funds	
General fund	10,600,636
Special funds	10,806,858
Federal funds	37,373,681
Interdepartmental transfers	<u>250,000</u>
Total	59,031,175

## Sec. B.401 Total labor

Source of funds	
General fund	10,600,636
Special funds	10,806,858
Federal funds	37,373,681
Interdepartmental transfers	<u>250,000</u>
Total	59,031,175

## Sec. B.500 Education - finance and administration

Personal services	17,683,192
Operating expenses	4,387,522
Grants	<u>15,270,700</u>
Total	37,341,414
Source of funds	
General fund	7,415,742
Special funds	16,575,926
Education fund	3,486,447
Federal funds	9,220,942
Global Commitment fund	260,000
Interdepartmental transfers	<u>382,357</u>
Total	37,341,414

## Sec. B.501 Education - education services

Personal services	30,951,380
Operating expenses	1,074,585
Grants	<u>460,105,273</u>
Total	492,131,238
Source of funds	
General fund	5,293,183
Special funds	2,919,560
Tobacco fund	750,388
Federal funds	<u>483,168,107</u>
Total	492,131,238

## Sec. B.502 Education - special education: formula grants

Grants	<u>226,195,600</u>
Total	226,195,600
Source of funds	
Education fund	<u>226,195,600</u>
Total	226,195,600

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 Sec. B.503 Education - state-placed students

Grants	<u>19,000,000</u>
Total	19,000,000
Source of funds	
Education fund	<u>19,000,000</u>
Total	19,000,000

## 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>10,143,000</u>
Total	10,143,000
Source of funds	
General fund	921,500
Education fund	<u>9,221,500</u>
Total	10,143,000

## Sec. B.505 Education - adjusted education payment

Grants	<u>1,703,317,103</u>
Total	1,703,317,103
Source of funds	
Education fund	<u>1,703,317,103</u>
Total	1,703,317,103

## Sec. B.506 Education - transportation

Grants	<u>23,520,000</u>
Total	23,520,000
Source of funds	
Education fund	<u>23,520,000</u>
Total	23,520,000

## Sec. B.507 Education - small school grants

Grants	<u>8,300,000</u>
Total	8,300,000
Source of funds	
Education fund	<u>8,300,000</u>

Total	8,300,000
Sec. B.509 Education - Cannabis Afterschool Grant Program	
Grants	<u>6,000,000</u>
Total	6,000,000
Source of funds	
Education fund	<u>6,000,000</u>
Total	6,000,000
Sec. B.510 Education - essential early education grant	
Grants	<u>8,350,389</u>
Total	8,350,389
Source of funds	
Education fund	<u>8,350,389</u>
Total	8,350,389
Sec. B.511 Education - technical education	
Grants	<u>17,030,400</u>
Total	17,030,400
Source of funds	
Education fund	<u>17,030,400</u>
Total	17,030,400
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.513 Retired Teachers Pension Plus Funding	
Grants	<u>9,000,000</u>
Total	9,000,000
Source of funds	
General fund	<u>9,000,000</u>
Total	9,000,000
Sec. B.514 State teachers' retirement system	
Grants	<u>184,811,051</u>
Total	184,811,051
Source of funds	
General fund	151,682,914

Education fund	<u>33,128,137</u>
Total	184,811,051
Sec. B.514.1 State teachers' retirement system administration	
Personal services	359,615
Operating expenses	<u>3,032,746</u>
Total	3,392,361
Source of funds	
Pension trust funds	<u>3,392,361</u>
Total	3,392,361
Sec. B.515 Retired teachers' health care and medical benefits	
Grants	<u>53,740,528</u>
Total	53,740,528
Source of funds	
General fund	38,318,167
Education fund	<u>15,422,361</u>
Total	53,740,528
Sec. B.516 Total general education	
Source of funds	
General fund	216,199,064
Special funds	19,495,486
Tobacco fund	750,388
Education fund	2,072,971,937
Federal funds	493,305,099
Global Commitment fund	260,000
Interdepartmental transfers	382,357
Pension trust funds	<u>3,392,361</u>
Total	2,806,756,692
Sec. B.600 University of Vermont	
Grants	<u>54,084,366</u>
Total	54,084,366
Source of funds	
General fund	<u>54,084,366</u>
Total	54,084,366
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>17,500,000</u>
Total	17,500,000
Source of funds	
General fund	<u>17,500,000</u>
Total	17,500,000
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>25,378,588</u>
Total	25,378,588
Source of funds	
General fund	<u>25,378,588</u>
Total	25,378,588
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>86,520</u>
Total	86,520
Source of funds	
General fund	<u>86,520</u>
Total	86,520
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	128,339,478
Education fund	41,225
Global Commitment fund	<u>409,461</u>
Total	128,790,164
Sec. B.700 Natural resources - agency of natural resources - administration	
Personal services	5,824,798
Operating expenses	<u>1,471,913</u>
Total	7,296,711
Source of funds	
General fund	4,914,987
Special funds	775,079
Interdepartmental transfers	<u>1,606,645</u>
Total	7,296,711
Sec. B.701 Natural resources - state land local property tax assessment	
Operating expenses	<u>2,674,517</u>
Total	2,674,517
Source of funds	
General fund	2,253,017
Interdepartmental transfers	<u>421,500</u>
Total	2,674,517
Sec. B.702 Fish and wildlife - support and field services	
Personal services	21,567,730
Operating expenses	7,140,027
Grants	<u>936,232</u>
Total	29,643,989
Source of funds	
General fund	7,173,206
Special funds	370,644
Fish and wildlife fund	10,921,090
Federal funds	9,793,589
Interdepartmental transfers	<u>1,385,460</u>
Total	29,643,989

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 Sec. B.703 Forests, parks and recreation - administration

Personal services	1,200,585
Operating expenses	<u>1,596,687</u>
Total	2,797,272
Source of funds	
General fund	2,675,711
Special funds	<u>121,561</u>
Total	2,797,272

## Sec. B.704 Forests, parks and recreation - forestry

Personal services	7,948,381
Operating expenses	921,952
Grants	<u>1,184,458</u>
Total	10,054,791
Source of funds	
General fund	6,033,830
Special funds	702,229
Federal funds	3,098,484
Interdepartmental transfers	<u>220,248</u>
Total	10,054,791

## Sec. B.705 Forests, parks and recreation - state parks

Personal services	12,306,202
Operating expenses	3,741,476
Grants	<u>50,000</u>
Total	16,097,678
Source of funds	
General fund	690,613
Special funds	<u>15,407,065</u>
Total	16,097,678

## Sec. B.706 Forests, parks and recreation - lands administration and recreation

Personal services	2,496,749
Operating expenses	395,675
Grants	<u>2,827,587</u>
Total	5,720,011
Source of funds	
General fund	1,110,710
Special funds	2,141,005
Federal funds	2,225,851
Interdepartmental transfers	<u>242,445</u>
Total	5,720,011

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 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	8,525,369
Operating expenses	4,700,521
Grants	<u>116,640</u>
Total	13,342,530
Source of funds	
General fund	2,039,082
Special funds	788,553
Federal funds	2,129,363
Interdepartmental transfers	<u>8,385,532</u>
Total	13,342,530

## Sec. B.710 Environmental conservation - air and waste management

Personal services	26,006,961
Operating expenses	10,026,393
Grants	<u>4,905,988</u>
Total	40,939,342
Source of funds	
General fund	193,565
Special funds	26,236,633
Federal funds	14,342,090
Interdepartmental transfers	<u>167,054</u>
Total	40,939,342

## Sec. B.711 Environmental conservation - office of water programs

Personal services	47,932,786
Operating expenses	7,982,625
Grants	<u>46,863,117</u>
Total	102,778,528
Source of funds	
General fund	9,841,201
Special funds	30,662,978
Federal funds	61,487,925
Interdepartmental transfers	<u>786,424</u>

Total	102,778,528
Sec. B.713 Natural resources board	
Personal services	3,082,659
Operating expenses	<u>397,315</u>
Total	3,479,974
Source of funds	
General fund	713,735
Special funds	<u>2,766,239</u>
Total	3,479,974
Sec. B.714 Total natural resources	
Source of funds	
General fund	37,869,582
Special funds	79,971,986
Fish and wildlife fund	10,921,090
Federal funds	93,077,302
Interdepartmental transfers	<u>13,215,308</u>
Total	235,055,268
Sec. B.800 Commerce and community development - agency of commerce and community development - administration	
Personal services	2,610,304
Operating expenses	982,307
Grants	<u>539,820</u>
Total	4,132,431
Source of funds	
General fund	3,666,442
Federal funds	351,000
Interdepartmental transfers	<u>114,989</u>
Total	4,132,431
Sec. B.801 Economic development	
Personal services	4,803,989
Operating expenses	1,050,879
Grants	<u>6,433,544</u>
Total	12,288,412
Source of funds	
General fund	5,489,902
Special funds	616,421
Federal funds	4,358,416
Interdepartmental transfers	<u>1,823,673</u>
Total	12,288,412

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 Sec. B.802 Housing and community development

Personal services	6,428,334
Operating expenses	705,584
Grants	<u>23,739,005</u>
Total	30,872,923
Source of funds	
General fund	5,031,943
Special funds	6,937,054
Federal funds	15,854,615
Interdepartmental transfers	<u>3,049,311</u>
Total	30,872,923

## Sec. B.806 Tourism and marketing

Personal services	5,208,860
Operating expenses	8,930,168
Grants	<u>1,050,000</u>
Total	15,189,028
Source of funds	
General fund	4,630,975
Federal funds	10,483,053
Interdepartmental transfers	<u>75,000</u>
Total	15,189,028

## Sec. B.808 Vermont council on the arts

Grants	<u>896,940</u>
Total	896,940
Source of funds	
General fund	<u>896,940</u>
Total	896,940

## Sec. B.809 Vermont symphony orchestra

Grants	<u>145,320</u>
Total	145,320
Source of funds	
General fund	<u>145,320</u>
Total	145,320

## Sec. B.810 Vermont historical society

Grants	<u>1,060,699</u>
Total	1,060,699
Source of funds	
General fund	<u>1,060,699</u>

Total	1,060,699
Sec. B.811 Vermont housing and conservation board	
Grants	<u>86,519,068</u>
Total	86,519,068
Source of funds	
Special funds	24,552,855
Federal funds	<u>61,966,213</u>
Total	86,519,068
Sec. B.812 Vermont humanities council	
Grants	<u>300,000</u>
Total	300,000
Source of funds	
General fund	<u>300,000</u>
Total	300,000
Sec. B.813 Total commerce and community development	
Source of funds	
General fund	21,222,221
Special funds	32,106,330
Federal funds	93,013,297
Interdepartmental transfers	<u>5,062,973</u>
Total	151,404,821
Sec. B.900 Transportation - finance and administration	
Personal services	16,695,727
Operating expenses	5,232,777
Grants	<u>50,000</u>
Total	21,978,504
Source of funds	
Transportation fund	20,977,164
Federal funds	<u>1,001,340</u>
Total	21,978,504
Sec. B.901 Transportation - aviation	
Personal services	3,532,154
Operating expenses	13,397,252
Grants	<u>345,000</u>
Total	17,274,406
Source of funds	
Transportation fund	6,166,805
Federal funds	<u>11,107,601</u>

Total	17,274,406
Sec. B.902 Transportation - buildings	
Operating expenses	<u>1,525,000</u>
Total	1,525,000
Source of funds	
Transportation fund	<u>1,525,000</u>
Total	1,525,000
Sec. B.903 Transportation - program development	
Personal services	65,810,461
Operating expenses	311,158,635
Grants	<u>25,916,923</u>
Total	402,886,019
Source of funds	
Transportation fund	50,411,002
TIB fund	22,129,870
Special funds	3,000,000
Federal funds	321,560,449
Interdepartmental transfers	1,411,518
Local match	<u>4,373,180</u>
Total	402,886,019
Sec. B.904 Transportation - rest areas construction	
Personal services	800,000
Operating expenses	<u>846,444</u>
Total	1,646,444
Source of funds	
Transportation fund	166,964
Federal funds	<u>1,479,480</u>
Total	1,646,444
Sec. B.905 Transportation - maintenance state system	
Personal services	42,637,277
Operating expenses	<u>65,893,488</u>
Total	108,530,765
Source of funds	
Transportation fund	107,784,950
Federal funds	645,815
Interdepartmental transfers	<u>100,000</u>
Total	108,530,765

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 Sec. B.906 Transportation - policy and planning

Personal services	4,984,735
Operating expenses	1,099,716
Grants	<u>7,227,544</u>
Total	13,311,995
Source of funds	
Transportation fund	3,260,534
Federal funds	9,989,315
Interdepartmental transfers	<u>62,146</u>
Total	13,311,995

## Sec. B.906.1 Transportation - Environmental Policy and Sustainability

Personal services	2,009,518
Grants	<u>25,964,730</u>
Total	27,974,248
Source of funds	
Transportation fund	472,695
Federal funds	22,095,781
Local match	<u>5,405,772</u>
Total	27,974,248

## Sec. B.907 Transportation - rail

Personal services	3,622,004
Operating expenses	<u>39,386,316</u>
Total	43,008,320
Source of funds	
Transportation fund	15,608,462
Federal funds	26,596,858
Interdepartmental transfers	671,000
Local match	<u>132,000</u>
Total	43,008,320

## Sec. B.908 Transportation - public transit

Personal services	4,062,649
Operating expenses	90,285
Grants	<u>44,642,396</u>
Total	48,795,330
Source of funds	
Transportation fund	9,016,189
Federal funds	39,639,141
Interdepartmental transfers	<u>140,000</u>
Total	48,795,330



Sec. B.909 Transportation - central garage	
Personal services	5,367,400
Operating expenses	<u>18,588,985</u>
Total	23,956,385
Source of funds	
Internal service funds	<u>23,956,385</u>
Total	23,956,385
Sec. B.910 Department of motor vehicles	
Personal services	31,563,822
Operating expenses	<u>13,346,863</u>
Total	44,910,685
Source of funds	
Transportation fund	42,101,908
Federal funds	2,687,081
Interdepartmental transfers	<u>121,696</u>
Total	44,910,685
Sec. B.911 Transportation - town highway structures	
Grants	<u>7,416,000</u>
Total	7,416,000
Source of funds	
Transportation fund	<u>7,416,000</u>
Total	7,416,000
Sec. B.912 Transportation - town highway local technical assistance program	
Personal services	443,165
Operating expenses	<u>34,750</u>
Total	477,915
Source of funds	
Transportation fund	117,915
Federal funds	<u>360,000</u>
Total	477,915
Sec. B.913 Transportation - town highway class 2 roadway	
Grants	<u>8,858,000</u>
Total	8,858,000
Source of funds	
Transportation fund	<u>8,858,000</u>
Total	8,858,000

## Sec. B.914 Transportation - town highway bridges

Personal services	16,970,000
Operating expenses	19,731,775
Grants	<u>500,000</u>
Total	37,201,775
Source of funds	
TIB fund	3,099,345
Federal funds	32,908,515
Local match	<u>1,193,915</u>
Total	37,201,775

## Sec. B.915 Transportation - town highway aid program

Grants	<u>28,672,753</u>
Total	28,672,753
Source of funds	
Transportation fund	<u>28,672,753</u>
Total	28,672,753

## 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

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 Sec. B.919 Transportation - municipal mitigation assistance program

Personal services	100,000
Operating expenses	275,000
Grants	<u>10,113,523</u>
Total	10,488,523
Source of funds	
Transportation fund	705,000
Special funds	5,000,000
Federal funds	<u>4,783,523</u>
Total	10,488,523

## 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	169,068
Operating expenses	<u>24,412</u>
Total	193,480
Source of funds	
Transportation fund	<u>193,480</u>
Total	193,480

## Sec. B.922 Total transportation

Source of funds	
Transportation fund	304,753,571
TIB fund	25,229,215
Special funds	8,050,000
Federal funds	476,014,899
Internal service funds	23,956,385
Interdepartmental transfers	2,706,360
Local match	<u>11,104,867</u>
Total	851,815,297

## Sec. B.1000 Debt service

Operating expenses	75,705,398
Total	75,705,398
Source of funds	
General fund	75,377,993
Transportation fund	327,405
Total	75,705,398

## Sec. B.1001 Total debt service

Source of funds	
General fund	75,377,993
Transportation fund	327,405
Total	75,705,398

\* \* \* Fiscal Year 2024 Base Appropriations \* \* \*

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

(a) Agency of Administration. In fiscal year 2024, funds are appropriated for the following:

(1) \$2,300,000 General Fund to create, implement, and oversee a comprehensive statewide language access plan;

(2) \$5,000,000 General Fund for the purpose of supporting the Community Violence Prevention Program established by 18 V.S.A. § 13. Unexpended appropriations shall carry forward into the subsequent fiscal year and remain available for use for this purpose. All or part of this appropriation may be transferred to the Department of Health for this program if necessary;

(3) \$15,000,000 General Fund to be used to offset the cost of denied claims for Federal Emergency Management Agency (FEMA) reimbursement.

(b) Vermont State Colleges. In fiscal year 2024, funds are appropriated for the following:

(1) \$3,820,000 General Fund and \$5,180,000 American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds for bridge funding to support ongoing system transformation; and

(2) \$4,000,000 General Fund for the Community College of Vermont to reduce the tuition fee for certificates, degrees, and courses that have a direct nexus to Vermont business and industry needs.

(c) Department of Human Resources. In fiscal year 2024, funds are appropriated for the following:

(1) \$725,000 General Fund to fund seven new permanent full-time positions in the Operations division in fiscal year 2024. These position costs shall be funded through the Department of Human Resources – Internal Service Fund beginning in fiscal year 2025;

(2) \$75,000 General Fund to fund one new permanent full-time position in the VTHR Operations division in fiscal year 2024. This position costs shall be funded via the Department of Human Resources – Internal Service Fund beginning in fiscal year 2025; and

(3) \$1,900,000 General Fund for the implementation of a Paid Family and Medical Leave Insurance program available to all State employees in fiscal year 2024. This program cost shall be funded through the Department of Human Resources – Internal Service Fund beginning in fiscal year 2025.

(d) \$200,000 General Fund to the Department of Libraries in fiscal year 2024 to support the FiberConnect project relating to Internet access in public libraries.

(e) Department of Public Safety. In fiscal year 2024, funds are appropriated for the following:

(1) \$190,000 General Fund for external carriers (vests) that improve the ergonomics of ballistic personal protective equipment; and

(2) \$500,000 General Fund for hiring incentives, including hiring bonuses, to be paid to all new sworn members and emergency communication dispatchers; recruitment awards to current members for successful recruitment of a new member (criteria dependent); and student loan debt repayment of up to \$10,000 per new hire toward the repayment of preexisting student loan debt.

(f) Military Department. In fiscal year 2024, funds are appropriated for the following:

(1) \$10,000 General Fund for a grant to the USS Vermont Support Group, a nonprofit organization supporting military members serving on the USS Vermont (SSN 792) and their families; and

(2) \$10,000 General Fund for a grant to North Country Honor Flight, an organization that sponsors escorted trips for veterans to visit the war memorials on the National Mall, to cover the expenses of 10 Vermont resident attendees.

(g) Criminal Justice Council. In fiscal year 2024, funds are appropriated for the following:

(1) \$1,200,000 General Fund for a three-phase accreditation process to include job task analysis, curriculum development and piloting;

(2) \$20,000 General Fund for a records management system to ensure efficient and compliant recordkeeping, including case management tracking, reporting, and compliance monitoring for remote learning; and

(3) \$200,000 General Fund for request for proposals and contracts related to procedure development; off-site course development; records management system transition; developing pathways to certification; and medical personnel.

(h) \$210,000 General Fund to the Office of the Defender General in fiscal year 2024, for the case management system.

(i) Agency of Agriculture, Food and Markets. In fiscal year 2024, funds are appropriated for the following:

(1) \$110,000 General Fund for electric vehicle charger inspections. Funds shall be used for the purchase of two testing units and related equipment to support the development and implementation of the Commercial Electric Vehicle Fueling Systems regulatory program;

(2) \$1,070,000 General Fund for replacement of the existing Food Safety Inspection Database; and

(3) \$500,000 General Fund for a grant to Salvation Farms to expand access to locally grown food for all Vermonters.

(j) Department of Mental Health. In fiscal year 2024, funds are appropriated for the following:

(1) \$105,000 General Fund for expediting competency and sanity evaluations; and

(2) \$9,225,000 General Fund to continue construction of the Southwest Vermont Medical Center (SVMC) Youth Inpatient Facility to increase the number of psychiatric youth inpatient beds in the State.

(k) Green Mountain Care Board. In fiscal year 2024, funds are appropriated for the following:

(1) \$620,000 General Fund for costs associated with the implementation of the Vermont Health Care Uniform Reporting and Evaluation System (VHCURES) database;

(2) \$120,500 General Fund for the implementation of a new financial database solution; and

(3) \$50,000 General Fund for the development of the statutorily required Health Resources Allocation Plan Tool.

(l) Agency of Human Services Central Office. In fiscal year 2024, funds are appropriated for the following:

(1) \$1,000,000 General Fund to the State Refugee Office for the Employment Assistance Grants program created in 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by 2023 Acts and Resolves No. 3, Sec.45. Funds remaining at the end of fiscal year 2025 shall revert to the General Fund;

(2) \$8,834,000 General Fund and \$11,483,302 Federal Revenue Fund #22005 for a two-year pilot to expand the Blueprint for Health Hub and Spoke program. Funds shall be used to expand the substances covered by the program, include mental health and pediatric screenings, and make strategic investments with community partners;

(3) \$10,000,000 General Fund to continue to address the emergent and exigent circumstances impacting health care providers following the COVID-19 pandemic; and

(4) \$10,534,603 General Fund and \$13,693,231 Federal Revenue Fund #22005 for use as Global Commitment matching funds for one-time caseload pressures due to the suspension of Medicaid eligibility redeterminations.

(m) \$366,066 General Fund and \$372,048 Federal Revenue Fund #22005 to the Department of Vermont Health Access in the non-waiver or state-only lines for a two-year pilot to expand the Blueprint for Health Hub and Spoke program and \$15,583,352 Global Commitment Fund #20405 to the Department of Health Access Medicaid program for a two-year pilot to expand the Blueprint for Health Hub and Spoke program.

(n) Department of Health. In fiscal year 2024, funds are appropriated for the following:

(1) \$4,595,448 Global Commitment Fund #20405 to the Division of Substance Use Program for a two-year pilot to expand the Blueprint for Health Hub and Spoke program;

(2) \$30,000 General Fund for a housing voucher program administered by the Vermont Association of Recovery Residences and Jenna's Promise to pay for a recovery home residents' first month of rent;

(3) \$1,590,000 General Fund for the Division of Substance Use Program, in conjunction with \$1,410,000 appropriated from the General Fund in Sec. B.313 of this act representing 30 percent of the fiscal year 2023 forecast for cannabis excise tax, and to be used in a manner consistent with the Substance Misuse Prevention Coalition funding intent as stated in 2022 Acts and Resolves No. 185, Sec. B.1100(a)(12)(A)(i);

(4) \$500,000 Tobacco Settlement Fund for Division of Substance Use Programs for tobacco and substance use disorder prevention and cessation activities. The Division shall require that information on the use of the funds appropriated in accordance with this section be provided to the Division by grantees in an agreed-upon time frame, including the specific activities supported by the funds, a description of the number of individuals served, and information on the outcomes achieved by this investment. On or before, January 10, 2024, the Division shall report on these metrics to the House and Senate Committees on Appropriations, to the House Committee on Human Services, and to the Senate Committee on Health and Welfare;

(5) \$100,000 General Fund to the Department of Health to support the Regional Emergency Medical Services Coordination study; and

(6) \$100,000 General Fund to the Division of Substance Use Programs for a grant to Jenna's Promise.

(o) Department for Children and Families. In fiscal year 2024, funds are appropriated for the following:

(1) \$2,000,000 General Fund to implement the two-year Reach Ahead Pilot Program. Funds shall be used to increase monthly food assistance benefits to Reach Ahead participants, expand the eligibility window for those leaving Reach Up, and provide incentive payments;

(2) \$650,000 General Fund for the 2-1-1 service line. The Department, in consultation with the Agency of Human Service Central Office, shall report on the status of the service and its funding to the Joint Fiscal Committee on or before the Committee's November 2023 meeting;

(3) \$40,000 General Fund to fund the purchase of a driving school vehicle for the Youth Development Program to support foster and former foster youth access to driver's education;

(4) \$18,884,610 General Fund to address the estimated need for the Adverse Weather Conditions policy and General Assistance Emergency Housing hotel and motel expenditures in fiscal year 2024;

(5) \$2,500,000 General Fund to the Housing Opportunity Grant Program to expand and provide wraparound support services for households participating in the General Assistance Emergency Housing program;

(6) \$3,000,000 General Fund for a grant to the Vermont Food Bank to support increased capacity of services to meet persistent food insecurity;

(7) \$375,000 General Fund for a grant to the Parent Child Centers in consultation with the Junior League of Vermont for the statewide distribution of diapers to families in need;



(8) \$50,000 General Fund for a grant to the Vermont Donor Milk Center for statewide activities;

(9) \$130,000 General Fund for a grant to the Snelling Center to restart the Early Childhood Education Leadership Program; and

(10) \$1,000,000 General Fund for a grant to Mentor Vermont. The Department shall identify alternative fund sources for future grants to Mentor Vermont and shall update the Joint Fiscal Committee on its findings on or before the Committee's November 2023 meeting.

(p) Department of Labor. In fiscal year 2024, funds are appropriated for the following:

(1) \$200,000 General Fund to be granted to the State Workforce Development Board for the New American Labor Force Program; and

(2) \$1,000,000 General Fund to provide services under the Work-Based Learning and Training Program established pursuant to 10 V.S.A. § 547.

(q) Natural Resources Board. In fiscal year 2024, funds are appropriated for the following:

(1) \$1,000,000 General Fund for the digitization of Natural Resources Board documents. Funds shall be used for the continued digitization of permanent, paper-based Act 250 land use permit records currently located at the Natural Resources Board's five district offices; and

(2) \$200,000 General Fund for an Act 250 study contract. Funds shall be used to contract with a consultant to assist with the preparation of a report on updates necessary to the Act 250 program, per 2022 Acts and Resolves No. 182, Sec. 41(a).

(r) \$200,000 General Fund in fiscal year 2024 to the Agency of Education for the work of the School Construction Task Force.

(s) \$35,000 General Fund to the Vermont Symphony Orchestra to support the celebration of the Symphony's 90th season.

(t) \$1,200,000 General Fund to the Vermont Housing and Conservation Board to administer and support the activities of the Land Access and Opportunity Board.

(u) \$1,750,000 Tax – Current Use Administration Fund #21594 to the Department of Taxes for the digitization of the Current Use program.

(v) Public Service Department. In fiscal year 2024, funds are appropriated for the following:

(1) \$500,000 Regulation/Energy Efficiency Fund #21698 to upgrade and expand the ePSD case management system;

(2) \$400,000 Regulation/Energy Efficiency Fund #21698 to complete the Telecom Plan Update scheduled for June 2024; and

(3) \$300,000 Regulation/Energy Efficiency Fund #21698 to craft policy proposals to reform and streamline electric sector policy.

(w) Agency of Digital Services. In fiscal year 2024, funds are appropriated for the following:

(1) \$10,000,000 Technology Modernization Fund #21951 for Network and Security Infrastructure Modernization including planning and design and the replacement of legacy infrastructure, hardware and software, platforms underlying the network and security architecture.

(A) The Agency of Digital Services shall select a vendor through a competitive bid process. The Agency of Digital Services shall consider bids with options to buy or lease equipment. Per 3 V.S.A. § 3303, any project with a total cost of \$1,000,000 or greater shall be subject to an expert independent review. The review shall include an analysis of all options, although the Agency of Digital Services is limited to the bids that it receives. The Agency of Digital Services may also purchase or lease equipment through a separate competitive bid process.

(B) Once a vendor has been selected and an expert independent review completed, the Agency of Digital Services shall issue a verbal or written report to the Joint Information Technology Oversight Committee.

(x) \$4,680,000 General Fund to the Judiciary for the Judiciary network replacement project.

(A) Judiciary shall update the Joint Information Technology Oversight Committee on the status of this project on or before December 1, 2023.

(y) \$117,000 General Fund to the Agency of Commerce and Community Development for a grant to the Vermont 250th Anniversary Commission for the 250th celebration.

(z) Vermont Center for Crime Victims' Services. In fiscal year 2024, funds are appropriated for the following:

(1) \$25,000 General Fund for a grant for a monument to the survivors of St Joseph's Orphanage; and

(2) \$10,000 General Fund to continue the work of the Intercollegiate Sexual Harm Prevention Council.

(aa) \$450,000 Global Commitment Fund to the Department of Disabilities, Aging, and Independent Living to continue the SASH pilot for another year. \$195,660 General Fund and \$254,340 Federal Funds are appropriated to the Agency of Human Service Global Commitment program for the State and federal shares for this SASH pilot extension.

(bb) \$100,000 General Fund to the Vermont Pension Investment Commission for a study on the assets of the State's pension systems.

(cc) \$750,000 General Fund to the State Treasurer for the initial costs of the Vermont Saves program.

(dd) Secretary of State. In fiscal year 2024, funds are appropriated for the following:

(1) \$1,000,000 General Fund for a grant to the Vermont Access Network to offset declining cable revenues.

(2) \$100,000 General Fund for grants to municipalities for ranked choice voting.

\* \* \* Workforce Development \* \* \*

Sec. B.1101 WORKFORCE AND ECONOMIC DEVELOPMENT – FISCAL  
YEAR 2024 ONE-TIME APPROPRIATIONS

(a) Education workforce.

(1) In fiscal year 2024, the amount of \$500,000 is appropriated from the General Fund to the Agency of Education for the purpose of funding the Emerging Pathways Grant Program to encourage and support the development and retention of qualified and effective Vermont educators with the goal of increased program completion rates and increased rates of licensure of underrepresented demographics. These grants are to expand support, mentoring, and professional development to prospective educators seeking licensure through the Agency of Education's emerging pathways, including peer review and apprentice pathways.

(A) Program administration. The Agency shall adopt policies, procedures, and guidelines necessary for implementation of the grant program. The Agency shall report to General Assembly on the status of the program on or before January 15, 2024.

(B) Eligibility criteria. The Agency shall issue grants to organizations, school districts, or a group of school districts for the development and administration of programs designed to provide prospective educators in emerging pathways with the support necessary for successful entry into the educator workforce. Recruitment, support, and retention of

prospective educator candidates shall focus on diversity, equity, and inclusion. Support provided through the program may include:

- (i) support through the Praxis exam process;
- (ii) local, educator-led seminars designed around the Vermont licensure portfolio themes;
- (iii) local educator mentors;
- (iv) support in completing the peer review portfolio and licensing process; and
- (v) continued professional development support within the first year of licensure.

(2) In fiscal year 2024, the amount of \$2,500,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation for the Vermont Teacher Forgivable Loan Incentive Program to provide forgivable loans to students enrolled in an eligible school who meet the eligibility requirements in subsection (A) of this subdivision. The goal of the program is to encourage students to enter into teaching professions, with an emphasis on encouraging Black, Indigenous, and Persons of Color, New Americans, and other historically underrepresented communities.

(A) To be eligible for a forgivable loan under the program an individual, whether a resident or nonresident of Vermont, shall satisfy all of the following requirements:

- (i) be enrolled in a teaching program at an eligible school;
- (ii) maintain good standing at the eligible school at which the individual is enrolled;
- (iii) agree to work as a teacher in a Vermont public school for a minimum of one year following licensure for each year of forgivable loan awarded;
- (iv) have executed a credit agreement or promissory note that will reduce the individual's forgivable loan benefit, in whole or in part, pursuant to subdivision (B) of this section, if the individual fails to complete the period of service required in this subdivision;
- (v) have completed the program's application form, the Free Application for Federal Student Aid (FAFSA), and, for Vermont residents, the Vermont grant application each academic year of enrollment in accordance with a schedule determined by the Corporation; and

(vi) have provided such other documentation as the Corporation may require.

(B) If an eligible individual fails to serve as a teacher in a Vermont public school 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, 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 credit agreement or promissory note signed by the individual at the time of entering the program.

(C) There shall be no deadline to apply for a forgivable loan under this section. Forgivable loans shall be awarded on a rolling basis provided funds are available, and any funds remaining at the end of a fiscal year shall roll over and shall be available to the Corporation in the following fiscal year to award additional forgivable loans as set forth in this section.

(D) The Corporation shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section, including maximum forgivable loan amounts. The Corporation shall not use more than seven percent of the funds appropriated for the program for its costs of administration and may recoup its reasonable costs of collecting the forgivable loans in repayment.

(3) In fiscal year 2024, the sum of \$30,000 is appropriated from the General Fund to the Agency of Education for the purpose of funding the Historically Underrepresented Educator Affinity Groups Grant Program to provide grants for the support of existing and development of new educator affinity groups for historically underrepresented groups. The Agency of Education shall administer the program.

(A) The Agency shall adopt policies, procedures, and guidelines necessary for the implementation of the program established pursuant to this subdivision.

(b) Youth workforce.

(1) In fiscal year 2024, the amount of \$2,275,974 is appropriated from the General Fund to the Department of Forests, Parks and Recreation to fund the Vermont Serve, Learn, and Earn Program, which supports workforce development goals through creating meaningful paid service and learning opportunities for young adults, through the Serve, Learn, and Earn Partnership made up of the Vermont Youth Conservation Corps, Vermont Audubon, Vermont Works for Women, and Resource VT. The Department shall enter into a grant agreement with the Partnership that specifies the required services and outcomes for the Program.

(c) Higher education.

(1) In fiscal year 2024, the amount of \$500,000 is appropriated from the General Fund to the Vermont State Colleges to establish a Bachelor of Science program in restorative justice at Vermont State University.

(2) In fiscal year 2024 the amount of \$1,500,000 is appropriated from the General Fund to the Vermont State Colleges to establish the Certificate in 3-D Technology program.

(3) In fiscal year 2024, the amount of \$3,800,000 is appropriated from the General Fund to the Vermont State Colleges to provide Critical Occupations Scholarships for eligible students with a household income of \$75,000 or less enrolled in education programs that lead to a career in an occupation with critical need, including early childhood occupations, clinical mental health counseling, criminal justice occupations, dental hygienists, and all levels of nursing.

(4) In fiscal year 2024, the amount of \$3,000,000 is appropriated from the General Fund to the University of Vermont to provide additional free classes through the Upskill Vermont Scholarship Program for Vermont residents seeking to transition to a new career or to enhance job skills.

(5) In fiscal year 2024, the amount of \$350,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation for a subgrant to Advance Vermont to continue work pursuant to 2022 Acts and Resolves No. 183, Sec. 39 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. On or before December 15, 2023, Advance Vermont shall report to the General Assembly regarding outcomes achieved, the use of these State funds, and the other fund sources Advance Vermont has secured for this project.

(d) Healthcare and social services workforce.

(1) In fiscal year 2024, the amount of \$1,000,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation for the Vermont Psychiatric Mental Health Nurse Practitioner Forgivable Loan Incentive Program created in 18 V.S.A. § 39.

(2) In fiscal year 2024, the amount of \$1,000,000 is appropriated from the General Fund to the Department of Health to provide training for emergency medical services personnel.

(3) In fiscal year 2024, the amount of \$170,000 is appropriated from the General Fund to the Agency of Human Services to provide one additional year of funding for the classified, three-year limited-service Health Care Workforce Coordinator position created in the Agency of Human Services, Office of

Health Care Reform, pursuant to 2022 Acts and Resolves No. 183, Sec. 34(a).

(4) In fiscal year 2024, the amount of \$3,000,000 is appropriated from the General Fund to the Department of Mental Health to be distributed to the designated and specialized service agencies equitably based on each agency's proportion of full-time-equivalent (FTE) staff to the total number of FTE staff across all designated and specialized service agencies statewide. Funds shall be administered by each agency for student loan repayment, tuition assistance, or recruitment and retention payments in exchange for an agency-specified service obligation of not less than one year.

(A) The State Auditor shall review the designated and specialized service agencies' utilization of this funding and report to the General Assembly on the outcomes and effectiveness of this program.

(e) Economic development.

(1) In fiscal year 2024, the amount of \$5,000,000 is appropriated from the General Fund to the Agency of Commerce and Community Development for the Vermont Training Program to fulfill Vermont's obligation to procure incentives in accordance with the Creating Helpful Incentives to Produce Semiconductors for America (CHIPS) Act.

(2) In fiscal year 2024, the amount of \$1,250,000 is appropriated from the General Fund to the Agency of Commerce and Community Development for a grant to the regional development corporations to provide small- and mid-sized businesses with professional and technical assistance.

(3) In fiscal year 2024, the amount of \$72,000 is appropriated from the General Fund to the Vermont Council on the Arts to provide a State match for National Endowment for the Arts funding to enable the Council to continue its work boosting the creative economy in Vermont.

(4) In fiscal year 2024, the amount of \$8,000,000 General Fund is appropriated for Brownfields redevelopment consistent with Sec. F.5 of this act.

(5) In fiscal year 2024, the amount of \$1,000,000 General Fund is appropriated to the Department for Children and Families to augment service support funding in the Reach Up program.

(6) In fiscal year 2024, the amount of \$1,000,000 General Fund is appropriated to the Agency of Commerce and Community Development for awarding new relocating employee incentives pursuant to 10 V.S.A. § 4.

(f) Agriculture Economic Development

(1) In fiscal year 2024, the amount of \$1,000,000 General Fund is appropriated to the Agency of Agriculture, Food and Markets for the Working Lands Enterprise grant program.

(2) In fiscal year 2024, \$2,300,000 General Fund is appropriated to the Agency of Agriculture, Food and Markets to fund Agriculture Development Grants for meat, produce, and maple processing. The Secretary of Agriculture, Food and Markets shall determine that there are significant interests in establishing certain parameters in the grant program before making an award. Grants should be awarded to farmers, processors, and businesses, which shall not include hydroponic operations. Furthermore, the Secretary shall not allocate more than 25 percent of grant funds toward the maple industry. Of the funds appropriated under this subdivision, an amount not to exceed \$125,000 may be used by the Agency of Agriculture, Food and Markets to support the cost of temporary employees to administer the grants.

(3) In fiscal year 2024, the amount of \$6,900,000 General Fund is appropriated to the Agency of Agriculture, Food and Markets to fund Agriculture Development Grants for the Organic Dairy Farm Assistance Program.

(4) In fiscal year 2024, the amount of \$300,000 General Fund is appropriated to the Agency of Agriculture, Food and Markets for a grant to the Vermont Sustainable Jobs Fund as follows:

(A) \$100,000 to the Independent Retail Grocers Project; and

(B) \$200,000 to the Beef on Dairy Project.

(5) In fiscal year 2024, \$150,000 General Fund is appropriated to the Vermont Housing and Conservation Board for the establishment by the Farm Viability Program of a pilot program to award a grant for the use of virtual fences, solar powered collars, and solar powered transmitters to control livestock. As used in this section, "livestock" means cattle, horses, sheep, swine, and goats.

(6) In fiscal year 2024, \$415,000 General Fund is appropriated to the Agency of Agriculture, Food and Markets to fully fund the Dairy Risk Management Assistance Program for farmers who enroll in calendar year 2023. These funds are in addition to the unexpended funds appropriated under 2022 Acts and Resolves No. 83, Sec. 68 to implement the Dairy Risk Management Assistance Program.

(7) In fiscal year 2024, \$150,000 General Fund is appropriated to the Agency of Agriculture, Food and Markets for the Small Farmer Diversification and Transition Program. The Agency staff who support the Working Lands Enterprise Board shall administer the Program and provide



small farmers in Vermont with State financial assistance in the form of grants.

(A) Program applicants shall:

(i) be a small farmer and not permitted as a medium farm or large farm at the time of application.

(ii) have a proposed plan for diversification or transition that includes possible markets for the proposed product and probable income; and

(iii) demonstrate to the Agency that there is potential from the proposed diversification or transition to create additional income for the applicant.

(B) Small Farmer Diversification and Transition Program grants shall be used for costs of:

(i) diversifying the farm products produced by the applicant;

(ii) transitioning the applicant from one form of farming to another;

(iii) processing of farm products on the farm owned or controlled by the applicant; and

(iv) development of an accessory on-farm business by the applicant.

#### Sec. B.1101.1 TRUTH AND RECONCILIATION COMMISSION

(a) In fiscal year 2024, \$240,000 General Fund is appropriated to the Truth and Reconciliation Commission. These funds, in combination with carryforward funds, are intended to provide fiscal year 2024 funding for the Commission's activities.

\* \* \* Affordable Housing \* \* \*

#### Sec. B.1102 AFFORDABLE HOUSING DEVELOPMENT – FISCAL YEAR 2024 ONE-TIME APPROPRIATIONS

(a) In fiscal year 2024, the amount of \$10,000,000 General Fund is appropriated to the Department of Housing and Community Development for the Vermont Rental Housing Improvement Program established in 10 V.S.A. § 699.

(b) In fiscal year 2024, the amount of \$50,000,000 General Fund is appropriated to the Vermont Housing and Conservation Board (VHCB):

(1) \$10,000,000 to provide support and enhance capacity for emergency shelter and permanent homes for those experiencing homelessness. The intent is to expand Vermont's shelter capacity, provide homes for those experiencing

homelessness, and decrease reliance on the General Assistance Emergency Housing hotel and motel program. The Vermont Housing and Conservation Board shall consult with the Agency of Human Services to ensure new investments in homes and shelters are paired with appropriate support services for residents, including services supported through Medicaid. Funded projects may utilize a range of housing options, including the expansion of shelter capacity, the conversion of hotels to housing, creation of permanent supportive housing, and utilization of manufactured homes on infill sites.

(2) \$40,000,000 to provide support and enhance capacity for the production and preservation of affordable mixed-income rental housing and homeownership units, including improvements to manufactured homes and communities, permanent homes for those experiencing homelessness, recovery residences, and housing available to farm workers and refugees. The Board is authorized to utilize up to 10 percent of these resources for innovative approaches to helping communities meet their housing needs.

\* \* \* Climate and Environment \* \* \*

Sec. B.1103 CLIMATE AND ENVIRONMENT – FISCAL YEAR 2024  
ONE-TIME APPROPRIATIONS

(a) In fiscal year 2024, the amount of \$700,000 General Fund is appropriated to the Agency of Natural Resources – Central Office for refrigerant management. Funds shall be used for incentives to improve or replace commercial and industrial refrigeration systems with the goal of reducing the use of high global warming potential (GWP) refrigerants.

(b) In fiscal year 2024, the amount of \$900,000 General Fund is appropriated to the Agency of Natural Resources – Climate Action Office technical analyses, tools, and training. Funds shall be used for investments in ongoing evaluation, implementation support and tracking of the impact of programs, and policy approaches needed to reduce greenhouse gas emissions and improve landscape-level resilience consistent with the Global Warming Solutions Act.

(c) In fiscal year 2024, the amount of \$2,000,000 General Fund is appropriated to the Department of Public Service for the School Heating Assistance with Renewables and Efficiency Program (SHARE) to assist Title I eligible schools in repairing or renovating their existing wood chip or pellet heating systems or to install new wood chip or pellet heating systems.

(d) In fiscal year 2024, the amount of \$150,000 General Fund is appropriated to the Department of Fish and Wildlife for Wildlife Crop Damage Payments. Funds shall be used for payments to farmers under the provisions of 10 V.S.A. §§ 4829 and 4831.

(e) In fiscal year 2024, the amount of \$500,000 General Fund is appropriated to the Department of Forests, Parks and Recreation for Parks personnel housing. Funds shall be used to renovate, remediate, and expand on-site housing opportunities, including installation of full hook-ups for RVs; splitting existing staff housing into multiple units; and making critical (health and safety) repairs to the existing housing stock for Vermont State Parks staff in critical locations statewide.

(f) In fiscal year 2024, the amount of \$1,000,000 General Fund is appropriated to the Department of Forests, Parks and Recreation for Small Communities Outdoor Recreation Grant matching funds. Funds shall be used to support Vermont communities by providing State match funds for federal recreation grants.

(g) In fiscal year 2024, the amount of \$500,000 General Fund is appropriated to the Department of Forests, Parks and Recreation for emerald ash borer mitigation and low income heating assistance. Funds shall be used to remove high-risk ash trees on Department of Forests, Parks and Recreation lands and provide free firewood to households with low income.

(h) In fiscal year 2024, the amount of \$2,500,000 General Fund is appropriated to the Department of Environmental Conservation for the Brownfields Reuse and Environmental Liability Limitation Act as codified in 10 V.S.A. § 6641. Funds shall be used for the assessment and cleanup planning for a maximum of 25 brownfields sites.

(i) In fiscal year 2024, the amount of \$600,000 General Fund is appropriated to the Department of Environmental Conservation for the Emissions Repair Program. Funds shall be used for the Emissions Repair Program established by 2021 Acts and Resolves No. 55, Sec. 25 for fiscal years 2024 through 2026.

(j) In fiscal year 2024, the amount of \$6,100,000 American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds is appropriated to the Department of Environmental Conservation for the Healthy Homes Initiative. Funds shall be used to make repairs or improvements to drinking water, wastewater, or stormwater systems for Vermonters who have low to moderate income or who live in manufactured housing communities, or both.

(k) In fiscal year 2024, the amount of \$1,000,000 General Fund is appropriated to the Department of Environmental Conservation for Polyfluoroalkyl Substances (PFAS) technical assistance. Funds shall be used to support statewide groundwater Polyfluoroalkyl Substances (PFAS) remediation efforts.

(1) In fiscal year 2024, the amount of \$5,000,000 Environmental Contingency Fund #21275 is appropriated to the Department of Environmental Conservation for statewide Polyfluoroalkyl Substances (PFAS) groundwater remediation.

\* \* \* Pension Funding \* \* \*

Sec. B.1104 FISCAL YEAR 2024 VERMONT STATE LIVING PAYMENT;  
FISCAL YEAR 2024 APPROPRIATION

(a) In fiscal year 2024, notwithstanding 16 V.S.A. § 4025, the amount of \$3,000,000 is appropriated to the Vermont State Teachers' Retirement System from the Education Fund for Calendar Year 2023 supplemental payments made in Sec. E.514.2(b) of this act and associated costs.

(b) In fiscal year 2024, notwithstanding 16 V.S.A. § 4025, the amount of \$9,100,000 is reserved in the Education Fund to fund future supplemental cost of living payments to qualifying retired members and beneficiaries of the Vermont State Teachers' Retirement System or the present value of any changes made to the methodology for calculating the postretirement adjustments allowance set forth in 16 V.S.A. § 1949, or both.

\* \* \* Capital Projects \* \* \*

Sec. B.1105 CAPITAL PROJECTS – FISCAL YEAR 2024 ONE-TIME  
APPROPRIATIONS

(a) In fiscal year 2024, \$17,600,000 is appropriated from the Capital Infrastructure subaccount in the Cash Fund for Capital and Essential Investments for the following projects. This funding is provided by the General Fund transfer in Sec. D.101(a)(1)(E) of this act.

(1) \$9,800,000 is appropriated to the Agency of Natural Resources for the Department of Environmental Conservation for the State match to the Infrastructure Investment and Jobs Act for the Drinking Water State Revolving Fund and the Clean Water State Revolving Fund.

(2) \$4,000,000 is appropriated to the Agency of Natural Resources for the Department of Environmental Conservation for the Municipal Pollution Control Grants for pollution control projects and planning advances for feasibility studies.

(3) \$3,000,000 is appropriated to the Agency of Natural Resources for the Department of Forests, Parks and Recreation for the maintenance facilities at the Gifford Woods State Park and Groton State Forest; and

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(4) \$800,000 is appropriated to the Agency of Natural Resources for the Department of Fish and Wildlife for infrastructure maintenance and improvements of the Department's buildings, including conservation camps.

(b) In fiscal year 2024, \$21,885,000 is appropriated from the Other Infrastructure and Essential Investments subaccount in the Cash Fund for Capital and Essential Investments for the following projects:

(1) \$400,000 is appropriated to the Department of Buildings and General Services for planning, reuse, and contingency;

(2) \$1,700,000 is appropriated to the Department of Buildings and General Services for the Barre, McFarland State Office Building, roof replacement and brick façade repairs;

(3) \$135,000 is appropriated to the Department of Buildings and General Services for the Burlington, 32 Cherry Street, parking garage repairs;

(4) \$1,000,000 is appropriated to the Department of Buildings and General Services for the Middlesex, Central Services complex, roof replacement;

(5) \$150,000 is appropriated to the Department of Buildings and General Services for the Montpelier, State House expansion, design documents;

(6) \$1,000,000 is appropriated to the Department of Buildings and General Services for the renovation of the interior HVAC steam lines at 120 State Street;

(7) \$600,000 is appropriated to the Department of Buildings and General Services for planning for the boiler replacement at the Northern State Correctional Facility in Newport;

(8) \$750,000 is appropriated to the Department of Buildings and General Services for planning for renovations to the administration building, West Cottage, at the Criminal Justice Training Council in Pittsford;

(9) \$600,000 is appropriated to the Department of Buildings and General Services for the Agency of Human Services for the planning and design of the booking expansion at the Northwest State Correctional Facility;

(10) \$1,500,000 is appropriated to the Department of Buildings and General Services for the Agency of Human Services for the planning and design for the replacement of the women's correctional facility and reentry facility;

(11) \$1,000,000 is appropriated to the Department of Buildings and General Services for the Agency of Human Services for the planning and design of the Department for Children and Families' short-term stabilization facility;

(12) \$750,000 is appropriated to the Department of Buildings and General Services for the Judiciary for renovations at the Washington County Superior Courthouse in Barre;

(13) \$250,000 is appropriated to the Department of Buildings and General Services for the Department of Public Safety for the planning and design of the Special Teams Facility and Storage;

(14) \$250,000 is appropriated to the Department of Buildings and General Services for the Department of Public Safety for the planning and design of the Rutland Field Station;

(15) \$300,000 is appropriated to the Department of Buildings and General Services for the Agency of Agriculture, Food and Markets for the planning and design of the Vermont Agriculture and Environmental Laboratory Heat Plant;

(16) \$1,000,000 is appropriated to the Department of Buildings and General Services for electric vehicle charging stations at State buildings;

(17) \$6,000,000 is appropriated to the Vermont State Colleges for construction, renovation, and major maintenance at any facility owned or operated in the State by the Vermont State Colleges; infrastructure transformation planning; and the planning, design, and construction of Green Hall and Vail Hall;

(18) \$4,500,000 is appropriated to the Agency of Natural Resources for the Department of Environmental Conservation for the Waterbury Dam rehabilitation.

(c) In fiscal year 2024, \$3,000,000 as appropriated in Sec. B.903 – Transportation – program development of this act from the Cash Fund for Capital and Essential Investments is for projects as specified in the State transportation plan.

(d) In fiscal year 2024, to the extent funds are available under 32 V.S.A. § 1001b(b)(3), the following appropriations from the Cash Fund for Capital and Essential Investments shall be made in this order:

(1) \$3,500,000 is appropriated to the Agency of Transportation for the Saint Albans garage replacement project.

(2) \$10,000,000 is appropriated to the Department of Housing and Community Development for a grant to the Vermont Housing Finance Agency to provide capitalization of revolving loan fund for the development of 'missing middle' rental housing.

(3) \$5,000,000 is appropriated to the Department of Economic Development for the Rural Industrial Development Grant Program as established in this act.

(4) \$1,000,000 is appropriated to the Agency of Transportation for rail trail grants.

(5) \$1,000,000 is appropriated to the Department of Mental Health for a grant to Pathways Vermont for the purchase and renovation of a building to serve as a permanent home for the Soteria House program.

(A) Prior to issuing the grant the Commissioner of Mental with the assistance of the Secretary of Human Services and Commissioner of Buildings and General Services, shall review the accuracy and comprehensiveness of the financial analysis of the Pathways Vermont proposal to purchase specified property and operate the Soteria House program.

(B) An accounting of the respective State and Pathways Vermont shares of investment in this property shall be maintained in order to refund to the State an appropriate share of any net proceeds resulting from future divestiture of the property.

(6) \$1,000,000 is appropriated to the Department of Housing and Community Development for a grant to the Vermont Housing Finance Agency for its first generation homebuyer program.

(e)(1) Except as provided in subdivision (2) of this subsection, any contract awarded for a maintenance, construction, or improvement project that receives funding from subsections (a) and (b) of this section 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. As used in this subdivision, "fringe benefits" has the same meaning as used in 29 V.S.A. § 161.

(2) The requirements of subdivision (1) of this subsection shall not apply to:

(A) any contract awarded for a maintenance, construction, or improvement project that received an appropriation prior to the effective date of this act if any of the following apply as of the effective date of this act:

- (i) the project has been invited or advertised for bid;
- (ii) the project is under contract; or
- (iii) the funds are obligated; and

(B) contracts awarded for maintenance, construction, or improvements projects that are required by law to comply with the requirements of the federal Davis-Bacon Act.

\* \* \* Fiscal Year 2023 Adjustments, Appropriations, and Amendments \* \* \*

Sec. C.100 FISCAL YEAR 2023 GENERAL FUND UNALLOCATED  
CARRYFORWARD

(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 \$335,200,000 of remaining unreserved and undesignated funds at the close of fiscal year 2023 shall remain in the General Fund and be carried forward to fiscal year 2024.

Sec. C.101 DEPARTMENT OF CORRECTIONS FISCAL YEAR 2022 OUT  
OF STATE BEDS CARRYFORWARD FUNDS AND JUSTICE  
REINVESTMENT II FUNDING

(a) Notwithstanding 2021 Acts and Resolves No. 74, Sec. E.335, as amended by 2022 Acts and Resolves No. 83, Sec. 62, and by 2022 Acts and Resolves No. 185, Sec. C.111, \$1,000,000 of the Department of Corrections Out of State Bed General Fund appropriation carried forward from fiscal year 2022 shall be used for the development and implementation of the Offender Management System (OMS) intelligence layer.

Sec. C.102 2021 Acts and Resolves No. 74, Sec. E.335, as amended by 2022 Acts and Resolves No. 83, Sec. 62, and 2022 Acts and Resolves No. 185, Sec. C.111 is further amended to read:

Sec. E.335 CORRECTIONS APPROPRIATIONS; UNEXPENDED  
FUNDS TRANSFER; JUSTICE REINVESTMENT;  
REPORT

\* \* \*

(c) Any funds expended authorized to be used on ~~community-based service programs justice reinvestment 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 ~~may be carried forward over multiple fiscal years until fully expended.~~



Sec. C.103 2022 Acts and Resolves No. 185, Sec. E.335 is amended to read:

Sec. E.335 CORRECTIONS APPROPRIATIONS; UNEXPENDED FUNDS TRANSFER; JUSTICE REINVESTMENT; REPORT

\* \* \*

~~(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. [Repealed.]~~

Sec. C.104 DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
ARPA-SFR PROJECT FUNDS REVERSION

(a) \$1,100,000 of the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds appropriated to the Department of Environmental Conservation in 2021 Acts and Resolves No. 74, Sec. G.501(a)(2) shall revert to the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds for reallocation in fiscal year 2024.

Sec. C.105 32 V.S.A. § 1001b is amended to read:

§ 1001b. CASH FUND FOR CAPITAL EXPENDITURE CASH FUND AND ESSENTIAL INVESTMENTS

(a) Creation. There is hereby created the Capital Expenditure Cash Fund for Capital and Essential Investments to be administered by the Commissioner of Finance and Management, in consultation with the State Treasurer, for the purpose of using general funds. The Fund shall have the following three subaccounts:

(1) the Capital Infrastructure subaccount, to defray the costs of future capital expenditures that would otherwise be authorized in the capital construction act and paid for using the State's general obligation bonding authority and debt service obligations or paid for as a direct associated cost of a capital project;

(2) the Other Infrastructure, Essential Investments, and Reserves subaccount, to fund essential investments and infrastructure needs or to create reserves for these expenditures, including transportation-related projects; and

(3) the Supplemental Contingent Revenues subaccount, to capitalize revolving loan funds and other expenditures, as authorized by the General Assembly.

(b) Fund Accounts. ~~The Fund may consist of:~~

(1) Capital Infrastructure Reserve subaccount. ~~The Capital Infrastructure Reserve subaccount may consist of transfers made by the General Assembly up to or equal to four percent of the last completed fiscal year's General Fund appropriations, less the amount necessary to fund the State's general obligation debt service in the year for which the transfer is being made, as determined by the State Treasurer and the Commissioner of Finance and Management.~~

(2) Other Infrastructure and Essential Investments subaccount. ~~The Other Infrastructure and Essential Investments subaccount may consist of any appropriations or transfers made by the General Assembly; from the General Fund or any other State fund and~~

~~(2) any interest earned by the Fund.~~

(3) Supplemental Contingent Revenues subaccount. ~~The Supplemental Contingent Revenues subaccount may consist of any contingent transfers made by the General Assembly from the General Fund after satisfying the requirements of 32 V.S.A. § 308 but prior to satisfying the requirements of 32 V.S.A. § 308c in any fiscal year and any contingent transfers made by the General Assembly from other State funds.~~

(c) Use of funds. ~~Expenditure shall only be made from the Fund by appropriations by the General Assembly. Plans for use shall be submitted as part of the operating budget adjustment or operating budget process. Monies in the Fund Accounts shall only be used for as follows:~~

(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; Expenditures shall only be made by the General Assembly from the Capital Infrastructure Reserve subaccount for:~~

~~(A) tangible capital investments, as described in section 309 of this title, with an anticipated lifespan of 20 years or more; and~~

~~(B) engineering and architectural costs directly associated with a proposed capital project.~~

(2) ~~projects with an anticipated lifespan of 20 years; Expenditures shall only be made by the General Assembly from the Other Infrastructure, Essential Investments, and Reserves subaccount for:~~

~~(A) any expenditure eligible under subdivision (1) of this subsection (c); and~~

(B) any other essential investments and infrastructure needs, including transportation-related projects.

~~(3) costs associated with the early redemption of general obligation bonds; and~~

~~(4) other eligible capital projects receiving an appropriation from the General Assembly Expenditures shall only be made by the General Assembly from the Supplemental Contingent Revenues subaccount for:~~

~~(A) any expenditure eligible under subdivision (1) of this subsection (c); and~~

~~(B) any other purpose, including capitalization of revolving loan funds.~~

(d) Fund balance. All balances in the Fund accounts at the end of any fiscal year shall be carried forward and remain part of the Fund accounts. Notwithstanding 32 V.S.A. § 511, the Commissioner of Finance and Management shall not anticipate receipts for the Fund accounts and issue warrants thereon.

~~(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 Spending authority. Any entity authorized to make expenditures from the Capital Infrastructure subaccount shall have not more than two years from the legislative session in which the act authorizing the expenditure was enacted to encumber the funds. Any remaining unencumbered funds shall remain part of the Fund account.~~

Sec. C.106 32 V.S.A. § 1001 is amended to read:

§ 1001. CAPITAL DEBT AFFORDABILITY ADVISORY COMMITTEE

\* \* \*

(c) Committee estimate of a prudent amount of net State tax-supported debt; affordability considerations. On or before September 30 of each year, the Committee shall submit to the Governor and the General Assembly the Committee's estimate of net State tax-supported debt that prudently may be authorized for the next fiscal year, together with a report explaining the basis for the estimate. The Committee's estimate shall not take into consideration the balance remaining at the end of each fiscal year in the subaccounts of the Cash Fund for Capital and Essential Investments, established pursuant to section 1001b of this title. The provisions of 2 V.S.A. § 20(d) (expiration of

required reports) shall not apply to the report to be made under this subsection. In developing its annual estimate, and in preparing its annual report, the Committee shall consider:

\* \* \*

Sec. C.107 RESERVES FOR INFRASTRUCTURE INVESTMENT AND  
JOBS ACT (IIJA) MATCH

(a) To the extent available in fiscal years 2023 and 2024, the amount of \$25,000,000 is reserved in the Other Infrastructure, Essential Investments, and Reserves subaccount of the Cash Fund for Capital and Essential Investments to provide the State match in fiscal years 2025 and 2026 needed for federal funding for transportation related projects under the IIJA. These funds shall only be expended if authorized by the General Assembly.

(b) To the extent available in fiscal years 2023 and 2024, the amount of \$14,500,000 is reserved in the Other Infrastructure, Essential Investments, and Reserves subaccount of the Cash Fund for Capital and Essential Investments to provide the State match in fiscal years 2025 and 2026 needed for federal funding for water and wastewater related projects under the IIJA. These funds shall only be expended if authorized by the General Assembly.

Sec. C.108 SUPPLEMENTAL CONTINGENT TRANSFERS TO CASH  
FUND FOR CAPITAL AND ESSENTIAL INVESTMENTS

(a) Notwithstanding any other law to the contrary, to the extent any fund specified in 2022 Acts and Resolves No. 185, Sec. D.101(b)(2) as amended by 2023 Acts and Resolves No. 3, Sec. 48 has an unobligated fund balance in fiscal year 2023, the Commissioner of Finance and Management shall transfer to the subaccount created under 32 V.S.A. 1001b(b)(3) the respective fiscal year 2023 unobligated special fund balances. The Commissioner shall report the amounts transferred pursuant to this provision to the Joint Fiscal Committee in July 2023.

(b) To the extent available in fiscal year 2023, \$22,500,000 shall be transferred from the General Fund to the Cash Fund for Capital and Essential Investments pursuant to the provisions of 32 V.S.A. § 1001b(b)(3).

Sec. C.109 2022 Acts and Resolves No. 183, Sec. 51a is amended to read:

Sec. 51a. COVID-19-RELATED PAID LEAVE GRANT PROGRAM

(a) Establishment and appropriation.

(1) There is established in the Department of Financial Regulation the COVID-19-Related Paid Leave Grant Program to administer and award grants to employers to reimburse the cost of providing COVID-19-related paid leave

to employees as provided in subsection (e) of this section.

(2) The sum of ~~\$15,180,000~~ \$5,000,000 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Department of Financial Regulation for fiscal years 2023 and 2024 for the provision of grants to reimburse employers for the cost of providing COVID-19-related paid leave. ~~Not more than seven percent of the amount appropriated pursuant to this subdivision may be used for expenses related to Program administration and outreach.~~

\* \* \*

(c) Grant program.

\* \* \*

(3)(A) Employers may submit applications for grants during the period beginning on October 1, 2022 and ending on September 30, 2023 and may submit an application not more than once each calendar quarter during that period. Grant applications shall be submitted for paid leave provided during the preceding calendar quarter and, subject to subdivision (B) of this subdivision (3), for calendar quarters in the program period prior to the preceding calendar quarter.

(B) An employer shall be permitted to request grant funds for costs related to COVID-19-related paid leave described in subsection (e) of this section in a calendar quarter prior to the preceding calendar quarter if:

(i) the employer has not already received grant funds in relation to the COVID-19-related leave; and

(ii) the costs of the COVID-19-related leave are eligible for a grant pursuant to the provisions of this section and any applicable federal requirements.

(4) An employer may combine grant funds with funding from other sources but shall not use grant funds from multiple sources for the same instance of paid leave provided to its employees for COVID-19-related reasons. As used in this subdivision, an “instance” means a calendar day in which the employee was absent from work for a COVID-19-related reason.

\* \* \*

(6) Grants shall be awarded to eligible employers on a first-come, first-served basis, subject to available funding.

\* \* \*

(e) Amount of grants.

(1) Employers may, subject to the limitations of subdivision (2) of this subsection, apply for grants to either reimburse the cost of COVID-19-related paid leave provided to employees or to provide funds to be used to pay the cost to retroactively provide paid leave to employees who took unpaid leave for COVID-19-related reasons.

~~(A) For reimbursement of COVID-19-related paid leave that was already provided, the employer may, subject to the limitations of subdivision (2) of this subsection (e), apply for a grant in an amount equal to the number of hours of COVID-19-related paid leave provided to each employee multiplied by the greater of either the minimum wage established pursuant to 21 V.S.A. § 384 or the employee's regular hourly wage.~~

~~(B) For COVID-19-related paid leave that will be provided retroactively to employees who took unpaid leave for COVID-19-related reasons, the employer may, subject to the limitations of subdivision (2) of this subsection (e), apply for a grant in an amount equal to the number of hours of COVID-19-related paid leave to be provided to each employee multiplied by the greater of either the minimum wage established pursuant to 21 V.S.A. § 384 or the employee's regular hourly wage.~~

\* \* \*

#### Sec. C.110 FUNDING OF POLYCHLORINATED BIPHENYLS (PCB) REMEDICATION AND REMOVAL IN SCHOOLS

(a) Education Fund; PCB appropriations. Notwithstanding 2022 Acts and Resolves No. 178, Sec. 2(b):

(1) the funds reserved within the Education Fund for purposes of investigation, remediation, and removal of PCBs from schools are unreserved; and

(2) the unexpended or unobligated amount of the \$2,500,000 transferred by the Emergency Board to the Agency of Education for PCB remediation shall revert to the Education Fund for further allocation.

(b) Agency of Education; PCB remediation and removal reimbursement.

(1) Notwithstanding 16 V.S.A. § 4025(d), \$29,500,000 and the unexpended funds identified under subdivision (a)(2) of this section shall be appropriated from the Education Fund to the Agency of Education in fiscal year 2024 for the following purposes:

(A)(i) Grants to schools in the State that are required to conduct remediation or removal of PCB contamination in the school after Agency of Natural Resources testing but have not received a grant from the Agency of Natural Resources for the costs of remediation or removal. The grants shall be in an amount sufficient to pay for 100 percent of the school's remediation or removal costs, including the costs incurred when necessary under State or federal law to relocate students to a facility during remediation or removal activities.

(B) Grants to schools in the State that conducted remediation or removal of PCBs in the school after Agency of Natural Resources testing and received a grant for 80 percent of the costs of remediation or removal from the Agency of Natural Resources. The grants under this subdivision (b)(1)(B) shall be in an amount that will reimburse the school for any remediation or removal costs not paid by the Agency of Natural Resources.

(C) A grant to the Burlington School District to reimburse the school district for the actual cost of demolition and removal of PCB contamination at Burlington High School, not to exceed \$16,000,000.

(c) Grant criteria. The Secretary of Education, after consultation with the Vermont School Boards Association, the Vermont Superintendents Association, the Vermont School Custodian and Maintenance Association, and other stakeholders, shall develop criteria for priority use of funds and criteria for the costs of remediation and removal of PCB contamination that will be eligible for a grant under subdivisions (b)(1)(A) and (B) of this section.

Sec. C.111 2022 Acts and Resolves No. 172, Sec. 8 is amended to read:

Sec. 8. MUNICIPAL ENERGY REVOLVING FUND; FY 2023  
APPROPRIATION TRANSFER; REPORT

(a) In FY 2023, Upon receipt of the following federal funds and 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:

\* \* \*

Sec. C.112 PUBLIC SAFETY COMMUNICATIONS SYSTEM; DISPATCH;  
INVENTORY; DESIGN

(a) The General Assembly finds that protecting public safety and welfare is an essential function of State government and it is in the public interest to establish a statewide reliable, secure, and interoperable public safety communications system, comprising integrated 911 call-taking and regional

dispatch systems, and to ensure that the system is equitably and sustainably financed and universally accessible by all persons throughout the State.

(b) It is not the intent of the General Assembly to establish a public safety communications system that disrupts or in any way jeopardizes the exceptional dispatch services currently in place or the existing 911 system, but rather to support, enhance, strengthen and build upon those efforts and initiatives.

(c) The transition to a public safety communications system as specified in subsection (a) of this section shall be overseen and managed by the Enhanced 911 Board, in consultation with the Commissioner of Public Safety, the Secretary of Digital Services, the Commissioner of Public Service, and relevant State and local public safety and government stakeholders. In addition, the Board is authorized to retain a project manager and one or more additional consultants with relevant expertise in public safety communications technology, design, and financing to assist with the requirements of this section.

(d) The establishment of a statewide public safety communications system shall occur in essentially three phases that include data collection and analysis, design, and implementation. Certain aspects of each phase may occur simultaneously as deemed appropriate by the Board.

(1) Data collection and analysis. On or before January 15, 2024, the Board shall conduct a complete inventory and assessment of all aspects of dispatch service currently provided in Vermont and, to the extent possible, dispatch service currently provided outside Vermont for response agencies located in Vermont, which shall include:

(A) an inventory of all existing dispatch infrastructure and equipment, including facilities, hardware, software, applications, and land mobile radio systems, referring to and incorporating any existing relevant data collected by a State or municipal entity;

(B) the number of full-time and part-time personnel currently performing dispatch service, taking into account personnel who have other responsibilities in addition to providing dispatch service;

(C) the current total spending on dispatch service in Vermont, taking into account all federal, State, and municipal appropriations and fees;

(D) in consultation with the Commissioner of Public Service and to the extent feasible, identification of the communications dead zones in the State, meaning those areas that lack the infrastructure to support public safety land-mobile-radio communications or cellular voice and data service, or both, and taking into consideration all cell towers that are part of the FirstNet statewide public safety radio access network; cellular mapping efforts



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conducted by the Department of Public Service; and any existing, relevant mapping data collected by a dispatch center or other entity;

(E) with the assistance of the Vermont League of Cities and Towns, a needs assessment to determine where and to what extent there are gaps in dispatch service or significant challenges to the delivery of dispatch service and to identify those municipalities that are likely to be most affected by either the curtailment of dispatch service from the two State-run public safety answering points or from a new financing mechanism for the continuation of such service;

(F) an assessment of the service provided by each dispatch center and identification of particular challenges or vulnerabilities, if any, including with regard to workforce, failover procedures, communications technology, costs, and governance; and

(G) collection and assessment of any other information the Board deems relevant.

(2) Design. On or before January 15, 2024, the Board shall develop findings and recommendations related to draft elements of a preliminary design for a public safety communications system, including identification of an implementation timeline and any additional data and resources needed to develop a final design on or before January 15, 2025. The final design shall include:

(A) technical and operational standards and protocols that ensure an interoperable and resilient system that incorporates computer-aided dispatch systems and land mobile radios;

(B) technology life cycle standards to ensure system and database upgrades are timely, sufficiently financed, and properly managed;

(C) system and database security and cybersecurity standards;

(D) continuity of operations standards and best practices that encompass failover procedures and other system redundancies to ensure the continuous performance of mission-critical operations;

(E) workforce training standards and other staffing best practices that support the retention and well-being of dispatch personnel;

(F) a resource allocation plan that ensures dispatch service is available in all regions of the State, including the establishment of new dispatch centers or expanded capacity and capability of existing dispatch centers, if deemed appropriate by the Board;

(G) a process for annually reviewing the budgets of dispatch centers;

(H) a recommended governance model to ensure effective State and regional oversight, management, and continuous improvement of the system, including identification of staffing or operational needs to support such oversight and management of the system by the Board or by another State agency, if deemed appropriate by the Board;

(I) cost estimates for implementing the system in Vermont, including operational and capital costs;

(J) an overview of sustainable and equitable financing mechanisms, taking into consideration:

(i) existing budgets for regional and local dispatch;

(ii) the population, grand list, and call volume of each municipality;

(iii) existing and potential State funding streams;

(iv) available federal funding opportunities for public safety agencies and emergency communications systems, including equipment, network infrastructure, and services;

(v) financing models adopted in other jurisdictions for public safety communications systems; and

(vi) any other standards or procedures deemed necessary or appropriate by the Board.

(e) On or before January 15, 2024, the Board shall submit the findings and recommendations required by subdivisions (d)(1) and (2) of this section in a written report to the Senate Committees on Government Operations and on Finance and the House Committees on Government Operations and Military Affairs, on Ways and Means, and on Environment and Energy.

Sec. C.113 2022 Acts and Resolves No. 185, Sec. B.1100 is amended to read:

Sec. B.1100 FISCAL YEAR 2023 ONE-TIME GENERAL FUND  
APPROPRIATIONS

\* \* \*

(b) \$11,000,000 is appropriated from the General Fund to the Department of Public Safety Enhanced 911 Board for regional dispatch funding. The funds are subject to the following conditions:

(1) \$4,500,000 shall be held in reserve until the report required by Sec. E.209.1 of this act is submitted and further approval to expend the funds is granted by the General Assembly. Up to \$2,000,000 shall be available for the retention of technical experts to assist the Executive Director of the E-911

Board with regional dispatch analysis and planning as required by legislation enacted in 2023.

(2) \$6,500,000 to provide grants to regional dispatch facilities upon approval of the Joint Fiscal Committee subsequent to review of a Regional Dispatch Facility grant plan submitted by the Commissioner of Public Safety. The plan shall include the extent to which federal funding sources may be available for regional dispatch \$9,000,000 shall be held in reserve until the report required by legislation enacted in 2023 is submitted and further approval to expend the funds is granted by the General Assembly.

(3) It is the intent of the General Assembly that the Department of Public Safety seek to draw and deploy the \$9,000,000 in Congressionally Directed Spending to support Vermont's transition to a modernized, regional communications network in a manner that coordinates with and advances the goals of the statewide public safety communications system designed by the E-911 Board. The Commissioner of Public Safety shall consult with the Executive Director of the E-911 Board as the federal parameters for expending the funds become available and as the Commissioner develops a plan to expend such funds. In addition, the Commissioner of Public Safety shall update the Joint Fiscal Committee on planned expenditures.

\* \* \*

#### Sec. C.114 ORGANIC DAIRY FARM ASSISTANCE PROGRAM

(a) The Agency of Agriculture, Food and Markets shall establish an organic dairy farm assistance program consistent with the requirements of this section.

(b) An organic dairy farm is eligible for assistance under this section if:

(1) the farm is currently operating as a dairy farm producing milk, either organic or conventional;

(2) the farm shipped organic milk or processed its own organic milk under the requirements of 6 V.S.A. chapter 151 during calendar year 2022 and provides documentation to the Agency of Agriculture, Food and Markets of the amount of organic milk shipped or processed during calendar year 2022 per hundredweight;

(3) the farm is in good standing with the Agency of Agriculture, Food and Markets; and

(4) the farm submits an application for assistance to the Agency of Agriculture, Food and Markets by a date specified by the Secretary of Agriculture, Food and Markets.

(c) The Agency of Agriculture, Food and Markets shall award eligible organic dairy farms financial assistance in the form of a grant in the amount of \$5 per hundredweight of organic milk shipped or sold by the organic dairy farm in calendar year 2022. Once the Agency of Agriculture, Food and Markets determines that applications under this section are administratively complete, the Agency shall process applications for payment in their order of receipt. If all funds appropriated for implementation of this section are awarded by the Agency, no further awards shall be made. If any funds appropriated for implementation of this section remain after all timely applications are processed, the remaining funds shall be transferred to the Working Lands Enterprise Fund not later than December 31, 2023 for distribution by the Working Lands Enterprise Board.

Sec. C.115 2022 Acts and Resolves No.185, Sec. G.600(a)(2), as amended by 2023 Acts and Resolves No. 3, is amended to read:

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:

\* \* \*

(2) \$35,000,000 to the Department of Public Service ~~to grant to contract with~~ 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~~ this purpose through December 31, 2026. Households approved for assistance in this section will also be offered services outlined in subdivision (4) of this subsection.

\* \* \*

Sec. C.116 2022 Acts and Resolves No. 182, Sec. 3 is amended to read:

Sec. 3. MANUFACTURED HOME IMPROVEMENT AND REPLACEMENT PROGRAM

Of the amounts available from federal COVID-19 relief funds, ~~the following amounts are~~ \$4,000,000 is appropriated to the Department of Housing and Community Development for the purposes specified:

(1) ~~\$2,500,000.00 for m-~~ Manufactured home community small-scale capital grants, through which the Department may award not more than \$20,000.00 for owners of manufactured housing communities to complete small-scale capital needs to help infill vacant lots with homes, which may include projects such as disposal of abandoned homes, lot grading/preparation,

site electrical box issues/upgrades, E911 safety issues, legal fees, transporting homes out of flood zones, individual septic system, and marketing to help make it easier for home-seekers to find vacant lots around the State.

(2) ~~\$750,000.00 for m-~~Manufactured home repair grants, through which the Department may award funding for minor rehab or accessibility projects, coordinated as possible with existing programs, for between 250 and 400 existing homes where the home is otherwise in good condition or in situations where the owner is unable to replace the home and the repair will keep them housed.

(3) ~~\$750,000.00 for n-~~New manufactured home foundation grants, through which the Department may award not more than \$15,000.00 per grant for a homeowner to pay for a foundation or HUD-approved slab, site preparation, skirting, tie-downs, and utility connections on vacant lots within manufactured home communities.

\* \* \*

\* \* \* Fiscal Year 2024 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 \$560,000 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 in excess of \$560,000 from the property transfer tax deposited into the Current Use Administration Special Fund shall be transferred into the General Fund.

(2) The sum of \$21,462,855 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Board (VHCB). Notwithstanding 10 V.S.A. § 312, amounts in excess of \$21,462,855 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) shall 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 2024 appropriation of \$21,462,855 to the Vermont Housing

and Conservation Board 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, it is the intent of the General Assembly that the \$1,500,000 reduction in the appropriation to the Vermont Housing and Conservation Board should be restored.

(3) The sum of \$7,545,993 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts in excess of \$7,545,993 from the property transfer tax that are deposited into the Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$7,545,993 shall be allocated for the following:

(A) \$6,211,650 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$898,283 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.100.1 LEGISLATIVE INTENT FOR FISCAL YEAR 2024

##### PLANNING FUNDS

(a) It is the intent of the General Assembly that at least \$500,000 of the increased planning funds provided in Sec. D.100 of this act be available for municipal bylaw modernization.

#### Sec. D.101 FUND TRANSFERS, REVERSIONS, AND RESERVES

(a) Notwithstanding any other provision of law to the contrary, the following amounts shall be transferred from the funds indicated:

(1) From the General Fund to:

(A) the Environmental Contingency Fund (21275): \$5,000,000;

(B) the Enhanced 9-1-1 Board Fund (21711): \$2,115,000;

(i) Of the funds transferred to the Enhanced 9-1-1 Board Fund in this subdivision, \$815,000 shall be used to support necessary 9-1-1 system upgrades beginning in fiscal year 2024;

(C) the Technology Modernization Special Fund (21951): \$10,000,000;

(D) the Cash Fund for Capital and Essential Investments (21952):

(i) \$17,600,000 for the Capital Infrastructure subaccount for use on capital projects as authorized in the capital bill and appropriated in this act; and

(ii) \$40,400,000 for the Other Infrastructure, Essential Investments, and Reserves subaccount for other expenditures and reserves as authorized by the General Assembly.

(E) the Tax Computer System Modernization Fund #21909: \$2,7000,000.

(2) From the Education Fund to:

(A) the Tax Computer System Modernization Fund #21909: \$1,100,000.

(3) From the Clean Water Fund (21932) established by 10 V.S.A. § 1388 to:

(A) the Agricultural Water Quality Special Fund (21933) created under 6 V.S.A. §4803: \$6,684,880; and

(B) the Lake in Crisis Response Program Special Fund (21938) created under 10 V.S.A. § 1315: \$120,000.

(4) From the Transportation Fund to:

(A) 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 2024:

(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>\$21,200,000</u>
	<u>Sports Wagering Fund</u>	<u>\$1,204,000</u>
	<u>Caledonia Fair</u>	<u>\$5,000</u>
	<u>North Country Hospital Loan Repayment</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 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 and reimbursement – Court order</u>	<u>\$1,000,000</u>
<u>621000</u>	<u>Unclaimed Property Fund</u>	<u>\$1,743,425</u>

(3) Notwithstanding 2016 Acts and Resolves No. 172, Sec. E. 228, \$60,044,000 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.

(c) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the General Fund from the accounts indicated:

<u>3400004000</u>	<u>Agency of Human Services – Secretary’s Office – Global Commitment</u>	<u>\$15,103,683</u>
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(d) Notwithstanding any provisions of law to the contrary, in fiscal year 2024 the following estimated General Fund reserves shall be made:

(1) Pursuant to 32 V.S.A. § 308, an estimated amount of \$1,669,311 shall be unreserved from the General Fund Budget Stabilization Reserve.

#### Sec. D.102 27/53 RESERVE

(a) \$5,350,000 General Fund shall be transferred to the 27/53 reserve in fiscal year 2023. This action is the fiscal year 2024 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 UNRESERVED; INCENTIVE SCHOLARSHIP FUNDS

(a) In fiscal year 2024, \$700,000 in general funds reserved per 2022 Act and Resolves No. 185, Sec. C.107.2(b) are unreserved and available for appropriation.

\* \* \* General Government \* \* \*

#### Sec. E.100 EXECUTIVE BRANCH POSITIONS

(a) The establishment of 80 permanent positions is authorized in fiscal year 2024 for the following:

(1) Permanent classified positions:

(A) Agency of Agriculture, Food and Markets:

(i) one Consumer Protection Specialist I; and



- 
- (ii) two Food Safety Specialist Is;
  - (B) Criminal Justice Council: two FIP Instructors;
  - (C) Department of Disabilities, Aging, and Independent Living:
    - (i) five Quality and Program Participant Specialists;
    - (ii) one Dementia Coordinator; and
    - (iii) three Public Guardians;
  - (D) Department of Financial Regulation: two Insurance Examiners;
  - (E) Department of Human Resources:
    - (i) one Compensation Analyst;
    - (ii) one Configuration Analyst II;
    - (iii) one Employee Support Specialist;
    - (iv) one FMLI Manager;
    - (v) one HR Administrator III;
    - (vi) one HR Administrator IV;
    - (vii) one HR Manager; and
    - (viii) one Talent Coordinator;
  - (F) Department of Liquor and Lottery:
    - (i) one Financial Analyst; and
    - (ii) one Sports Betting Director;
  - (G) Department of Mental Health:
    - (i) one Crisis Program Director;
    - (ii) one Mental Health Analyst I;
    - (iii) one Operations Manager; and
    - (iv) one Training and Curriculum Development Supervisor; and
    - (v) one Quality and Program Specialist;
  - (H) Department of Taxes – State Appraisal and Litigation Assistance Program:
    - (i) one Property Valuation and Review Program Manager;
  - (I) Office of the State Treasurer:
    - (i) one Program Technician;

(ii) one Administrative Services Coordinator;

(iii) one Financial Specialist III;

(iv) one Financial Manager I;

(v) one Financial Manager II; and

(vi) one Program Technician II;

(J) E911 Board:

(i) one Program Technician I;

(K) Department of Motor Vehicles:

(i) three Motor Vehicle Inspectors;

(L) Office of the Defender General:

(i) one Financial Director;

(M) Agency of Natural Resources:

(i) one Aquatic Invasive Species Prevention Specialist;

(N) Agency of Transportation – Highway Division:

(i) one Transportation Operations Technician III; and

(ii) one Transportation Technician IV.;

(O) Department for Children and Families – Child Development Division:

(i) one Business Applications Support Manager;

(ii) two Licensing Field Specialist Is;

(iii) one Child Care Business Tech;

(iv) two Administrative Services Coordinator IIs;

(v) one Program Integrity Investigator;

(vi) one Grants and Contracts Manager – Compliance.

(vii) one Business Application Support Specialist;

(viii) one Process and Policy Administrator;

(ix) one Business Project Manager;

(x) one Business Services Specialist II;

(xi) one Training and Curriculum Development Specialist;

(xii) one Communications and Outreach Coordinator;

- 
- (xiii) one Financial Manager II;
    - (xiv) two Grants and Contracts Managers; and
    - (xv) one Administrative Services Manager II;
  - (P) Department for Children and Families – Parental Leave Program:
    - (i) one Child Benefits Program Administrator;
  - (Q) Agency of Human Services – Central Office:
    - (i) three Quality and Program Specialists.
  - (2) Permanent exempt positions:
    - (A) Department of Taxes – State Appraisal and Litigation Assistance Program: one Staff Attorney;
    - (B) Agency of Commerce and Community Development – Division for Historic Preservation – Vermont Commission on Native American Affairs: one Executive Director;
    - (C) Human Rights Commission – one Staff Attorney;
    - (D) Office of the Attorney General – one private secretary; and
    - (E) Department of State’s Attorneys and Sheriffs:
      - (i) five Deputy State’s Attorneys;
      - (ii) one Victim Advocate; and
      - (iii) two Legal Assistants.
  - (b) The conversion of 46 limited service positions to classified permanent status is authorized in fiscal year 2024 as follows:
    - (1) Department of Public Safety, State Police:
      - (A) one Victim Services Specialist;
    - (2) Department of Vermont Health Access, Blueprint for Health Unit:
      - (A) one HCR Integration Manager;
    - (3) Department of Vermont Health Access, Health Care Reform Unit:
      - (A) one Administrative Services Manager I;
      - (B) five DVHA Program Consultants;
      - (C) one DVHA Quality Control Manager;
      - (D) one Health Reform Enterprise Director I;
      - (E) two Medicaid Operations Administrators;

- (F) one Project and Operations Director;
- (G) one Project and Operations Specialist; and
- (H) one Project Director;

(4) Department of Vermont Health Access, Medicaid Policy Fiscal and Support Unit:

- (A) two Audit Liaison/Internal Control positions;
- (B) three DVHA Healthcare QC Auditors;
- (C) one DVHA Healthcare QC CAP Auditor;
- (D) two DVHA Program and Operations Auditors;
- (E) one DVHA Program Consultant;
- (F) one Health Reform Enterprise Director I; and
- (G) one Nurse Auditor;

(5) Department of Vermont Health Access, Payment Reform/Reimbursement Unit:

- (A) one Admin HC Payment Reform Analytics position;
- (B) three Change Management Practitioners;
- (C) one Deputy Director of Payment Reform;
- (D) one Director of Operations for ACO Programs;
- (E) one Grant Programs Manager;
- (F) one Health Care Project Director;
- (G) one Payment Reform Special Project Lead; and
- (H) one Senior Policy Advisor; and

(6) Agency of Transportation – Aviation Program:

- (A) nine Airport Maintenance Workers;
- (B) one Airport Operations Specialist.

(c) The establishment of 10 new classified limited service positions is authorized in fiscal year 2024 as follows:

(1) Department for Children and Families for the Reach Ahead pilot program:

- (A) one Benefits Program Assistant Administrator; and
- (B) two Reach Up Case Manager IIs;

(2) Department for Children and Families – Parental Leave Program:

(A) one Process and Policy Administrator; and

(B) one Process and Performance Analyst;

(3) Department of Forests, Parks and Recreation:

(A) one Communications and Outreach Coordinator;

(B) one Climate Forester; and

(C) three Forester IIs.

(d) The establishment of 22 new exempt limited service positions is authorized in fiscal year 2024 as follows:

(1) Department of State’s Attorneys and Sheriffs:

(A) six Deputy State’s Attorneys;

(B) six State’s Attorney Legal Assistants;

(C) six State’s Attorney Victim Advocates; and

(D) four State’s Attorney Secretaries.

Sec. E.107 3 V.S.A. § 473 is amended to read:

\* \* \*

(c)(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.

(d) Contributions of State. As provided by law, the Retirement Board shall certify to the Governor or Governor-Elect a statement of the percentage of the payroll of all members sufficient to pay for all operating expenses of the Vermont State Retirement System and all contributions of the State that will become due and payable during the next biennium. The contributions of the State to pay the annual actuarially determined employer contribution and any additional amounts pursuant to section (c)(8) of this section shall be charged to the departmental appropriation from which members’ salaries are paid and shall be included in each departmental budgetary request. Annually, on or before September 15, the Commissioner of Finance and Management shall

provide to the Joint Fiscal Committee a breakdown of the components of the payroll charge applied to each department's budget for the current and next fiscal year. This report shall itemize the percentages of payroll assessments used to fund:

(1) the actuarially determined employer contribution to the Vermont State Retirement System;

(2) any additional payments made pursuant to section (c)(8) to the Vermont State Retirement System; and

(3) the employer contribution to the State Employees' Postemployment Benefits Trust Fund made pursuant to 3 V.S.A. § 479a (e)(3).

Sec. E.107.1 DEPARTMENT OF FINANCE AND MANAGEMENT;  
PENSION PLUS APPROPRIATION DIRECTIVE

(a) In fiscal year 2024, funds appropriated to the Department of Finance and Management/Agency of Administration in Sec. B.104.1 of this act to fund additional payments to the Vermont State Retirement System made pursuant to 3 V.S.A. § 473 (c)(8) may be directly deposited in the Vermont State Employees Retirement System fund. In fiscal years 2025 and 2026, funds appropriated for this purpose shall be distributed to departments and agencies up to the amount determined necessary by the Commissioner of Finance and Management to fund additional payments to the Vermont State Retirement System made pursuant to 3 V.S.A. § 473 (c)(8). Prior to distribution, the Commissioner shall require departments and agencies to demonstrate insufficient appropriation capacity to absorb the cost of the payroll charge assessed to fund the additional payments made pursuant to 3 V.S.A. § 473(c)(8). Any undistributed portion of this appropriation shall be reverted to the General Fund in fiscal year 2025. The Commissioner shall report to the Joint Fiscal Committee at its September 2023 meeting on the status of this appropriation.

Sec. E.108 3 V.S.A. § 479 is amended to read:

§ 479. GROUP INSURANCE

(a)(1) 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)(i) coverage in the group medical benefit plan provided by the State of Vermont for active State employees who are not eligible for Medicare;  
or

~~(B)~~(ii) 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 who are not eligible for Medicare and pursuant to the following, provided:

~~(i)~~(I) a member who has completed five years and less than 10 years of creditable service at the member's retirement shall pay the full cost of the premium;

~~(ii)~~(II) a member who has completed 10 years and less than 15 years of creditable service at the member's retirement shall pay 60 percent of the cost of the premium;

~~(iii)~~(III) a member who has completed 15 years and less than 20 years of creditable service at ~~his or her~~ the member's retirement shall pay 40 percent of the cost of the premium;

~~(iv)~~(IV) a member who has completed 20 years or more of creditable service at ~~his or her~~ the member's retirement shall pay 20 percent of the cost of the premium; and

~~(2)~~(B) 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.

(2) Notwithstanding any provision of subdivision (1)(A)(i) or (ii) of this subsection to the contrary, a member may be offered health coverage other than coverage in the group medical benefit plan provided by the State of Vermont for active State employees who are not eligible for Medicare if the following conditions are met:

(A) the alternative health coverage is substantially equivalent to the coverage offered through the group medical benefit plan provided by the State of Vermont for active State employees who are not eligible for Medicare; and

(B) the alternative health coverage is mutually agreeable to:

(i) the State;

(ii) the Vermont State Employees' Association;

(iii) the Vermont Troopers' Association; and

(iv) the Vermont Retired State Employees' Association.

(b) As of July 1, 2007, members of the Group C plan who separate from service prior to being eligible for retirement benefits under this chapter, who have 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 participate in the group medical benefit plan provided by the State of Vermont for active State employees who are not eligible for Medicare or any alternative health coverage provided pursuant to subdivision (a)(2) of this section. Premiums for the plan shall be prorated between the retired member and the Retirement System pursuant to section 631 of this title.

(c) Premiums for coverage of retired members of the Group C plan and their dependents in the group medical benefit plan or any alternative health coverage provided pursuant to subdivision (a)(2) of this section shall be prorated on the same basis as is provided for active employees by the current collective bargaining agreement for the nonmanagement unit. The amounts designated as the State's share of premium for the medical benefit plan and the total premium for group life insurance provided under subdivision (a)(2) of this section shall be paid by the Fund as an operating expense in accordance with subsection 473(d) of this title.

(d) After January 1, 2007, the State Treasurer may offer and administer a dental benefit plan for retired members, beneficiaries, eligible dependents, and eligible retirees of special affiliated groups and the dependents of members of those groups who are eligible for coverage in the State Employee Group Medical Benefit Plan or any alternative health coverage provided pursuant to subdivision (a)(2) of this section. The Plan shall be separate and apart from any dental benefit plan offered to Vermont State employees. The original plan of benefits, and any changes thereto, shall be determined by the State Treasurer with due consideration of recommendations from the Retired Employees' Committee on Insurance established in section 636 of this title.

\* \* \*

(3) Dependent eligibility shall be determined in the manner applied to determinations for coverage in the State Employee Medical Benefit Plan or any alternative health coverage provided pursuant to subdivision (a)(2) of this section.

(4) [Repealed.]

(e) As of January 1, 2007, and thereafter, upon retirement, members entitled to prorated group medical benefit plan premium payments from the Retirement System under the terms of this section shall have a one-time option to reduce the percentage of premium payments from the Retirement System during the member's life, with the provision that the Fund shall continue making an equal percentage of premium payments after the member's death for the life of the dependent beneficiary nominated by the member under



section 468 of this title, should such dependent beneficiary survive the member. The Retirement Board, after consultation with its actuary, shall establish reduced premium payment percentages that are as cost neutral to the Fund as possible.

(f) [Repealed.]

(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 who are not eligible for Medicare or any alternative health coverage provided pursuant to subdivision (a)(2) of this section, 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. E.108.1 3 V.S.A. § 925 is amended to read:

§ 925. MEDIATION; FACT FINDING

\* \* \*

(i)(1) In the case of the Vermont State Colleges or the University of Vermont, if the dispute remains unresolved 20 days after transmittal of findings and recommendations to the parties or within a time frame mutually agreed upon by the parties that may be not more than an additional 30 days, each party shall submit as a single package its last best offer on all disputed issues to the Board. Each party's last best offer shall be filed with the Board under seal and shall be unsealed and placed in the public record only when both parties' last best offers are filed with the Board. The Board shall hold one or more hearings. Within 30 days of the certifications, the Board shall select between the last best offers of the parties, considered in their entirety without amendment.

(2) In the case of the State of Vermont or the Department of State's Attorneys and Sheriffs, if the dispute remains unresolved 20 days after transmittal of findings and recommendations to the parties or within a time frame mutually agreed upon by the parties that may be not more than an additional 30 days, each party shall submit as a single package its last best offer on all disputed issues to the Board, or upon the request of either party, to an arbitrator mutually agreed upon by the parties. If the parties cannot agree

on an arbitrator, the American Arbitration Association shall appoint a neutral third party to act as arbitrator. Each party's last best offer shall be filed with the Board or the arbitrator under seal and shall be unsealed and placed in the public record only when both parties' last best offers are filed with the Board or the arbitrator. A party's last best offer shall not include a proposal to provide alternative health coverage to retired State employees that has not been agreed to pursuant to the provisions of subdivision 479(a)(2) of this title. The Board or the arbitrator shall hold one or more hearings. Within 30 days of the certifications, the Board or the arbitrator shall select between the last best offers of the parties, considered in their entirety without amendment.

\* \* \*

Sec. E.108.2 3 V.S.A. § 1018 is amended to read:

§ 1018. MEDIATION; FACT-FINDING; LAST BEST OFFER

\* \* \*

(i)(1) If the dispute remains unresolved 20 days after transmittal of findings and recommendations or within a period of time mutually agreed upon by the parties that may be not more than an additional 30 days, each party shall submit to the Board or, upon the request of either party, to an arbitrator mutually agreed upon by the parties its last best offer on all disputed issues as a single package. If the parties cannot agree on an arbitrator, the American Arbitration Association shall appoint a neutral third party to act as arbitrator.

(2) Each party's last best offer shall be:

(A) filed with the Board or the arbitrator under seal;

(B) certified to the Board or the arbitrator by the fact finder; and

(C) unsealed and placed in the public record only when both parties' last best offers are filed with the Board or the arbitrator.

(3) A party's last best offer shall not include a proposal to provide alternative health coverage to retired employees that has not been agreed to pursuant to the provisions of subdivision 479(a)(2) of this title.

(4) The Board or the arbitrator shall hold one or more hearings and consider the recommendations of the fact finder.

~~(4)~~(5)(A) Within 30 days of the certifications, the Board or the arbitrator shall select between the last best offers of the parties, considered in their entirety without amendment, and shall determine its cost.

\* \* \*

~~(5)~~(6) The Board or the arbitrator shall not issue an order under this subsection that is in conflict with any law or rule or that relates to an issue that is not bargainable.

~~(6)~~(7) The decision of the Board or the arbitrator shall be final and binding on the parties.

Sec. E.111.1a 32 V.S.A. § 3209 is added as to read:

§ 3209. TAX COMPUTER SYSTEM MODERNIZATION FUND

(a) The Tax Computer System Modernization Fund #21909, as established in the State Treasury per 2007 Acts and Resolves No. 65, Sec. 282 as amended, is a special fund to support information technology improvements and initiatives of the Department of Taxes. Balances in the Fund shall be administered by the Department of Taxes and used exclusively for the purposes prescribed in subsection (c) of this section. Balances in the Fund at the end of each fiscal year shall be carried forward and remain part of the Fund. Interest earned by the Fund shall be deposited into the Fund.

(b) The Fund shall receive annual transfers from the General Fund and the Education Fund in amounts not to exceed 0.21 percent of total revenue collected in the prior fiscal year by the Department of Taxes. The fund may receive other receipts as directed or authorized by the General Assembly.

(c) The Fund shall be used for the development, implementation, enhancement, and maintenance of information technology systems and services for the administration of taxes and programs administered by the Department. This shall include requests for proposal, business requirements, analysis, implementation of new tax types, enhancements to existing systems, and payments due to vendors of information technology systems and services.

(d) The Commissioner of Taxes shall submit an annual report on the receipts, expenditures, and balances in the Tax Computer System Modernization Fund to the Joint Fiscal Committee each year at or prior to the Committee's November meeting each year.

Sec. E.111.1b TAX COMPUTER SYSTEM MODERNIZATION FUND TRANSFER

(a) Any remaining funds on June 30, 2023 in the Tax Computer System Modernization Fund established by 2007 Acts and Resolves No. 65, Sec. 282, and amended from time to time, shall be deposited into the fund established by 32 V.S.A. § 3209.

Sec. E.111.2 24 V.S.A. § 138(c) is amended to read:

(c) Any tax imposed under the authority of this section shall be collected and administered by the Department of Taxes, in accordance with State law governing such State tax or taxes; provided, however, that a sales tax imposed under this section shall be collected on each sale that is subject to the Vermont sales tax using a destination basis for taxation. Except with respect to taxes collected on the sale of aviation jet fuel, a per-return fee of \$5.96 shall be assessed ~~to compensate the Department for the costs of administration and collection,~~ 70 percent of which shall be borne by the municipality, and 30 percent of which shall be borne by the State to be paid from the PILOT Special Fund. Notwithstanding any provision of law or municipal charter to the contrary, revenue from the fee shall be used to compensate the Department for the costs of administering and collecting the local option tax and of administering the State appraisal and litigation program established in 32 V.S.A. § 5413. The fee shall be subject to the provisions of 32 V.S.A. § 605.

Sec. E.124 2018 (Sp. Sess.) Acts and Resolves No. 9, Sec. 8 is amended to read:

Sec. 8. REPEAL

~~On June 30, 2024:~~

~~(1) Sec. 3 of this act (creating the Executive Director of Racial Equity and Racial Equity Advisory Panel in 3 V.S.A. chapter 68) is repealed and the Executive Director position and Panel shall cease to exist; and~~

~~(2) Sec. 4 of this act (authorization for the Executive Director of Racial Equity position) is repealed. [Repealed.]~~

Sec. E.124.1 COUNCIL ON HOUSING AND HOMELESSNESS; INTENT

(a) It is the intent of the Vermont General Assembly to support the work of the Governor's Council on Housing and Homelessness, focusing on strategies for affordability and solving homelessness. The Council is encouraged to review and inventory the affordable housing that has been developed since January 2020, including the various public and private financing sources that have been utilized. Based on this review and analysis of the need for affordable housing construction, the Council is asked to provide recommendations for consideration by the General Assembly. The Council is also encouraged to review and inventory available housing assistance programs and funding levels. Based on this review and analysis of the need for housing assistance for vulnerable and low income Vermonters, the Council

is asked to provide recommendations for consideration by the General Assembly, including the potential to maximize supported housing programs within the State's Medicaid Global Commitment program.

Sec. E.124.2 PREVENTION PROGRAMS; REPORT

(a) The Chief Prevention Officer shall, in collaboration with the Department of Health, review and report to the General Assembly on all existing prevention programs in the State. The report shall include an assessment of the level of funding and funding sources of these programs as well as a needs assessment. The Chief Prevention Officer shall submit a written report to the General Assembly on or before December 1, 2023.

Sec. E.125 2022 Acts and Resolves No. 126, Sec. 2 is amended to read:

Sec. 2. REPORT ON ACCESS TO CIVIL JUSTICE REMEDIES AND LAW ENFORCEMENT QUALIFIED IMMUNITY IN VERMONT

(a) On or before November 15, ~~2022~~ 2023, 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:

\* \* \*

Sec. E.125.1 REVIEW OF WORKFORCE INCENTIVES, LOANS, AND SCHOLARSHIP PROGRAMS

(a) On or before January 15, 2024, the Office of Legislative Counsel and the Joint Fiscal Office, in collaboration with the Agency of Human Services, the Department of Mental Health, the Department of Health, the Department of Disabilities, Aging, and Independent Living, the Vermont Student Assistance Corporation (VSAC), and the Office of Primary Care and Area Health Education Centers (AHEC) Program at the University of Vermont Larner College of Medicine shall issue a written report to the House and Senate Committees on Appropriations including:

(1) a complete inventory of existing State programs that provide workforce incentives in the form of scholarships, forgivable loans or loan repayment grants for a specified service obligation or other incentives with the objective of increasing the number of practitioners in health care and other social service occupations in Vermont;

(2) a summary of the amount and sources of funds for each program, both base and one-time, and any anticipated carryforward of unobligated balances at the close of fiscal year 2023;

(3) recommendations for streamlining or restructuring the existing programs with the goal of consolidating administration and making the programs easily accessible to potential students and existing or potential staff. There should be consideration of the level of program specificity that should be included in statute or remain within the authority of the administering entities. The report shall include the authorizing statute for each program and necessary statutory amendments to accomplish the recommendations.

Sec. E.127 FISCAL YEAR 2024 FEE REPORT; NATURAL RESOURCES  
AND HUMAN SERVICES; NATURAL RESOURCES BOARD;  
VETERANS' HOME

(a) Fiscal Year 2024 Fee Information. The Secretary of Natural Resources, the Secretary of Human Services, the Executive Director of the Natural Resources Board, and the Chief Executive Officer of the Vermont Veterans' Home shall, in collaboration with the Joint Fiscal Office, prepare a comprehensive fee report for the Agency of Natural Resources, the Agency of Human Services, the Natural Resources Board, and the Vermont Veterans' Home, respectively, for each fee in existence on July 1, 2023. Each fee report shall contain the following information:

(1) the statutory authorization and termination date, if any;

(2) the current rate or amount and date the fee was last set or adjusted by the General Assembly or Joint Fiscal Committee;

(3) the Fund into which the fee revenues are deposited;

(4) the revenues derived from each fee in the previous five fiscal years;

(5) the number of instances that each fee was paid in the two most recent fiscal years;

(6) a projection for fee revenues in the current fiscal year and the next fiscal year;

(7) a description of the service or product provided or the regulatory function performed;

(8) the relationship between the revenue raised and the cost of the service, product, or regulatory function supported by the fee;

(9) the amount of the fee if it would have been adjusted by inflation since the fee was last set;

(10) for any fees deposited in a special fund, the percent of the special fund that the fee represents;

(11) whether any comparable fees exist in other jurisdictions;

(11) any policies that might affect the viability of the fee amount; and

(12) any other relevant considerations for setting the fee amount.

(b) Reports.

(1) On or before October 15, 2023, the Secretary of Natural Resources, the Secretary of Human Services, the Executive Director of the Natural Resources Board, and the Chief Executive Officer of the Vermont Veterans' Home shall each submit a written draft report of the fiscal year 2024 fee information described in subsection (a) of this section to the Joint Fiscal Office for review and feedback. The Secretary of Natural Resources, the Secretary of Human Services, the Executive Director of the Natural Resources Board, and the Chief Executive Officer of the Vermont Veterans' Home shall each work with the Joint Fiscal Office to respond to feedback prior to submission of the final report described in subdivision (2) of this subsection.

(2) On or before December 15, 2023, the Secretary of Natural Resources, the Secretary of Human Services, the Executive Director of the Natural Resources Board, and the Chief Executive Officer of the Vermont Veterans' Home shall each submit a written final report of the fiscal year 2024 fee information described in subsection (a) of this section to the House Committees on Appropriations and on Ways and Means and the Senate Committees on Appropriations and on Finance.

(3) If any of the information on any fee that is requested in this section cannot be provided, the Secretary of Natural Resources, the Secretary of Human Services, the Executive Director of the Natural Resources Board, and the Chief Executive Officer of the Vermont Veterans' Home shall include in both the draft and final reports described in this subsection (b) a written explanation for why the information is not available.

(c) Fee Report Moratorium. Notwithstanding 32 V.S.A. § 605, in fiscal year 2024, the Governor shall not be required to submit the consolidated Executive Branch fee report and request to the General Assembly.

#### Sec. E.128 OFFICE OF THE SERGEANT AT ARMS; NEW POSITIONS

(a) The establishment of two new permanent exempt Capitol Police Officer positions in the Office of the Sergeant at Arms are authorized in fiscal year 2024.

Sec. E.128.1 2021 Acts and Resolves No. 74, Sec. E.126(a) is amended to read:

Sec. E.126a LEGISLATIVE – HUMAN RESOURCES ASSOCIATE  
POSITION

(a) One ~~limited-service~~ permanent exempt position, Human Resources Associate Generalist, is authorized for establishment in fiscal year 2022.

Sec. E.128.2 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 2024 Farmers' Night Concert Series and who are not otherwise sponsored or compensated for their participation.

Sec. E.131 STATE TREASURER'S OFFICE – VCBB ESCROW ACCOUNT

(a) In fiscal year 2024, pursuant to 10 V.S.A. § 10, the Treasurer is authorized to use up to \$20,000,000 of the State's average cash balance to establish an escrow account for the exclusive benefit of the Vermont Community Broadband Board and for the sole purpose of securing federal funding under the National Telecommunications and Information Administration's Enabling Middle Mile Broadband Infrastructure Program.

(b) On or before January 15, 2024, the Vermont Community Broadband Board shall submit a recommendation to the House and Senate Committees on Appropriations with a recommendation for legislative action to create a long-term funding plan for the Enabling Middle Mile Broadband Infrastructure Program.

Sec. E. 131.1 TREASURER CLIMATE INFRASTRUCTURE FINANCING  
COORDINATION

(a) The Treasurer may use funds appropriated in fiscal year 2024 to coordinate the State's climate infrastructure financing efforts. Use of funds can include administrative costs and third party consultation. The Treasurer will collaborate with, among others, the Vermont Climate Council, the Agency of Natural Resources – Climate Action Office, the Public Service Department, Vermont members of the Coalition for Green Capital, and the three financial instrumentalities of the State to create a framework for effective collaboration among Vermont organizations, agencies, and the financial instrumentalities of the State to maximize the amount of federal Greenhouse Gas Reduction Funds the State may receive and effectively coordinate the deployment of these and other greenhouse gas reduction funds. The Treasurer shall submit



recommendations to the General Assembly regarding legislation for Vermont's climate infrastructure financing on or before January 15, 2024.

Sec. E.131.2 SCHOOL CONSTRUCTION AID TASK FORCE; REPORT

(a) Creation. The School Construction Aid Task Force is created to examine, evaluate, and report on issues relating to school construction aid.

(b) Membership. The Task Force shall be composed of the following members:

(1) two current members of the House of Representatives, who shall be appointed by the Speaker of the House;

(2) two current members of the Senate, who shall be appointed by the Committee on Committees;

(3) the State Treasurer or designee, who shall serve as co-chair;

(4) the Secretary of Education or designee, who shall serve as co-chair;

(5) the Executive Director of the Vermont National Education Association or designee;

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

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

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

(9) the Executive Director of the Municipal Bond Bank or designee;

(10) the President of the Vermont School Custodians and Maintenance Association or designee;

(11) a person with expertise in historic preservation, appointed by the Governor;

(12) a person with expertise in the construction industry specializing in school facilities projects, appointed by the Governor;

(13) a member of the American Industrial Hygiene Association, appointed by the Governor; and;

(14) a person with expertise in school energy efficiency and energy performance contracting, who shall be appointed by the Governor.

(c) Powers and duties. The Task Force shall review the results of the statewide school facilities inventory and conditions assessment and the school construction funding report required by 2021 Acts and Resolves No. 72 and study the following issues relating to school construction aid:

(1) the needs, both programmatic and health and safety, of statewide school construction projects;

(2) funding options for a statewide school construction program, including any incentive plans;

(3) a governance structure for the oversight and management of a school construction aid program;

(4) the appropriate state action level for response to polychlorinated biphenyl contamination in a school; and

(5) criteria for prioritizing school construction funding.

(d) Assistance.

(1) The Task Force shall have the administrative, technical, and legal assistance of the Agency of Education, the Department of Health, and the Office of the State Treasurer.

(2) The Office of the State Treasurer is authorized to contract for services for the Task Force for technical assistance from a school construction expert and any administrative, technical, financial, or legal assistance required by the Task Force.

(e) Report. On or before January 15, 2024, the Task Force shall submit a written report to the House Committees on Corrections and Institutions, on Education, and on Ways and Means and the Senate Committees on Education, on Finance, and on Institutions with its findings and any recommendations for legislative action, including a recommendation on how the State should expend the funding in the Education Fund reserved for future school construction.

(f) Meetings.

(1) The State Treasurer shall call the first meeting of the Task Force to occur on or before July 15, 2023.

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

(3) The Task Force shall cease to exist on July 1, 2024.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force serving in the member's capacity as a legislator shall be entitled to per diem compensation and

reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than 10 meetings. These payments shall be made from monies appropriated to the General Assembly.

(2) Other members of the Task Force shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than 10 meetings. These payments shall be made from monies appropriated to the Office of the State Treasurer.

Sec. E.133 VERMONT RETIREMENT SYSTEMS AND VERMONT  
PENSION INVESTMENT COMMISSION; SOURCE OF  
FUNDS

(a) Of the \$2,990,679 appropriated in Sec. B.133 of this act, \$2,018,947 constitutes the Vermont State Employees' Retirement System operating budget, and \$971,732 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to the Vermont State Employees' Retirement System.

Sec. E.134 VERMONT RETIREMENT SYSTEMS AND VERMONT  
PENSION INVESTMENT COMMISSION; OPERATING  
BUDGET

(a) Of the \$1,721,823 appropriated in Sec. B.134 of this act, \$1,361,777 constitutes the Vermont Municipal Employees' Retirement System operating budget, and \$360,046 constitutes the portion of the Vermont Pension Investment Commission.

Sec. E.139 GRAND LIST LITIGATION ASSISTANCE

(a) Of the appropriation 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 hydroelectric plants and other expenses incurred to undertake utility property appraisals in the State of Vermont.

Sec. E.142 PAYMENTS IN LIEU OF TAXES

(a) The appropriation in Sec. B.142 of this act is for State payments in lieu of property taxes under 32 V.S.A. chapter 123, subchapter 4. 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 of this act do not exceed 100 percent of the assessed value of State buildings as defined by 32 V.S.A. § 3701(2).

Sec. E.143 PAYMENTS IN LIEU OF TAXES – MONTPELIER

(a) Payments in lieu of taxes under Sec. B.143 of this act 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 Sec. B.144 of this act shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

\* \* \* Protection \* \* \*

Sec. E.200 ATTORNEY GENERAL

(a) Notwithstanding any provision of law to the contrary, 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.204 JUDICIARY; NEW POSITIONS

(a) The establishment of seven new permanent exempt positions at the Judiciary are authorized in fiscal year 2024: five Judicial Assistants, one Superior Judge, and one Law Clerk.

(b) The Superior Judge position created pursuant to this section:

(1) shall be for a six-year term of office commencing on April 1, 2023, irrespective of the date when the initial appointment is made; and

(2) shall be subject to the judicial retention process under Chapter II, Sec. 34 of the Vermont Constitution.

Sec. E.204.1. 13 V.S.A. § 7282 is amended to read:

§ 7282. SURCHARGE

(a) In addition to any penalty or fine imposed by the court or ~~Judicial Bureau~~ for a criminal offense or any civil penalty imposed by the Judicial

Bureau for a traffic violation, including any violation of a fish and wildlife statute or regulation, violation of a motor vehicle statute, or violation of any local ordinance relating to the operation of a motor vehicle, except violations relating to seat belts and child restraints and ordinances relating to parking violations, the clerk of the court or Judicial Bureau shall levy an additional surcharge of:

\* \* \*

(8)(A) For any offense or violation committed after June 30, 2006, but before July 1, 2008, \$26.00, of which \$18.75 shall be deposited in the Victims Compensation Special Fund.

(B) For any offense or violation committed after June 30, 2008, but before July 1, 2009, \$36.00, of which \$28.75 shall be deposited in the Victims' Compensation Special Fund.

(C) For any offense or violation committed after June 30, 2009, but before July 1, 2013, \$41, of which ~~\$23.75~~ \$27.50 shall be deposited in the Victims Compensation Special Fund created by section 5359 of this title, and of which ~~\$10.00~~ \$13.50 shall be deposited in the Domestic and Sexual Violence Special Fund created by section 5360 of this title.

(D) For any offense or violation committed after June 30, 2013, \$47.00, of which ~~\$29.75~~ \$33.50 shall be deposited in the Victims Compensation Special Fund created by section 5359 of this title, and of which ~~\$10.00~~ \$13.50 shall be deposited in the Domestic and Sexual Violence Special Fund created by section 5360 of this title.

\* \* \*

(c) ~~SUI~~ SIU surcharge. In addition to any penalty or fine imposed by the court or Judicial Bureau for a criminal offense committed after July 1, 2009, the clerk of the court or Judicial Bureau shall levy an additional surcharge of \$100.00 to be deposited in the General Fund, in support of the Specialized Investigative Unit Grants Board created in 24 V.S.A. § 1940(c), and used to pay for the costs of Specialized Investigative Units.

#### 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 Essex County Sheriff.

## Sec. E.209 PUBLIC SAFETY – STATE POLICE

(a) Of the General Fund appropriation in Sec. B.209 of this act, \$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 of this act, \$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 the Drug Task Force or carried forward.

## Sec. E.212 PUBLIC SAFETY – FIRE SAFETY

(a) Of the General Fund appropriation in Sec. B.212 of this act, \$55,000 shall be granted to the Vermont Rural Fire Protection Task Force to design 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.223 9 V.S.A. § 2730 is amended to read:

§ 2730. LICENSING FOR OPERATION OF WEIGHING AND  
MEASURING DEVICES

(a) As used in this section:

\* \* \*

(14) “Electric vehicle supply equipment” and “electric vehicle supply equipment available to the public” have the same meanings as in 30 V.S.A. § 201.

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\* \* \*

(f)(1) The Secretary shall charge, per unit, the following annual license fees:

(A) Retail motor fuel dispenser meter: \$25.00.

\* \* \*

(E) Each distinct plug-in connection point of electric vehicle supply equipment available to the public: \$25.00.

Sec. E.232 30 V.S.A. § 3085 is added to read:

§ 3085. CERTIFICATE OF GOOD STANDING

(a) A district may apply to the Secretary of State for a certificate of good standing.

(b) A certificate of good standing shall include:

(1) the official name of the district;

(2) that the district is duly formed pursuant to this chapter;

(3) the date of the district's formation;

(3) that the fee required by this section has been paid; and

(4) that a plan of dissolution for the district has not been approved pursuant to section 3083 of this chapter.

(c) Subject to any qualification stated in the certificate, a certificate of good standing issued by the Secretary of State may be:

(1) relied upon as conclusive evidence that the district is in existence and is authorized to deliver communications services and operate a communications plant pursuant to this chapter; and

(2) taken as prima facie evidence of the facts stated in the certificate.

(d) A district that applies for a certificate of good standing under this section shall pay to the Secretary of State a nonrefundable application fee of \$25.00.

\* \* \* Human Services \* \* \*

Sec. E.300 FUNDING FOR THE OFFICE OF THE HEALTH CARE ADVOCATE; VERMONT LEGAL AID

(a) Of the funds appropriated in Sec. B.300 of this act:

(1) \$1,847,406 shall be used for the contract with the Office of the Health Care Advocate;

(2) \$1,717,994 for Vermont Legal Aid services, including the Poverty Law Project and mental health services; and

(3) \$650,000 is for the purposes of maintaining current Vermont Legal Aid program capacity and addressing increased requests for services, including eviction prevention and protection from foreclosure and consumer debt.

Sec. E.300.1 DESIGNATED AND SPECIALIZED SERVICE AGENCIES;  
INCREASE

(a) In fiscal year 2024, the Agency of Human Services shall increase funding to the designated and specialized service agencies in the following manner:

(1) A three percent base increase.

(2) The remaining fund increase shall be used to provide payment equity across the provider agencies. These funds shall be distributed as determined by the Agency of Human Service in the annual agreements or appropriate valuation model allocations for providers. The Agency shall report to the General Assembly in the fiscal year 2023 budget adjustment process on the status of these payment changes and shall recommend the reallocation of funding across budget line items if necessary.

Sec. E.300.2 BLUEPRINT FOR HEALTH HUB AND SPOKE PROGRAM  
PILOT; FUND SOURCES

(a) The Agency of Human Services, in collaboration with the Departments of Vermont Health Access and of Health, shall identify alternative fund sources, including sales tax revenue from tobacco, cannabis, and liquor, for ongoing funding of the Blueprint for Health Hub and Spoke program and shall update the Joint Fiscal Committee on its findings on or before November 15, 2023.

Sec. E.301 SECRETARY'S OFFICE – GLOBAL COMMITMENT

(a) The Agency of Human Services shall use the funds appropriated in Sec. B.301 of this act 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 to Health Section 1115 demonstration (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 Sec. B.301 of this act, a total estimated sum of \$25,231,644 is anticipated to be certified as State matching funds under Global Commitment as follows:



(1) \$21,957,400 certified State match available from local education agencies for eligible special education school-based Medicaid services under Global Commitment. This amount, combined with \$28,542,600 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) \$3,093,521 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) To facilitate the end-of-year closeout for fiscal year 2024, 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 of Human Services 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 Committee's September 2024 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 to Health Section 1115 demonstration approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

Sec. E.301.2 2022 Acts and Resolves No. 83, Sec. 72a, as amended by 2022 Acts and Resolves No. 185, Sec. C.105 is further amended to read:

\* \* \*

(f) The Global Commitment Fund appropriated in subsection (e) of this section may be obligated in fiscal year 2023 and fiscal year 2024 for the purposes of bringing HCBS plan spending authority forward into fiscal year 2024 and fiscal year 2025, respectively. The funds appropriated in subsections

(b), (c), and (e) of this section may be transferred on a net-neutral basis in fiscal year 2023 and fiscal year 2024 in the same manner as the Global Commitment appropriations in Sec. E.301 of H.740 of 2022 2022 Acts and Resolves No. 185, Sec. E.301. The Agency shall report to the Joint Fiscal Committee in September 2023 and September 2024, respectively, on transfers of appropriations made and final amounts expended by each department in fiscal year 2023 and fiscal year 2024, respectively, and any obligated funds carried forward to be expended in fiscal year 2024 and fiscal year 2025, respectively.

#### 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, 2024, but only if new State or federal law or guidance requires 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 2013 Acts and Resolves No. 73, Sec. 60(10), as amended by 2017 Acts and Resolves No. 73, Sec. 14, 2018 Acts and Resolves No. 187, Sec. 5, 2019 Acts and Resolves No. 71, Sec. 21, and 2021 Acts and Resolves No. 73, Sec. 14, is further amended to read:

(10) Secs. 48–51 (health claims tax) shall take effect on July 1, 2013 and Sec. 52 (Health IT-Fund; sunset) shall take effect on July 1, ~~2023~~ 2025.

Sec. E.306.2 2019 Acts and Resolves No. 6, Sec. 105, as amended by 2019 Acts and Resolves No. 71, Sec. 19 and 2022 Acts and Resolves No. 83, Sec. 75, 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, ~~2023~~ 2025.

\* \* \*

Sec. E.307 2022 Acts and Resolves No. 185, Sec. E.334.1 is amended to read:

Sec. E.334.1 LONG-TERM CARE – PERSONAL NEEDS ALLOWANCE INCREASE

(a) The amount of the State supplement for Medicaid beneficiaries who reside in a nursing home and receive Supplemental Security Income shall increase by 10 percent to the degree practicable effective January 1, 2023 but not later than January 1, 2024.

(b) The amount of the personal needs allowance for all Medicaid beneficiaries who reside in a nursing home shall increase by 10 percent to the degree practicable effective January 1, 2023 but not later than January 1, 2024.

Sec. E.307.1 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:

\* \* \*

(2)(A) Diagnostic, restorative, and endodontic procedures, to a maximum of ~~\$1,000.00~~ \$1,500.00 per calendar year, provided that the Department of Vermont Health Access may ~~approve~~ adjust the maximum pursuant to the process outlined in subdivision (B) of this subdivision (2) and may approve expenditures in excess of that amount when exceptional medical circumstances so require.

(B) The Department may set the maximum for coverage of diagnostic, restorative, and endodontic procedures in excess of the amount set forth in subdivision (A) of this subdivision (2) for a calendar year based on the Department's annual assessment of available funds, provided that the Department submit a report to the House Committee on Health Care, the Senate Committee on Health and Welfare, and the House and Senate Committees on Appropriations, or to the Joint Fiscal Committee if the General Assembly is not in session, each time the Department adjusts the maximum.

\* \* \*

Sec. E.312 HEALTH – PUBLIC HEALTH

(a) AIDS/HIV funding:

(1) In fiscal year 2024, the Department of Health shall provide grants in the amount of \$475,000 in AIDS Medication Rebates special funds to 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 2024, 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 act.

(B) 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 2024, 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 2024, the Department of Health shall provide grants in the amount of \$300,000 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 shall be State fiscal year 2024. Grant reporting shall include outcomes and results.

(6) In fiscal year 2024, the Department of Health shall not reduce any grants to Vermont AIDS service and peer-support organizations or syringe service programs from funds appropriated for AIDS/HIV services to levels below those in fiscal year 2023 without receiving prior approval from the Joint Fiscal Committee.

Sec. E.312.1 DEPARTMENT OF HEALTH: EMERGENCY MEDICAL SERVICES COORDINATION; REPORT

(a) The Commissioner of Health shall provide a report to the General Assembly on or before January 15, 2024, on Emergency Medical Services in Vermont.

(b) The Commissioner shall design and conduct a stakeholder engagement process that ensures input and representation from all types of emergency medical service providers serving Vermonters, as well as hospital and health systems, public safety, and municipal government.

(c) The report shall identify issues and provide recommendations for legislative consideration that will sustain and improve the provision of emergency medical services for Vermonters. This may include:

(1) issues related to costs of service and existing funding models;

(2) issues related to coordination across agencies; and

(3) issues related to EMS District structure and authority, including consideration of recommendations on the number and configuration of EMS Districts and their powers, duties, and authority.

Sec. E.312.2 18 V.S.A. § 13 is added to read:

§ 13. COMMUNITY VIOLENCE PREVENTION PROGRAM

(a) There is established the Community Violence Prevention Program to be administered by the Department of Health in consultation and collaboration with the Chief Prevention Officer, the Department of Public Safety, the Director of Violence Prevention, and the Executive Director of Racial Equity.

The Program shall work with communities to implement innovative, evidence-based, and evidence-informed programs addressing causes of youth and community violence. Grants awarded pursuant to this section shall be at the discretion of the Commissioner of Health and shall build on and complement existing programs addressing the causes of youth and community violence.

(b)(1) A Vermont municipality or nonprofit organization may submit an application for a Community Violence Prevention Program grant to the Commissioner of Health. Grants awarded under this section shall be for the purpose of funding innovative, evidence-based, or evidence-informed approaches to reducing violence and associated community harm.

(2) The Commissioner of Health, in consultation with the Department of Public Safety and the Executive Director of Racial Equity, shall develop and publish guidelines, for the award of Community Violence Prevention grants. The guidelines shall include a focus on increasing community capacity to implement approaches for human services, public health, and public safety collaboration to address root causes of community violence through data-driven projects.

(c) The Community Violence Prevention Program shall collect data to monitor youth and community violence and its related risk and protective factors and to evaluate the impact of prevention efforts and shall use the data to plan and implement programs. The Program shall use monitoring and evaluation data to track the impact of interventions.

#### Sec. E.312.3 COMMUNITY VIOLENCE PREVENTION PROGRAM; FUNDING

(a) Grants awarded from State funds to the Community Violence Prevention Program established by 18 V.S.A. § 13 shall be dependent upon the amount of the appropriation.

(b) The Department of Health is authorized to seek and accept grant funding for the purpose of supporting the Community Violence Prevention Program to supplement State appropriations.

(c) If funding is available for the Community Violence Prevention Program from federal grants or legal settlements related to drug use or criminal activity:

(1) such federal or settlement funds shall be utilized ahead of General Funds if allowed.

#### Sec. E.313 HEALTH; SUBSTANCE USE PROGRAMS

(a) In fiscal year 2024, the Department of Health shall provide additional grants from the Global Commitment fund in the amount of \$1,850,000 to Vermont's 12 recovery centers. The methods by which these funds are

distributed shall be determined by mutual agreement of the Department and the recipients. The performance period of these grants shall be State fiscal year 2024. Recipients shall report outcomes to the Department.

(b) The Department of Health shall review and analyze the capital and operating model for recovery residences. This shall include the portion of capital investment for these facilities that is privately and publicly financed, a description of the existing operating models of these facilities, existence and content of sustainability plans, the current operating margins net of rental income generated and the array of existing other operating funding available to the facilities, and the annual amounts of depreciation claimed by investors related to these facilities. The Department shall report to the General Assembly on this analysis and any related recommendations.

Sec. E.321 GENERAL ASSISTANCE HOUSING: ADVERSE WEATHER CONDITIONS

(a) The Commissioner for Children and Families may, by policy, provide temporary housing for a limited duration in adverse weather conditions when appropriate shelter space is not available.

Sec. E.323 33 V.S.A. § 1001 is amended to read:

§ 1001. DEFINITIONS

As used in this chapter:

~~(1) “Able to work” means to be free of any physical, emotional, or mental condition that would prevent the individual from engaging in any combination of the work activities for at least 35 hours per week. [Repealed.]~~

~~(2) “Able to work part time” means having a physical, emotional, or mental condition that would allow the individual to engage in any combination of the work activities for at least 10 hours per week but would prevent the individual from engaging in such activities for 35 or more hours per week. [Repealed.]~~

\* \* \*

~~(25) “Unable to work” means not able to work and not able to work part time. [Repealed.]~~

~~(26) “Work activities” means the following activities limited to the extent and degree that they are allowed and countable in accordance with Part A of Title IV of the Social Security Act:~~

~~(A) unsubsidized employment;~~

~~(B) subsidized private sector employment;~~

- ~~(C) subsidized public sector employment;~~
- ~~(D) work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;~~
- ~~(E) on-the-job training;~~
- ~~(F) job search and job readiness assistance;~~
- ~~(G) community service programs;~~
- ~~(H) vocational educational training (not to exceed 12 months with respect to any individual);~~
- ~~(I) job skills training directly related to employment;~~
- ~~(J) education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;~~
- ~~(K) satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate;~~
- ~~(L) the provision, consistent with the Department's rules applicable to self-employment, of child care services to an individual who is participating in a community service program;~~
- ~~(M) attendance at a financial literacy class; and~~
- ~~(N) any other work activity recognized in accordance with Part A of Title IV of the Social Security Act, as amended. [Repealed.]~~

~~(27) "Work-ready" means the participant possesses the education or skills demanded by the local job market or is capable of participating in one or more work activities at the level required by the participant's work requirement, and is not subject to any barrier. [Repealed.]~~

Sec. E.323.1 33 V.S.A. § 1004 is amended to read:

§ 1004. REACH FIRST PAYMENT

\* \* \*

(c) For the purposes of calculating the payment, child support shall be treated as income, except that the first \$500.00 \$100.00 amount of child support shall be disregarded from income.



Sec. E.323.2 33 V.S.A. § 1005(b)(8) is amended to read:

~~(8) Assistance with obtaining documentation of an apparent or claimed physical, emotional, or mental condition that reasonably can be presumed to limit or eliminate the individual's capacity to engage in employment or other work activity. [Repealed.]~~

Sec. E.323.3 33 V.S.A. § 1006 is amended to read:

§ 1006. CASE MANAGEMENT; FAMILY DEVELOPMENT PLANS;  
COORDINATED SERVICES

\* \* \*

(b) The family development plan shall include:

~~(1) Each parent parent's or caretaker's employment goal or plan to engage in the program, to the best of the parent's or caretaker's ability.~~

\* \* \*

Sec. E.323.4 33 V.S.A. § 1011 is amended to read:

§ 1011. TRANSITION TO OTHER PROGRAMS

\* \* \*

~~(b) If a family finds employment meeting or exceeding the work requirements for Reach Up for the family's size and composition, but is financially eligible for Reach Up, the Department shall transfer the family to Reach Up, unless the family chooses not to participate. A family transferring from Reach First to Reach Up shall be treated as a recipient for the purposes of income calculation. [Repealed.]~~

~~(c) If a family finds employment meeting or exceeding the work requirements for Reach Up for the family's size and composition, is not financially eligible for Reach Up, and is eligible for the Reach Ahead program, the Department shall transfer the family to Reach Ahead, unless the family chooses not to participate. A family transferring from Reach First to Reach Ahead shall be treated as a recipient for the purposes of income calculation. [Repealed.]~~

\* \* \*

Sec. E.323.5 33 V.S.A. § 1203 is amended to read:

§ 1203. ELIGIBILITY

A family shall be eligible for Reach Ahead if the family resides in Vermont and:

(1) has left Reach Up or the postsecondary education program within the prior six months for employment that meets the federal work requirements for the Reach Up TANF program for the family's size and composition;

\* \* \*

Sec. E.323.6 33 V.S.A. § 1212 is amended to read:

§ 1212. TRANSITION TO OTHER PROGRAMS

If a family loses employment meeting or exceeding the work requirements for ~~Reach Up TANF~~ TANF for the family's size and composition and is financially eligible for Reach Up, the family shall be transferred to Reach First or Reach Up without an additional application process, unless the family chooses not to participate. Verification of income or other documentation may be required as provided for by rule.

Sec. E 323.7 REACH AHEAD PILOT PROGRAM

(a) Notwithstanding any provision to the contrary in 33 V.S.A. chapter 12, funds appropriated to the Department for Children and Families for the Reach Ahead Pilot Program in fiscal year 2024 shall be used to:

(1) enroll families that have left the Reach Up program or the postsecondary education program within the prior 12 months for employment that meets the federal work requirements for the Temporary Assistance for Needy Families program for the family's size and composition;

(2) increase the amount of monthly food assistance from \$50 to \$100 in the first 12 months of a family's participation in Reach Ahead;

(3) increase the amount of monthly food assistance from \$5 to \$50 in the second 12 months of a family's participation in Reach Ahead; and

(4) provide incentive payments to participating families in the amounts of:

(A) \$750, to be paid after participating in the Program for six months;

(B) \$1,000, to be paid after participating in the Program for 12 months;

(C) \$1,000, to be paid after participating in the Program for 18 months; and

(D) \$1,000, to be paid after participating in the Program for 24 months.

(b) This program is funded with one-time money and is only in effect for fiscal years 2024 and 2025, unless additional funding is authorized.

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Sec. E.323.8 REACH AHEAD PILOT PROGRAM

(a) The Department for Children and Families – Economic Services Division shall collect and report data that measures outcomes for participants of the Reach Ahead Pilot Program established in Sec. E.323.7 of this act; the indicators used to measure participant and Pilot Program progress; and the strategies that are implemented.

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 General Fund appropriation in Sec. B.325 of this act, \$18,776,814 shall be granted to community agencies to assist individuals experiencing homelessness 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.

(b) Of the General Fund appropriation in Sec. B.325 of this act, \$170,301 shall be granted to community agencies for financial coaching.

Sec. E.325.1 CHILD CARE FACILITIES FINANCING PROGRAM

(a) 33 V.S.A. § 3521 (Child Care Facilities Financing Program established) is repealed.

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 18 V.S.A. § 8725 is amended to read:

§ 8725. SYSTEM OF CARE PLAN

\* \* \*

(e) Notwithstanding 2 V.S.A. § 20(d), on or before ~~January~~ February 15 of each year, the Department shall report to the Governor and the committees of jurisdiction regarding implementation of the plan, the extent to which the principles of service set forth in section 8724 of this title are achieved, and whether people with a developmental disability have any unmet service needs, including the number of people on waiting lists for developmental services.

\* \* \*

#### Sec. E. 334 NURSING HOME RATE SETTING

(a) The Department of Disabilities, Aging, and Independent Living and the Department of Vermont Health Access shall report to the House Committees on Human Services and on Appropriations and the Senate Committees on Health and Welfare and on Appropriations not later than December 15, 2023, on the budgetary impact of eliminating the minimum occupancy threshold in the nursing home rate setting process and reducing the minimum occupancy threshold to not more than 80 percent in the nursing home rate setting process. The report shall include a recommendation on whether to eliminate or reduce the minimum occupancy requirement, timeline, and next steps for implementing the recommendation and anticipated impact on sustainability of Vermont nursing homes.

Sec. E.335 28 V.S.A. § 126 is added to read:

#### § 126. DEPARTMENT OF CORRECTIONS; PEER SUPPORT PROGRAM; CONFIDENTIALITY

(a) As used in this section:

(1) “Department” has the same meaning as in subdivision 3(4) of this title.

(2) “Participant” means a Department staff member who has been involved in a traumatic incident by reason of employment at the Department and who has agreed to participate in the Department’s peer support program.

(3) “Peer support” means appropriate support and services offered by a peer support specialist to a participant.

(4) “Peer support program” means a program established by the Department of Corrections to provide appropriate peer support services to Department staff members.

(5) “Peer support session” means a peer support program session for a Department staff member who has been involved in a traumatic incident by reason of employment at the Department or related to other personal matters.

(6) “Peer support specialist” means a Department staff member who, by reason of the staff member’s prior experience, training, or interest, has expressed a desire and has been selected to provide appropriate peer support services to a participant.

(7) “Staff member” means a supervising officer as defined in subdivision 3(9) of this title, a correctional officer as defined in subdivision 3(10) of this title, and any other employee of the Department.

(b)(1) Except as provided in subsection (d) of this section, any communication made by a participant or peer support specialist in a peer support session of the peer support program, including any oral or written information conveyed during a peer support session, shall not be disclosed by any individual participating in the peer support session.

(2) Except as provided by subsection (d) of this section, any communication relating to a peer support session between peer support specialists, between peer support specialists and participants of the peer support program, between participants of the peer support program, or between any other Department staff member, including any oral or written information, shall not be disclosed by any individual participating in the communication.

(3) Written communications described in this subsection, such as notes, records, and reports related to a peer support session, are exempt from public inspection and copying under the Public Records Act and shall be kept confidential. The Public Records Act exemptions created in this section shall not be subject to the provisions of 1 V.S.A. § 317(e) (repeal of Public Records Act exemptions).

(c) Except as provided by subsection (d) of this section, any communication made by a participant or peer support specialist in a peer support session, including any oral or written communication, such as notes, records, and reports related to the peer support session, shall not be admissible in a judicial, administrative, or arbitration proceeding. Limitations on disclosure imposed by this subsection include disclosure during any discovery conducted as part of an adjudicatory proceeding. Limitations on disclosure imposed by this subsection shall not include knowledge acquired by the Department or staff members from observations made during the course of employment or information acquired by the by the Department or staff members during the course of employment that is otherwise subject to discovery or introduction into evidence.

(d)(1) Confidentiality protections described in subsections (b) and (c) of this section shall only apply to a peer support session conducted by an individual who has:

(A) been designated by the Department or the peer support program to act as a peer support specialist; and

(B) received and completed training in peer support and providing emotional and moral support to Department staff members who have been involved in emotionally traumatic incidents by reason of their employment or other personal matters.

(2) Confidentiality protections described in subsections (b) and (c) of this section shall not apply to the following information as it pertains to an individual designated to receive such information in the normal course the individual's professional responsibilities:

(A) any threat of suicide or homicide made by a participant of a peer support session or any information conveyed in a peer support session relating to a threat of suicide or homicide;

(B) any information relating to the abuse of a child or vulnerable adult, or other information that is required to be reported by law;

(C) any admission of criminal conduct; or

(D) any admission of a plan to commit a crime.

(e) Nothing in this section shall prohibit any communications between peer support specialists regarding a peer support session or between peer support specialists and participants of the peer support program.

#### 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.338.1 13 V.S.A. § 7554b is amended to read:

#### § 7554b. HOME DETENTION PROGRAM

(a) Definition. As used in this section, “home detention” means a program of confinement and supervision that restricts a defendant to a preapproved residence continuously, except for authorized absences, and is enforced by appropriate means of surveillance and electronic monitoring by the Department of Corrections, including the use of passive electronic monitoring. The court may authorize scheduled absences such as for work, school, or

treatment. Any changes in the schedule shall be solely at the discretion of the Department of Corrections. A defendant who is on home detention shall remain in the custody of the Commissioner of Corrections with conditions set by the court.

\* \* \*

Sec. E.338.2 HOME DETENTION PROGRAM; REVIEW; REPORT

(a) The Joint Legislative Justice Oversight Committee shall review the Home Detention Program under 13 V.S.A. § 7554b, including its historical and current use, defendant eligibility criteria, and any potential changes to the types of crimes for which it can be used.

(b) On or before November 15, 2023, the Committee shall submit any findings resulting from its review in the form of proposed legislation to the General Assembly.

Sec. E.338.3 REPEALS

(a) 13 V.S.A. § 7554(a)(1)(G) is repealed.

(b) 13 V.S.A. § 7554(a)(2)(F) is repealed.

(c) 13 V.S.A. § 7554d is repealed.

Sec. E.338.4 28 V.S.A. chapter 11 is amended to read:

\* \* \*

§ 808e. ABSCONDING FROM FURLOUGH; WARRANT

(a) “Absconded” has the same meaning as “absconding” as defined in subdivision 722(1) of this title.

(b) The Commissioner of Corrections may issue a warrant for the arrest of a person who has absconded from furlough status in violation of subsection 808(a) or section ~~723 or 808a, 808b, or 808e~~ of this title, requiring the person to be returned to a correctional facility. A law enforcement officer who is provided with a warrant issued pursuant to this section shall execute the warrant and return the person who has absconded from furlough to the Department of Corrections.

~~(b)~~(c) A person for whom an arrest warrant is issued pursuant to this section shall not earn credit toward service of ~~his or her~~ the person’s sentence for any days that the warrant is outstanding.

\* \* \*

Sec. E.345 HOSPITAL SYSTEM TRANSFORMATION PLANNING;  
PILOT PROJECTS; UPDATE

(a) The Green Mountain Care Board shall submit an update to the Health Reform Oversight Committee on or before November 1, 2023 regarding the financial status of hospitals as reflected in the fiscal year 2022 actual operating results, any early indications for fiscal year 2023 hospital budget performance, and an overview of the fiscal year 2024 budget guidance provided to hospitals. The update shall address how budget guidance development aligns with the intent and requirements of 2022 Acts and Resolves No. 167.

\* \* \* General Education \* \* \*

Sec. E.500 EDUCATION – FINANCE AND ADMINISTRATION

(a) The Global Commitment funds appropriated in Sec. B.500 of this act 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 16 V.S.A. § 4018 is added to read:

§ 4018. AFTERSCHOOL AND SUMMER LEARNING PROGRAMS

(a) Revenue from the sales and use tax imposed by 32 V.S.A. chapter 233 on retail sales of cannabis or cannabis products in this State shall be used to fund grant programs for the expansion of summer and afterschool programs with an emphasis on increasing access in underserved areas of the State.

(b) The Secretary of Education shall administer the grant programs, as follows:

(1) Cannabis sales tax revenue shall be used to support a mixed delivery system for afterschool and summer programming. Eligible recipients can be public, private, or nonprofit organizations.

(2) Grants may be used for technical assistance, program implementation, program expansion, program sustainability, and related costs.

(3) Funds may be used to directly target communities with low existing capacity to serve youth in afterschool and summer settings.

(4) The Agency may use up to \$500,000 for administrative costs to allow for the support of the grant program and technical assistance to communities. This could include subcontracts to support the grant programs.



(c) An Advisory Committee is created to support the Secretary of Education in administering funds pursuant to this section. The Agency shall provide administrative and technical support to the Committee. The Committee is to be composed of:

- (1) the State’s Chief Prevention Officer;
- (2) the Commissioner for Children and Families or designee;
- (3) the Commissioner of Health or designee;
- (4) the Commissioner of Mental Health or designee;
- (5) the Secretary of Natural Resources or designee;
- (6) the Secretary of Commerce and Community Development or designee;
- (7) the Vermont Afterschool Executive Director or designee; and
- (8) a representative from the Governor’s Office.

(d) On or before each November 15, the Agency of Education shall submit to the General Assembly a plan to fund grants in furtherance of the purposes of subsection (a) of this section and report outcomes data on the grants made during the previous year. The Agency shall also report on the number of programs, slots, weeks, or hours; geographic distribution; and what is known about costs to families. The report should be inclusive of 21C programming. The grants shall be in an amount equal to the official forecasted revenues to be raised from the sales and use tax imposed by 32 V.S.A. § 233 on cannabis or cannabis products in this State. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the plan to be made under this subsection.

#### Sec. E.500.2 REPEALS

(a) 2020 Acts and Resolves No. 164, Secs. 17c. (dedicated use of sales and use tax on cannabis) and 17d. (annual budgeting of sales and use tax revenue) are repealed.

#### 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 \$4,195,600 shall be used by the Agency of Education in fiscal year 2024 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the Secretary will not be limited by the restrictions contained within 16 V.S.A. § 2969(c)–(d).

## Sec. E.503 EDUCATION – STATE-PLACED STUDENTS

(a) The Independence Place Program of the Lund Family Center will be considered a 24-hour residential program for the purposes of reimbursement of education costs.

## Sec. E.504 ADULT BASIC EDUCATION FUNDING; REPORT

(a) The Secretary of Education shall review and report to the Joint Fiscal Committee on or before November 1, 2023 on the annual level of Education Funds directed to Adult Basic Education providers since fiscal year 2019 through the high school completion funding provided in the flexible pathways line item. The report shall include information on the cause of any changes in the level of Education Funds directed to Adult Basic Education Providers.

## Sec. E.504.1 EDUCATION – FLEXIBLE PATHWAYS

(a) Of the appropriation in Sec. B.504 of this act, \$1,900,000 from the Education Fund will 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) \$921,500 is available for dual enrollment programs notwithstanding 16 V.S.A. § 944(f)(2);

(2) \$2,000,000 is available to support the Vermont Virtual High School;

(3) \$400,000 is available for secondary school reform grants;

(4) \$4,000,000 is available for Early College pursuant to 16 V.S.A. § 946.

(c) Of the appropriation in Sec. B.504 of this act, \$921,500 from the General Fund is available for dual enrollment programs.

Sec. E.511.1 MORATORIUM ON APPROVAL OF NEW APPROVED  
INDEPENDENT SCHOOLS

(a) Notwithstanding any provision of law to the contrary, the State Board of Education shall be prohibited from approving an application for initial approval of an approved independent school until further direction by the General Assembly.

## Sec. E.514 VERMONT STATE TEACHERS' RETIREMENT SYSTEM

(a) The total annual employer contribution to the Vermont State Teachers' Retirement System (VSTRS) in fiscal year 2024 shall be \$203,281,051.

(b) In accordance with 16 V.S.A. § 1944(g)(2), the annual contribution to the Vermont State Teachers' Retirement System (VSTRS) shall be \$194,281,051 of which \$184,811,051 shall be the State's contribution and \$9,470,000 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944(c).

(c) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$34,825,673 is the "normal contribution," and \$159,455,378 is the "accrued liability contribution."

(d) In accordance with 16 V.S.A. § 1944(c)(13)(A), \$9,000,000 shall be contributed from the General Fund for a supplemental plus accrued liability contribution.

Sec. E.514.1 VERMONT STATE TEACHERS' RETIREMENT SYSTEM;  
OPERATING BUDGET

(a) Of the \$3,448,255 appropriated in Sec. B.514.1 of this act, \$2,401,835 constitutes the Vermont State Teachers' Retirement System operating budget, and \$1,046,420 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to the Vermont State Teachers' Retirement System.

Sec. E.514.2 VERMONT STATE TEACHERS' RETIREMENT SYSTEM;  
CALENDAR YEAR 2023–2024 SUPPLEMENTAL COST OF  
LIVING PAYMENTS; INTENT; ACTUARIAL COST  
ANALYSIS

(a) Intent. It is the intent of the General Assembly that:

(1) The maximum percentage value methodology set forth in 16 V.S.A. § 1949 that applies to the postretirement adjustment allowances for the Vermont State Teachers' Retirement System (VSTRS) shall be actuarially evaluated to determine the cost required to revert to the methodology used prior to the enactment of 2016 Acts and Resolves No. 114.

(2) The General Assembly further intends to make such a reversion by future legislative action amending 16 V.S.A. § 1949, provided that the present value of changes to the postretirement adjustment allowance methodology be fully funded at the time the change is made and not increase the unfunded liability in VSTRS.

(3) The General Assembly further intends that if the June 30, 2023, change in the Consumer Price Index exceeds the statutory maximum percentage values set forth in 16 V.S.A. § 1949 (b)(1), the General Assembly will provide a sufficient appropriation in the 2024 Budget Adjustment Act to make a one-time supplemental payment, similar in form to that described in

subsection (b) of this section, to qualifying VSTRS retired members and beneficiaries in calendar year 2024.

(b) Calendar year 2023 supplemental payment. A one-time supplemental payment during calendar year 2023 shall be made to VSTRS retired members and beneficiaries who received a 2.5 percent postretirement adjustment allowance in an amount equal to the net difference between what members actually received in calendar year 2023 and what they would have received under a 3.8 percent postretirement adjustment allowance.

(c) Actuarial cost analysis. Following the completion of the next experience study, expected in fall 2023, the State Treasurer shall conduct an actuarial analysis to evaluate the cost of changing the current methodology for calculating the postretirement adjustment allowance for the Vermont State Teachers' Retirement System to a methodology calculated by applying the maximum percentage values set forth in 16 V.S.A. § 1949(b)(1) to the postretirement adjustment allowance rather than applying the statutory maximum percentage values to the net percentage change in the Consumer Price Index. The actuarial analysis shall take into account any changes to actuarial assumptions that may occur following the experience study to be performed at the end of fiscal year 2023, as required by 16 V.S.A. § 1942.

(d) Report. Based on the actuarial cost analysis described in subsection (c) of this section, on or before January 15, 2024, the State Treasurer shall submit a report to the House and Senate Committees on Appropriations with an actuarial cost estimate for changing the VSTRS postretirement adjustment allowance methodology as set forth in subsection (c) of this section.

Sec. E.514.3 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 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) Of each Group C member, the following shall apply:

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\* \* \*

(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:

\* \* \*

~~(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. Beginning on July 1, 2024, a Group C member shall have the rate set forth in this subdivision (b)(2)(B)(iii) 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 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~~ 6.15 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 \$50,000.00, the rate is 6.20 percent;

(III) if a member's base salary is \$60,000.01 \$50,000.01 or more but not more than \$80,000.00 \$60,000.00, 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 6.30 percent;

(IV) if a member's base salary is \$80,000.01 \$60,000.01 or more but not more than \$100,000.00 \$70,000.00, 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 6.40 percent; and

(V) if a member's base salary is \$100,000.01 \$70,000.01 or more but not more than \$80,000.00, 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 6.55 percent.

(VI) If a member's base salary is \$80,000.01 or more but not more than \$90,000.00, the rate is 6.80 percent.

(VII) If a member's base salary is \$90,000.01 or more but not more than \$100,000.00, the rate is 7.10 percent.

(VIII) If a member's base salary is \$100,000.01 or more, the rate is 7.35 percent.

#### Sec. E.515 RETIRED TEACHERS' HEALTH CARE AND MEDICAL BENEFITS

(a) In accordance with 16 V.S.A. § 1944b(b)(2), and 16 V.S.A. § 1944b(h)(1), the annual contribution to the Retired Teachers' Health and Medical Benefits plan shall be \$61,290,528, of which \$53,740,528 shall be the State's contribution and \$7,550,000 shall be from the annual charge for teacher health care contributed by employers pursuant to 16 V.S.A. §1944d. Of the annual contribution, \$17,589,046 is the "normal contribution," and \$43,701,482 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) to comply 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 to comply 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 this appropriation, not more than \$300,000 may be used by VSAC for a student aspirational initiative to serve one or more high schools.

(c) Of the appropriated amount remaining after accounting for subsections (a) and (b) of this section, not less than 93 percent of this appropriation shall be used for direct student aid.

(d) In this act or any other legislation enacted into law this year or in 2022, to the extent other funding is appropriated or otherwise provided to VSAC, or is appropriated to the Agency of Human Services or any of its Departments for disbursement to VSAC for the administration of a program or initiative, up to seven percent may be used by VSAC for its costs of administration, and VSAC may recoup its reasonable costs of collecting the forgivable loans in repayment. Funds shall not be used for indirect costs. To the extent these are federal funds, allocation for expenses associated with administering the funds shall be consistent with federal grant requirements.

(e) \$1,000,000 of the General Fund appropriation in Sec. B.605 of this act shall be used to continue operating the Vermont Trades Scholarship Program in accordance with 2022 Acts and Resolves No. 183, Sec. 14.

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. The Vermont Student Assistance Corporation 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) On or before January 15, 2024, the Vermont Student Assistance Corporation shall report on the program to the House Committees on Appropriations and on Commerce and Economic Development and the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs.

Sec. E.702 10 V.S.A. § 4829(a) is amended to read:

(a) A person engaged in the business of farming who suffers damage by deer to the person's crops, fruit trees, or crop-bearing plants on land not posted against the hunting of deer, or a person engaged in the business of farming who suffers damage by black bear to the person's cattle, sheep, swine, poultry, or bees or bee hives on land not posted against hunting or trapping of black bear is entitled to reimbursement for the damage up to an amount not to exceed \$5,000.00 per year, and may apply to the Department of Fish and Wildlife within 72 hours of the occurrence of the damage for reimbursement for the damage. As used in this section, "post" means any signage that would



lead a reasonable person to believe that hunting is prohibited on the land.

\* \* \*

Sec. E.811 LAND ACCESS AND OPPORTUNITY BOARD;  
ATTACHMENT FOR ADMINISTRATION; REPORT

(a) On or before December 15, 2023, the Land Access and Opportunity Board shall submit a written report to the House Committees on Appropriations and on Government Operations and Military Affairs and the Senate Committees on Appropriations and on Government Operations regarding the appropriate State entity for the Board to be attached to for administrative purposes. The report shall, in consideration of the mission, powers, and duties of the Board, identify various State entities to which the Board could be attached for administrative purposes and shall examine the potential benefits and drawbacks of the Board being attached to each of the entities identified. The report shall consider the benefits and drawbacks of the Board continuing to be attached to the Vermont Housing and Conservation Board for administrative purposes.

Sec. E.900 TRANSPORTATION FUND RESERVE – REVERSIONS  
EXCLUDED

(a) To calculate the fiscal year 2024 Transportation Fund Stabilization Reserve requirement of five percent of prior year appropriations, reversions of \$20,727,012 are excluded from the fiscal year 2023 total appropriations amount.

Sec. E.1000 2022 Acts and Resolves No. 83 Sec. 53(b)(5), as amended by 2022 Acts and Resolves No. 185, Sec. C.102, is further amended to read:

\* \* \*

~~(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. Notwithstanding 32 V.S.A. §1001b(e), beginning 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 transferred and reserved in the Capital Expenditure Cash Fund, as establish in 32 V.S.A. §1001b created in Sec. E. 106.1 of H.740 of 2022.~~

\* \* \* Workforce and Economic Development Policies (H.484) \* \* \*

Sec. F.1 TEACHER LICENSING FEES; SUSPENSION

(a) Notwithstanding any provision of law to the contrary, peer review process one-time licensure fee requirements under 16 V.S.A. § 1697(a)(7) are suspended during fiscal years 2024 through 2029.

(b) In fiscal year 2024, the estimated fees that would have been collected under 16 V.S.A. § 1697(a)(7) shall be accounted for through funds appropriated to the Agency of Education from the General Fund.

#### Sec. F.2 EDUCATOR WORKFORCE DIVERSITY

(a) Educator demographics. In order to understand and improve the longstanding and well-documented issue of underrepresentation in the Vermont educator workforce, including underrepresentation of Black, Indigenous, and Persons of Color; New Americans; and other historically underrepresented communities, the Agency of Education shall collect demographic information from educators and report such information in its annual teacher and staff full-time equivalencies report. The Agency shall submit the educator demographic information section of the report annually to the General Assembly on or before each January 15.

Sec. F.3 18 V.S.A. § 39 is added to read:

#### § 39. VERMONT PSYCHIATRIC MENTAL HEALTH NURSE PRACTITIONER FORGIVABLE LOAN INCENTIVE 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 under this section for a forgivable loan.

(3) “Eligible school” means an approved postsecondary education institution, as defined under 16 V.S.A. § 2822.

(4) “Forgivable loan” means a loan awarded under this section covering tuition, which may also cover room, board, and the cost of required books and supplies for up to full-time attendance at an eligible school.

(5) “Program” means the Vermont Psychiatric Mental Health Nurse Practitioner Forgivable Loan Incentive Program created under this section.

(b) The Vermont Psychiatric Mental Health Nurse Practitioner Forgivable Loan Incentive Program is created and shall be administered by the Corporation in collaboration with the Department of Health. The Program provides forgivable loans to students enrolled in a master’s program at an eligible school who commit to working as a psychiatric mental health nurse practitioner in this State and who meet the eligibility requirements in subsection (d) of this section.

(c) The 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.

(d) 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, whether through in-person or remote instruction, that leads to a master's degree or specialty in psychiatric mental health;

(2) maintain good standing at the eligible school at which the individual is enrolled;

(3) agree to work as a psychiatric mental health nurse practitioner in Vermont for a minimum of one year following licensure for each year of forgivable loan awarded;

(4) have executed a credit agreement or promissory note that will reduce the individual's forgivable loan benefit, in whole or in part, pursuant to subsection (f) of this section, if the individual fails to complete the period of service required in subdivision (3) of this subsection;

(5) have completed the Program's application form and the Free Application for Federal Student Aid (FAFSA), in accordance with a schedule determined by the Corporation; and

(6) have provided such other documentation as the Corporation may require.

(e) If an eligible individual fails to serve as a psychiatric mental health nurse practitioner in this State in compliance with the Program 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.

(f) The Corporation shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section, including maximum forgivable loan amounts.

Sec. F.4 18 V.S.A. § 40 is added to read:

§ 40. VERMONT DENTAL HYGIENIST FORGIVABLE LOAN  
INCENTIVE 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 under this section for a forgivable loan.

(3) “Eligible school” means an approved postsecondary education institution, as defined under 16 V.S.A. § 2822.

(4) “Forgivable loan” means a loan awarded under this section covering tuition, which may also include room, board, and the cost of required books and supplies for up to full-time attendance at an eligible school.

(5) “Program” means the Vermont Dental Hygienist Forgivable Loan Incentive Program created under this section.

(b) The Vermont Dental Hygienist Forgivable Loan Incentive 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 dental hygienist in this State and who meet the eligibility requirements in subsection (d) of this section.

(c) The 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.

(d) 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 a dental hygienist program at an eligible school;

(2) maintain good standing at the eligible school at which the individual is enrolled;

(3) agree to work as a dental hygienist in Vermont for a minimum of one year following licensure for each year of forgivable loan awarded;

(4) have executed a credit agreement or promissory note that will reduce the individual’s forgivable loan benefit, in whole or in part, pursuant to subsection (g) of this section, if the individual fails to complete the period of service required in this subsection;

(5) 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; and

(6) have provided such other documentation as the Corporation may require.

(e) If an eligible individual fails to serve as a dental hygienist 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 credit agreement or promissory note signed by the individual at the time of entering the Program.

(f) 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 Corporation in the following fiscal year to award additional forgivable loans as set forth in this section.

(g) The Corporation shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section, including maximum forgivable loan amounts.

#### Sec. F.5 BROWNFIELDS FUNDING; USE IN FISCAL YEAR 2024

(a) The Department of Economic Development shall use the funds appropriated in fiscal year 2024 for brownfields redevelopment for the assessment, remediation, and redevelopment of brownfield sites to be used in the same manner as the Brownfields Revitalization Fund established by 10 V.S.A. § 6654 except, notwithstanding the grant limitations in 10 V.S.A. § 6654, projects supported by this appropriation shall not be limited to a maximum amount per site. The Agency of Commerce and Community Development shall award the amount of \$1,000,000 in fiscal year 2024 to regional planning commissions for the purposes of brownfields assessment. In awarding funds under this section, the Secretary, in consultation with the Vermont Association of Planning and Development Agencies, shall select one regional planning commission to administer these funds. To ensure statewide availability, the selected regional planning commission shall subgrant to regional planning commissions with brownfield programs, with not more than 10 percent of the funds being used for administrative purposes.

Sec. F.6 10 V.S.A. § 6654(e) is amended to read:

(e) A grant may be awarded by the Secretary of Commerce and Community Development with the approval of the Secretary of Natural Resources, provided that:

(1) A grant may not exceed \$50,000 for characterization and assessment of a site.

(2) A grant may not exceed ~~\$200,000~~ \$500,000 for remediation of a site.

(3) A grant may be used by an applicant to purchase environmental insurance relating to the performance of the characterization, assessment, or remediation of a Brownfield site in accordance with a corrective action plan approved by the Secretary of Natural Resources.

(4) Financial assistance may be provided to applicants by developing a risk sharing pool, an indemnity pool, or other insurance mechanism designed to help applicants.

(5) All reports generated by financial assistance from the Brownfield Revitalization Fund, including site assessments, site investigations, feasibility studies, corrective action plans, and completion reports shall be provided as hard copies to the Secretaries of Commerce and Community Development and of Natural Resources.

Sec. F.7 10 V.S.A. § 4 is amended to read:

#### § 4. NEW RELOCATING EMPLOYEE INCENTIVES

\* \* \*

(e) As used in this section:

\* \* \*

(2) “Relocating employee” means an individual who submits an application before becoming a resident of this State and who meets the following criteria:

(A)(i) ~~On or after July 1, 2021~~ the individual is a new relocating employee who meets the following criteria:

(I) the individual becomes a full-time resident of this State;

(II) the individual becomes a full-time employee at a Vermont location of a for-profit or nonprofit business organization domiciled or authorized to do business in this State, or of a State, municipal, or other public sector employer; and

(III) the employer attests to the Agency that, after reasonable time and effort, the employer was unable to fill the employee's position from among Vermont applicants; or

(ii) ~~on or after February 1, 2022~~ the individual is a new remote employee who meets the following criteria:

(I) the individual becomes a full-time resident of this State; and

(II) the individual is a full-time employee of an out-of-state business and performs the majority of ~~his or her~~ the employee's employment duties remotely from a home office or a co-working space located in this State.

(B) The individual receives gross salary or wages that equal or exceed the Vermont livable wage rate calculated pursuant to 2 V.S.A. § 526.

(C) The individual is subject to Vermont income tax.

Sec. F.8 2021 Acts and Resolves No. 74, Sec. H.18, as amended by 2022 Acts and Resolves No. 183, Sec. 46, is further amended to read:

Sec. H.18. COMMUNITY RECOVERY AND REVITALIZATION  
GRANT PROGRAM

\* \* \*

(b) Eligible applicants.

(1) To be eligible for a grant, the applicant must be located within the State and:

(A)(i) the applicant is a for-profit entity with not less than a 10 percent equity interest in the project, or a nonprofit entity, which has documented financial impacts from the COVID-19 pandemic; or

(ii) intends to utilize the funds for an enumerated use as defined in the U.S. Treasury Final Rule for Coronavirus State and Fiscal Recovery Funds;

(B)(i) the applicant is a municipality;

(ii) the municipality needs to make infrastructure improvements to incentivize community development; and

(iii) the proposed infrastructure improvements and the projected development or redevelopment are compatible with confirmed municipal and regional development plans and the project has clear local significance for employment.

(2) The applicant must demonstrate:

(A) community and regional support for the project;

- (B) that grant funding is needed to complete the project;
- (C) leveraging of additional sources of funding from local, State, or federal economic development programs; and
- (D) an ability to manage the project, with requisite experience and a plan for fiscal viability.

(3) The following are ineligible to apply for a grant:

- (A) ~~a State or local government operated business [Repealed.]~~
- (B) a business that, together with any affiliated business, owns or operates more than 20 locations, regardless of whether those locations do business under the same name or within the same industry; and
- (C) a publicly traded company.

(c) Grant funds; eligible uses for municipalities. A municipality is only authorized to utilize program funding under this section if:

- (1) the project clearly requires substantial public investment over and above the normal municipal operating or bonded debt expenditures;
- (2) the public improvements being requested are integral to the expected private development; and
- (3) the project meets one of the following criteria:

- (A) the development includes new or rehabilitated affordable housing, as defined in 24 V.S.A. § 4303;

- (B) the development will include at least one entirely new business or business operation or expansion of an existing business within the project, and this business will provide new, quality, full-time jobs that meet or exceed the prevailing wage for the region as reported by the Department of Labor; or

- (C) the development will enhance transportation by creating improved traffic patterns and flow or creating or improving public transportation systems; or

- (D) the development will promote and provide community benefit through educational services, agriculture, arts and entertainment, or food security.

\* \* \*

(g) Application process; decisions; awards.

(1)(A) Under the grant program established in this section, a municipality, upon approval of its legislative body, may apply to the Vermont Economic Progress Council pursuant to the process set forth in this section to



use grant funding for a project.

(B) The Agency shall accept applications from for-profit or nonprofit entities on a rolling basis until Program funds are expended.

(2) [Repealed.]

(3) The Secretary of Commerce and Community Development shall appoint an interagency team, which may include members from among the Department of Economic Development, the Department of Housing and Community Development, the Agency of Agriculture, Food and Markets, the Department of Public Service, the Agency of Natural Resources, or other State agencies and departments, which team shall review, analyze, and recommend projects for funding consistent with the guidelines the Agency develops in coordination with the Joint Fiscal Office and the following:

(A) project readiness, quality, and demonstrated collaboration with stakeholders and other funding sources;

(B) alignment and consistency with regional plans and priorities; and

(C) creation and retention of workforce opportunities.

(4) The Secretary of Commerce and Community Development shall consider the recommendations of the interagency team and shall give final approval to projects.

(5) The Secretary may give priority to projects that support the goals of the Vermont State Strategic Plan, or that promote job growth and retention in support of the goals.

\* \* \*

#### Sec. F.9 RURAL INDUSTRY DEVELOPMENT GRANT PROGRAM

(a) Creation; purpose.

(1) A Rural Industry Development Grant Program is created within the Agency of Commerce and Community Development to provide grant funding through local development corporations for business relocation and expansion efforts, including the purchase, demolition, and renovation of property for industrial use.

(2)(A) To the extent funding is authorized and appropriated, the Agency shall make grants through the Program to assist local development corporations with business relocation and expansion efforts throughout Vermont.

(B) The Agency shall ensure an accounting of the respective State and Grantee shares of investment in any property be maintained to refund to the State an appropriate share of any net proceeds resulting from future sale or transfer of such property acquired or improved through a grant awarded under this program.

(b) Grant considerations. In making grant awards, the Agency shall consider:

(1) the real estate needs of growing and relocating businesses, including nonprofit organizations, in the applicant's region;

(2) the ability of the proposed project to meet the site-specific needs of businesses considering whether to expand or locate in this State;

(3) the funding that the applicant has identified, or secured, to leverage a grant award; and

(4) the readiness of an applicant to move a project forward.

(c) Eligible applicants; priority.

(1) To be eligible for a grant, an applicant must be a local development corporation, as defined in subdivision 212(10) of this title, located within this State.

(2) The Secretary of Commerce and Community Development may designate projects and agreements as first priority based on rural communities that continue to experience insufficient economic and grand list growth.

(d) Eligible activities. A grant recipient may use funding for the following:

(1) to purchase land for potential industrial use;

(2) for the costs of site development, permitting, or providing infrastructure for property the recipient owns;

(3) for the equity investment required for a loan transaction through the Vermont Economic Development Authority under 10 V.S.A. chapter 12, subchapter 3; or

(4) for the matching requirement of another State or federal grant consistent with this section.

(e) Application; market assessment.

(1) An applicant shall include in its application a local and regional market assessment that demonstrates reasonable need for the proposed development and identifies imminent, potential, or existing business growth opportunities.

(2) An applicant shall submit the following to demonstrate a readiness to begin and complete the proposed project:

(A) community and regional support for the project;

(B) that grant funding is needed to complete the proposed project;

(C) an ability to manage the project, with requisite experience and a plan for fiscal viability; and

(D) a description of the permitting required to proceed with the project and a plan for obtaining the permits.

(f) Awards; amount.

(1) An award shall not exceed the lesser of \$1,000,000 or 20 percent of the total project cost.

(2) A recipient may combine grant funds with funding from other sources.

(3) The Agency shall release grant funds upon determining that the applicant has met all application conditions and requirements.

(4) A grant recipient may apply for additional grant funds if future amounts are appropriated for the Program and the funds are for a separate but eligible use.

(g) Deed restrictions; property sales. The Agency shall include deed restrictions that require the return of the principal amount to the state and may require the payment of a percentage of the sales profit.

Sec. F.10 24 V.S.A. § 2799 is amended to read:

§ 2799. BETTER PLACES PROGRAM; CROWD GRANTING

(a)(1) There is created the Better Places Program within the Department of Housing and Community Development, and the Better Places Fund, which the Department shall manage pursuant to 32 V.S.A. chapter 7, subchapter 5.

(2) The purpose of the Program is to utilize crowdfunding to spark community revitalization through collaborative grantmaking for projects that create, activate, or revitalize public spaces.

(3) The Department may administer the Program in coordination with and support from other State agencies and nonprofit and philanthropic partners.

(b) The Fund is composed of the following:

(1) State or federal funds appropriated by the General Assembly;

- (2) gifts, grants, or other contributions to the Fund; and
- (3) any interest earned by the Fund.

(c) As used in this section, “public space” means an area or place that is open and accessible to all people with no charge for admission and includes village greens, squares, parks, community centers, town halls, libraries, and other publicly accessible buildings and connecting spaces such as sidewalks, streets, alleys, and trails.

(d)(1) The Department of Housing and Community Development shall establish an application process, eligibility criteria, and criteria for prioritizing assistance for awarding grants through the Program.

(2) The Department may award a grant to a municipality, a nonprofit organization, or a community group with a fiscal sponsor for a project that is located in or serves a designated downtown, village center, new town center, or neighborhood development area that will create a new public space or revitalize or activate an existing public space.

(3) The Department may award a grant to not more than ~~one project~~ three projects per calendar year within a municipality.

(4) The minimum amount of a grant award is \$5,000, and the maximum amount of a grant award is \$40,000.

(5) The Department shall develop matching grant eligibility requirements to ensure a broad base of community and financial support for the project, subject to the following:

(A) A project shall include in-kind support and matching funds raised through a crowdfunding approach that includes multiple donors.

(B) An applicant may not donate to its own crowdfunding campaign.

(C) A donor may not contribute more than \$10,000 or 35 percent of the campaign goal, whichever is less.

(D) An applicant shall provide matching funds raised through crowdfunding of not less than 33 percent of the grant award.

(e) The Department of Housing and Community Development, with the assistance of a fiscal agent, shall distribute funds under this section in a manner that provides funding for projects of various sizes in as many geographical areas of the State as possible.

(f) The Department of Housing and Community Development may use up to 15 percent of any appropriation to the Fund from the General Fund to assist with crowdfunding, administration, training, and technological needs of the Program.

Sec. F.11 24 V.S.A. § 2792(d) is amended to read:

(d) The Department shall provide staff and administrative support to the State Board, ~~and shall produce guidelines to direct municipalities seeking to obtain designation under this chapter, and shall pay per diem compensation for board members pursuant to 32 V.S.A. § 1010(b).~~

Sec. F.12 24 V.S.A. § 2793(b) is amended to read:

~~(b) Within 45 days of receipt of a completed application~~ Upon the first meeting of the State Board held after 45 days of receipt of a completed application, the State Board shall designate a downtown development district if the State Board finds in its written decision that the municipality has:

\* \* \*

Sec. F.13 24 V.S.A. § 2793a(b) is amended to read:

~~(b) Within 45 days of receipt of a completed application~~ Upon the first meeting of the State Board held after 45 days of receipt of a completed application, the State Board shall designate a village center if the State Board finds the applicant has met the requirements of subsection (a) of this section.

Sec. F.14 24 V.S.A. § 2793b(b) is amended to read:

~~(b) Within 45 days of receipt of a completed application~~ Upon the first meeting of the State Board held after 45 days of receipt of a completed application, the State Board shall designate a new town center development district if the State Board finds, with respect to that district, the municipality has:

\* \* \*

Sec. F.15 24 V.S.A. § 2793e(d) is amended to read:

~~(d) Within 45 days of receipt of a completed application~~ Upon the first meeting of the State Board held after 45 days of receipt of a completed application, for designation of a neighborhood development area, the State Board, after opportunity for public comment, shall approve a neighborhood development area if the Board determines that the applicant has met the requirements of this section.

Sec. F.16 2018 Acts and Resolves No. 196, Sec. 1, as amended by 2019 Acts and Resolves No. 80, Sec. 13, is further amended to read:

Sec. 1. SIMPLIFYING GOVERNMENT FOR SMALL BUSINESSES

(a) The Secretary of State Digital Services shall serve as the chair of a steering committee, composed of the Secretary of State, the Secretary of Commerce and Community Development, the Secretary of Administration, and the Secretary of Digital Services or their designees.

(b) ~~The Secretary of State, in collaboration with the steering committee, and in collaboration with other State agencies and departments and interested stakeholders as necessary, shall:~~

(1) review and consider the necessary procedural and substantive steps to enhance the Secretary of State's one-stop business portal for businesses, entrepreneurs, and citizens to provide information about starting and operating a business in Vermont; and

(2) submit on or before December 15, ~~2019~~ 2023:

(A) a design proposal that includes a project scope, timeline, roadmap, and cost projections;

(B) any statutory or regulatory changes needed to implement the proposal; and

(C) a sustainable funding model for the portal.

(c) The steering committee shall evaluate the cost and efficacy, and integrate into the current one-stop portal to the extent feasible, features that:

(1) enhance State websites to simplify registrations and provide a ~~clear~~ comprehensive, one-stop compilation of other State business requirements, including permits and licenses;

(2) implement a data collection component that offers the registrant the option to self-identify, and make available to the public through the business search function, demographic information concerning ownership of the business, including whether the business is woman-owned, veteran-owned, BIPOC-owned, LGBTQ-owned, or minority-owned;

(3) simplify the mechanism for making payments to the State by allowing a person to pay amounts ~~he or she~~ the person owes to the State for taxes, fees, or other charges to a single recipient within State government;

~~(3)~~(4) simplify annual filing requirements by allowing a person to make a single filing to a single recipient within State government and check a box if nothing substantive has changed from the prior year;

(4)(5) provide guidance, assistance with navigation, and other support to persons who are forming or operating a small business;

(5)(6) after registration, provide information about additional and ongoing State requirements and a point of contact to discuss questions or explore any assistance needed;

(6)(7) provide guidance and information about State and federal programs and initiatives, as well as State partner organizations and Vermont-based businesses of interest; and

(7)(8) map communication channels for project updates, including digital channels such as e-mail, social media, and other communications.

(d) All State agencies and departments shall designate a single employee or team of employees who are charged with the duty to provide assistance to the steering committee upon its request.

(e) The steering committee shall focus its review on providing services through the one-stop business portal primarily for the benefit of businesses with 20 or fewer employees.

(f) The Agency of Digital Services shall assign a project manager or business analyst to report directly to the Secretary of State to assist with the implementation of this act through June 30, ~~2020~~ 2025 for the purpose of developing and implementing a one-stop navigable portal for businesses, entrepreneurs, and citizens to access information about starting a business in Vermont, and to provide ongoing support to businesses interfacing with State government.

\* \* \* Fees \* \* \*

\* \* \* Enhanced Driver's License \* \* \*

Sec. G.100 23 V.S.A. § 7 is amended to read:

§ 7. ENHANCED DRIVER'S LICENSE; MAINTENANCE OF DATABASE INFORMATION; FEE

\* \* \*

(d) The fee for an enhanced license shall be ~~\$30.00~~ \$36.00 in addition to the fees otherwise established by this title.

\* \* \*

## \* \* \* Department of Motor Vehicles \* \* \*

Sec. G.101 23 V.S.A. § 114 is amended to read:

§ 114. FEES

(a) The Commissioner shall be paid the following fees for miscellaneous transactions:

- |                                                                                                                                                                                 |                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| (1) Listings of 1 through 4 registrations                                                                                                                                       | <del>\$8.00</del> <u>\$10.00</u>              |
| (2) Certified copy of registration application                                                                                                                                  | <del>\$8.00</del> <u>\$10.00</u>              |
| (3) Sample plates                                                                                                                                                               | <del>\$18.00</del> <u>\$22.00</u>             |
| (4) Lists of registered dealers, transporters, periodic inspection stations, fuel dealers, and distributors, including gallonage sold or delivered and rental vehicle companies | <del>\$8.00</del> <u>\$10.00</u> per page     |
| (5) [Repealed.]                                                                                                                                                                 |                                               |
| (6) Periodic inspection sticker record                                                                                                                                          | <del>\$8.00</del> <u>\$10.00</u>              |
| (7) Certified copy individual crash report                                                                                                                                      | <del>\$12.00</del> <u>\$15.00</u>             |
| (8) Certified copy police crash report                                                                                                                                          | <del>\$18.00</del> <u>\$22.00</u>             |
| (9) Certified copy suspension notice                                                                                                                                            | <del>\$8.00</del> <u>\$10.00</u>              |
| (10) Certified copy mail receipt                                                                                                                                                | <del>\$8.00</del> <u>\$10.00</u>              |
| (11) Certified copy proof of mailing                                                                                                                                            | <del>\$8.00</del> <u>\$10.00</u>              |
| (12) Certified copy reinstatement notice                                                                                                                                        | <del>\$8.00</del> <u>\$10.00</u>              |
| (13) Certified copy operator's license application                                                                                                                              | <del>\$8.00</del> <u>\$10.00</u>              |
| (14) Certified copy three-year operating record                                                                                                                                 | <del>\$14.00</del> <u>\$17.00</u>             |
| (15) [Repealed.]                                                                                                                                                                |                                               |
| (16) Government official photo identification card                                                                                                                              | <del>\$6.00</del> <u>\$8.00</u>               |
| (17) Listing of operator's licenses of 1 through 4                                                                                                                              | <del>\$8.00</del> <u>\$10.00</u>              |
| (18) Statistics and research                                                                                                                                                    | <del>\$42.00</del> <u>\$51.00</u> per hour    |
| (19) Insurance information on crash                                                                                                                                             | <del>\$8.00</del> <u>\$10.00</u>              |
| (20) Certified copy complete operating record                                                                                                                                   | <del>\$20.00</del> <u>\$24.00</u>             |
| (21) Records not otherwise specified                                                                                                                                            | <del>\$8.00</del> <u>\$10.00</u> per page     |
| (22) Public records request for Department records requiring custom computer programming                                                                                        | \$100.00 per hour, but not less than \$500.00 |



(23) Public records request for Department records requiring custom computer programming (updated) ~~\$119.00~~ \$143.00

\* \* \*

Sec. G.102. 23 V.S.A. § 115 is amended to read:

§ 115. NONDRIVER IDENTIFICATION CARDS

(a) Any Vermont resident may make application to the Commissioner and be issued an identification card that is attested by the Commissioner as to true name, correct age, residential address unless the listing of another address is requested by the applicant or is otherwise authorized by law, and any other identifying data as the Commissioner may require that shall include, in the case of minor applicants, the written consent of the applicant's parent, guardian, or other person standing in loco parentis. Every application for an identification card shall be signed by the applicant and shall contain such evidence of age and identity as the Commissioner may require, consistent with subsection (1) of this section. New and renewal application forms shall include a space for the applicant to request that a "veteran" designation be placed on the applicant's identification card. If a veteran, as defined in 38 U.S.C. § 101(2), requests a veteran designation and provides a Department of Defense Form 214 or other proof of veteran status specified by the Commissioner, and the Office of Veterans Affairs confirms the veteran's status as an honorably discharged veteran or a veteran discharged under honorable conditions, the identification card shall include the term "veteran" on its face. The Commissioner shall require payment of a fee of ~~\$24.00~~ \$29.00 at the time application for an identification card is made, except that an initial nondriver identification card shall be issued at no charge to an individual who surrenders ~~his or her~~ the individual's license in connection with a suspension or revocation under subsection 636(b) of this title due to a physical or mental condition.

(b) Every identification card shall expire, unless earlier canceled, at 12:00 midnight on the eve of the fourth anniversary of the date of birth of the cardholder following the date of original issue; and may be renewed every four years upon payment of a ~~\$24.00~~ \$29.00 fee. A renewed identification card shall expire, unless earlier canceled, at 12:00 midnight on the eve of the fourth anniversary of the date of birth of the cardholder following the expiration of the card being renewed. At least 30 days before an identification card will expire, the Commissioner shall mail first-class to the cardholder or send the cardholder electronically an application to renew the identification card; a cardholder shall be sent the renewal notice by mail unless the cardholder opts in to receive electronic notification. An individual born on February 29 shall, for the purposes of this section, be considered as born on March 1.

(c) In the event an identification card is lost, destroyed, mutilated, or a new name is acquired, a replacement may be obtained upon furnishing satisfactory proof to the Commissioner and paying a ~~\$20.00~~ \$24.00 fee.

\* \* \*

\* \* \* Registration; General Provisions \* \* \*

Sec. G.103 23 V.S.A. § 304 is amended to read:

§ 304. REGISTRATION CERTIFICATES; NUMBER PLATES; VANITY  
AND OTHER SPECIAL PLATES

\* \* \*

(b) The authority to issue vanity motor vehicle number plates or special number plates for safety organizations and service organizations shall reside with the Commissioner. Determination of compliance with the criteria contained in this section shall be within the discretion of the Commissioner. Series of number plates for safety and service organizations that are authorized by the Commissioner shall be issued in order of approval, subject to the operating considerations in the Department as determined by the Commissioner. The Commissioner shall issue vanity and special organization number plates in the following manner:

(1) Vanity plates. Subject to the restrictions of this section, vanity plates shall be issued at the request of the registrant of a motor vehicle unless the vehicle is registered under the International Registration Plan, upon application and upon payment of an annual fee of ~~\$48.00~~ \$58.00 in addition to the annual fee for registration. The Commissioner shall not issue two sets of plates bearing the same initials or letters unless the plates also contain a distinguishing number. Vanity plates are subject to reassignment if not renewed within 60 days of expiration of the registration.

(2) Special organization plates.

\* \* \*

(B) The officer of a safety organization or service organization may apply to the Commissioner to approve special plates indicating membership in a qualifying organization to be issued to organization members for a ~~\$17.00~~ \$21.00 special fee for each set of plates in addition to the annual fee for registration. The application shall include designation of an officer or member to serve as the principal contact with the Department and a distinctive name or emblem, or both, for use on the proposed special plate. The name and emblem shall not be objectively obscene or confusing to the general public and shall not promote, advertise, or endorse a product, brand, or service provided for sale. The organization's name and emblem must not infringe on or violate a

trademark, trade name, service mark, copyright, or other proprietary or property right, and the organization must have the right to use the name and emblem. After consulting with the principal contact, the Commissioner shall determine the design of the special plate on the basis that the primary purpose of motor vehicle number plates is vehicle identification. An organization may have only one design, regardless of the number of individual organizational units, squads, or departments within the State that may conduct the same or substantially similar activities.

(C) After the plate design is finalized and an officer or the principal contact provides the Commissioner a written statement authorizing issuance of the plates, the organization shall deposit ~~\$2,200.00~~ \$2,600.00 with the Commissioner. Of this deposit, \$500.00 shall be retained by the Department to recover costs of developing the organization plate. Notwithstanding 32 V.S.A. § 502, the Commissioner may charge the actual costs of production of the plates against the fees collected and the balance shall be deposited in the Transportation Fund. Upon application, special plates shall be issued to a registrant of a vehicle registered at the pleasure car rate or of a truck registered for less than 26,001 pounds (but excluding trucks registered under the International Registration Plan) who furnishes the Commissioner satisfactory proof that ~~he or she~~ the registrant is a member of an organization that has satisfied the requirements of this subdivision (b)(2). For each of the first 100 applicants to whom sets of plates are issued, the ~~\$17.00~~ \$21.00 special plate fee shall not be collected and shall be subtracted from the balance of the deposit. When the ~~\$1,700.00~~ \$2,100.00 balance of the deposit is depleted, applicants shall be required to pay the ~~\$17.00~~ \$21.00 fee as provided for in subdivision (2)(B) of this subsection. No organization shall charge its members any additional fee or premium charge for the authorization, right, or privilege to display special number plates, but any organization may recover up to ~~\$1,700.00~~ \$2,100.00 from applicants for the special plates.

\* \* \*

(f) Upon the request of a registrant of a motor vehicle with the previous issue number plates, the Commissioner shall issue current issue number plates bearing the same number as shown on the previous issue plates that are being replaced. The initial one-time fee for the plates shall be ~~\$24.00~~ \$29.00 in addition to the regular registration fee. Official plates and plates with numbers of 9999 or lower are specifically exempted.

\* \* \*

Sec. G.104 23 V.S.A. § 304b is amended to read:

§ 304b. CONSERVATION MOTOR VEHICLE REGISTRATION PLATES

(a) The Commissioner shall, upon application, issue conservation registration plates for use only on vehicles registered at the pleasure car rate, on trucks registered for less than 26,001 pounds, and on vehicles registered to State agencies under section 376 of this title, but excluding vehicles registered under the International Registration Plan. Plates so acquired shall be mounted on the front and rear of the vehicle. The Commissioners of Motor Vehicles and of Fish and Wildlife shall determine the graphic design of the special plates in a manner that serves to enhance the public awareness of the State's interest in restoring and protecting its wildlife and major watershed areas. The Commissioners of Motor Vehicles and of Fish and Wildlife may alter the graphic design of these special plates, provided that plates in use at the time of a design alteration shall remain valid subject to the operator's payment of the annual registration fee. Applicants shall apply on forms prescribed by the Commissioner and shall pay an initial fee of ~~\$26.00~~ \$32.00 in addition to the annual fee for registration. In following years, in addition to the annual registration fee, the holder of a conservation plate shall pay a renewal fee of ~~\$26.00~~ \$32.00. The Commissioner may adopt rules under 3 V.S.A. chapter 25 to implement the provisions of this subsection.

\* \* \*

Sec. G.105 23 V.S.A. § 304c is amended to read:

§ 304c. MOTOR VEHICLE REGISTRATION PLATES: BUILDING  
BRIGHT SPACES FOR BRIGHT FUTURES FUND

(a) The Commissioner shall, upon application, issue "Building Bright Spaces for Bright Futures Fund," referred to as "the Bright Futures Fund," registration plates for use only on vehicles registered at the pleasure car rate, on trucks registered for less than 26,001 pounds, on vehicles registered to State agencies under section 376 of this title, and excluding vehicles registered under the International Registration Plan. Plates so acquired shall be mounted on the front and rear of the vehicle. The Commissioner of Motor Vehicles shall utilize the graphic design recommended by the Commissioner for Children and Families for the special plates to enhance the public awareness of the State's interest in supporting children's services. Applicants shall apply on forms prescribed by the Commissioner of Motor Vehicles and shall pay an initial fee of ~~\$24.00~~ \$29.00 in addition to the annual fee for registration. In following years, in addition to the annual registration fee, the holder of a Bright Futures Fund plate shall pay a renewal fee of ~~\$24.00~~ \$29.00. The Commissioner of Motor Vehicles shall adopt rules under 3 V.S.A. chapter 25

to implement the provisions of this subsection.

\* \* \*

Sec. G.106 23 V.S.A. § 307 is amended to read:

§ 307. CARRYING OF REGISTRATION CERTIFICATE; REPLACEMENT  
AND CORRECTED CERTIFICATES

\* \* \*

(b) In case of the loss, mutilation, or destruction of a certificate, the owner of the vehicle described in it shall forthwith notify the Commissioner and remit a fee of ~~\$16.00~~ \$20.00, upon receipt of which the Commissioner shall furnish the owner with a duplicate certificate.

(c) A corrected registration certificate shall be furnished by the Commissioner upon request and receipt of a fee of ~~\$16.00~~ \$20.00.

(d) An operator cited for violating subsection (a) of this section with respect to a pleasure car, motorcycle, or truck that could be registered for less than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00, which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if ~~he or she~~ the operator is cited within the 14 days following the expiration of the motor vehicle's registration.

Sec. G.107 23 V.S.A. § 323 is amended to read:

§ 323. TRANSFER FEES

A person who transfers the ownership of a registered motor vehicle to another, upon the filing of a new application and upon the payment of a fee of ~~\$25.00~~ \$30.00, may have registered in ~~his or her~~ the person's name another motor vehicle for the remainder of the registration period without payment of any additional registration fee, provided the proper registration fee of the motor vehicle sought to be registered is the same as the registration fee of the transferred motor vehicle. However, if the proper registration fee of the motor vehicle sought to be registered by such person is greater than the registration fee of the transferred motor vehicle, the applicant shall pay, in addition to such fee of ~~\$25.00~~ \$30.00, the difference between the registration fee of the motor vehicle previously registered and the proper fee for the registration of the motor vehicle sought to be registered.

\* \* \* Registration; Fees and Exemptions \* \* \*

Sec. G.108 23 V.S.A. § 361 is amended to read:

§ 361. PLEASURE CARS

The annual registration fee for ~~registration of any motor vehicle of the a~~ pleasure car ~~type~~, as defined in subdivision 4(28) of this title, and all vehicles powered by electricity, shall be ~~\$74.00~~ \$89.00, and the biennial fee shall be ~~\$136.00~~ \$163.00.

Sec. G.109 23 V.S.A. § 364 is amended to read:

§ 364. MOTORCYCLES

The annual fee for registration of a motorcycle, with or without sidecar, shall be ~~\$46.00~~ \$56.00.

Sec. G.110 23 V.S.A. § 364a is amended to read:

§ 364a. MOTOR-DRIVEN CYCLES: REGISTRATION; FINANCIAL RESPONSIBILITY

(a) The annual fee for registration of a motor-driven cycle shall be ~~\$28.00~~ \$34.00.

\* \* \*

Sec. G.111 23 V.S.A. § 364b is amended to read:

§ 364b. ALL-SURFACE VEHICLES; REGISTRATION

(a) The annual fee for registration of an all-surface vehicle (ASV) shall be the sum of the fees established by sections 3305 and 3504 of this title, plus ~~\$26.00~~ \$32.00.

\* \* \*

Sec. G.112 23 V.S.A. § 367 is amended to read:

§ 367. TRUCKS

(a)(1) The annual fee for registration of tractors, truck-tractors, or motor trucks except truck cranes, truck shovels, road oilers, bituminous distributors, and farm trucks used as specified in subsection (f) of this section shall be based on the total weight of the truck-tractor or motor truck, including body and cab plus the heaviest load to be carried. In computing the fees for registration of tractors, truck-tractors, or motor trucks with trailers or semi-trailers attached, except trailers or semi-trailers with a gross weight of less than 6,000 pounds, the fee shall be based upon the weight of the tractor, truck-tractor, or motor truck, the weight of the trailer or semi-trailer, and the weight of the heaviest load to be carried by the combined vehicles. In addition to the

fee set out in the following schedule, the fee for vehicles weighing between 10,000 and 25,999 pounds inclusive shall be an additional ~~\$35.50~~ \$42.53, the fee for vehicles weighing between 26,000 and 39,999 pounds inclusive shall be an additional ~~\$70.98~~ \$85.03, the fee for vehicles weighing between 40,000 and 59,999 pounds inclusive shall be an additional ~~\$248.48~~ \$297.68, and the fee for vehicles 60,000 pounds and over shall be an additional ~~\$390.48~~ \$467.80. The fee shall be computed at the following rates per 1,000 pounds of weight determined pursuant to this subdivision and rounded up to the nearest whole dollar; the minimum fee for registering a tractor, truck-tractor, or motor truck to 6,000 pounds shall be the same as for the pleasure car type:

~~\$15.20~~ \$18.21 when the weight exceeds 6,000 pounds but does not exceed 8,000 pounds.

~~\$17.39~~ \$20.83 when the weight exceeds 8,000 pounds but does not exceed 12,000 pounds.

~~\$19.17~~ \$22.97 when the weight exceeds 12,000 pounds but does not exceed 16,000 pounds.

~~\$20.50~~ \$24.56 when the weight exceeds 16,000 pounds but does not exceed 20,000 pounds.

~~\$21.46~~ \$25.71 when the weight exceeds 20,000 pounds but does not exceed 30,000 pounds.

~~\$21.92~~ \$26.26 when the weight exceeds 30,000 pounds but does not exceed 40,000 pounds.

~~\$22.45~~ \$26.90 when the weight exceeds 40,000 pounds but does not exceed 50,000 pounds.

~~\$22.65~~ \$27.13 when the weight exceeds 50,000 pounds but does not exceed 60,000 pounds.

~~\$23.42~~ \$28.06 when the weight exceeds 60,000 pounds but does not exceed 70,000 pounds.

~~\$24.21~~ \$29.00 when the weight exceeds 70,000 pounds but does not exceed 80,000 pounds.

~~\$24.99~~ \$29.94 when the weight exceeds 80,000 pounds but does not exceed 90,000 pounds.

\* \* \*

(b) The annual fee for registration of a category I special purpose vehicle shall be ~~\$178.00~~ \$214.00, and the annual fee for a category II special purpose vehicle shall be ~~\$415.00~~ \$498.00.

\* \* \*

Sec. G.113 23 V.S.A. § 371 is amended to read:

§ 371. TRAILER AND SEMI-TRAILER

(a)(1) The one-year and two-year fees for registration of a trailer or semi-trailer, except a contractor's trailer or farm trailer, shall be as follows:

(A) ~~\$27.00~~ \$33.00 and ~~\$51.00~~ \$62.00, respectively, when such trailer or semi-trailer has a gross weight of trailer and load of 1,500 pounds or less;

(B) ~~\$52.00~~ \$63.00 and ~~\$102.00~~ \$123.00, respectively, when such trailer or semi-trailer has a gross weight of trailer and load of more than 1,500 pounds and is drawn by a vehicle of the pleasure car type;

(C) ~~\$52.00~~ \$63.00 and ~~\$102.00~~ \$123.00, respectively, when such trailer or semi-trailer is drawn by a motor truck or tractor, when such trailer or semi-trailer has a gross weight of more than 1,500 pounds but less than 3,000 pounds;

(D) ~~\$52.00~~ \$63.00 and ~~\$102.00~~ \$123.00, respectively, when such trailer or semi-trailer is used in combination with a truck-tractor or motor truck registered at the fee provided for combined vehicles under section 367 of this title. Excepting for the fees, the provisions of this subdivision shall not apply to trailer coaches as defined in section 4 of this title nor to modular homes being transported by trailer or semi-trailer.

(2) The one-year and two-year fees for registration of a contractor's trailer shall be ~~\$197.00~~ \$237.00 and ~~\$394.00~~ \$473.00, respectively.

\* \* \*

Sec. G.114 23 V.S.A. § 372 is amended to read:

§ 372. MOTOR BUS

The annual fee for registration of a motor bus shall be based on the actual weight of such bus, plus passenger carrying capacity at 150 pounds per person, and shall be ~~\$2.00~~ \$2.40 per 100 pounds of such weight, except for motor buses registered under section 372a or 376 of this title. Fractions of a hundred-weight shall be disregarded. The minimum fee for the registration of any motor bus shall be \$43.00.

Sec. G.115 23 V.S.A. § 372a is amended to read:

§ 372a. LOCAL TRANSIT PUBLIC TRANSPORTATION SERVICE

(a) The annual registration fee for any motor bus used in local transit or public transportation service shall be ~~\$62.00~~ \$75.00, except for those vehicles owned by a municipality for such service that are subject to the provisions of



section 376 of this title. In the event a bus registered for local transit or public transportation service is subsequently registered for general use during the same registration year, such fee shall be applied toward the fee for general registration.

\* \* \*

Sec. G.116 23 V.S.A. § 373 is amended to read:

§ 373. EXHIBITION VEHICLES; YEAR OF MANUFACTURE PLATES

(a) The annual fee for the registration of a motor vehicle that is maintained for use in exhibitions, club activities, parades, and other functions of public interest and that is not used for general daily transportation of passengers or property on any highway shall be ~~\$24.00~~ \$26.00, in lieu of fees otherwise provided by law. Permitted use shall include:

\* \* \*

Sec. G.117 23 V.S.A. § 376 is amended to read:

§ 376. STATE, MUNICIPAL, FIRE DEPARTMENT, AND RESCUE ORGANIZATION MOTOR VEHICLES

\* \* \*

(b) The fee for registration of a motor vehicle owned by any municipality in this State and used entirely by it or any other municipality for municipal purposes shall be ~~\$12.00~~ \$15.00 in lieu of fees otherwise specified in this chapter. ~~As used in~~ For purposes of this subsection, the term municipality shall include county-owned vehicles. The Commissioner shall issue specially designed registration plates for county-owned sheriffs' departments' vehicles.

(c) The registration fee for registration of a motor truck, trailer, ambulance, or other motor vehicle, owned by a volunteer fire department or other volunteer ~~fire-fighting~~ firefighting organization or other organization conducting rescue operations and used solely for fire fighting or rescue purposes shall be ~~\$12.00~~ \$15.00 in lieu of fees otherwise specified in this chapter. A motor vehicle or trailer registered under this section shall be plainly marked on both sides of the body or cab to indicate its ownership.

\* \* \*

(f) A replacement registration plate shall be provided by the Commissioner upon the payment of a fee of ~~\$9.00~~ \$11.00.

(g)(1) The fee for registration of a motor vehicle obtained from the government as excess government property, or a vehicle purchased with 100 percent federal funds and used for federally supported local programs, shall be

\$14.00, in lieu of fees otherwise specified in this chapter. The Commissioner shall determine the eligibility as to whether or not the motor vehicle qualifies for this registration and ownership of the vehicle shall be plainly marked on both sides of the body or cab.

\* \* \*

Sec. G.118 23 V.S.A. § 382 is amended to read:

§ 382. DIESEL-POWERED PLEASURE CARS

Notwithstanding any other provision of law, the annual registration fee for a pleasure car or tractor, truck-tractor, or motor truck up to 6,000 pounds powered by fuel as defined in section 3002 of this title shall be ~~\$74.00~~ \$89.00, and the biennial fee shall be ~~\$136.00~~ \$163.00.

\* \* \* Registration; Registration of Dealers and Transporters \* \* \*

Sec. G.119 23 V.S.A. § 453 is amended to read:

§ 453. FEES AND NUMBER PLATES

(a)(1) An application for registration as a dealer in new or used cars or motor trucks shall be accompanied by a fee of ~~\$503.00~~ \$603.00 for each certificate issued in such dealer's name. The Commissioner shall furnish free of charge with each dealer's registration certificate three number plates showing the distinguishing number assigned such dealer. The Commissioner may furnish additional plates according to the volume of the dealer's sales in the prior year or, in the case of an initial registration, according to the dealer's reasonable estimate of expected sales, as follows:

\* \* \*

(2) If the issuance of additional plates is authorized under subdivision (1) of this subsection, up to two plates shall be provided free of charge, and the Commissioner shall collect ~~\$55.00~~ \$66.00 for each additional plate thereafter.

(b) Application by a "dealer in farm tractors or other self-propelled farm implements," which shall mean a person actively engaged in the business of selling or exchanging new or used farm tractors or other self-propelled farm implements, for such dealer registration shall annually be accompanied by a fee of ~~\$78.00~~ \$94.00. The Commissioner shall furnish free of charge with each such dealer registration certificate two sets of number plates showing the distinguishing number assigned such dealer and in ~~his or her~~ the Commissioner's discretion may furnish further sets of plates at a fee of \$12.00 per set; such number plates may, however, be displayed only upon a farm tractor or other self-propelled farm implement.

(c) Application by a “dealer in motorized highway building equipment and road making appliances,” which shall mean a person actively engaged in the business of selling or exchanging new or used motorized highway building equipment or road making appliances, for such dealer registration shall annually be accompanied by a fee of ~~\$123.00~~ \$148.00. The Commissioner shall furnish free of charge with each such dealer registration certificate two sets of number plates showing the distinguishing number assigned such dealer and in ~~his or her~~ the Commissioner’s discretion may furnish further sets of plates at a fee of \$30.00 per set; such number plates may, however, be displayed only upon motorized highway building equipment or road making appliances.

(d) If a dealer is engaged only in the business of selling or exchanging motorcycles or motor-driven cycles, the registration fee shall be ~~\$62.00~~ \$75.00, which shall include three number plates. The Commissioner may, in ~~his or her~~ the Commissioner’s discretion, furnish further sets of plates at a fee of \$10.00 for each set.

(e) If a dealer is engaged only in the business of selling or exchanging trailers, semi-trailers, or trailer coaches, the registration fee shall be ~~\$123.00~~ \$148.00, which shall include three number plates; such number plates may, however, be displayed only upon a trailer, semi-trailer, or trailer coach. The Commissioner may, in ~~his or her~~ the Commissioner’s discretion, furnish further plates at a fee of \$10.00 for each such plate.

\* \* \*

Sec. G.120 23 V.S.A. § 457 is amended to read:

#### § 457. TEMPORARY PLATES

At the time of the issuance of a registration certificate to a dealer as provided in this chapter, the Commissioner shall furnish the dealer with a sufficient number of number plates and temporary validation stickers, temporary number plates, or temporary decals for use during the 60-day period immediately following sale of a vehicle or motorboat by the dealer. The plates and decals shall have the same general design as the plates or decals furnished individual owners, but the plates and decals may be of a material and color as the Commissioner may determine. The Commissioner shall collect a fee of ~~\$5.00~~ \$6.00 for each temporary plate issued.

Sec. G.121 23 V.S.A. § 463 is amended to read:

#### § 463. SALE OF VEHICLE TO GO OUT OF STATE

A registered motor vehicle dealer is authorized to issue an in-transit registration permit for the purpose of movement over the highways of certain

motor vehicles otherwise required to be registered when these vehicles are sold in this State to be transported to and registered in another state or province. The Commissioner of Motor Vehicles shall, upon request, provide registered motor vehicle dealers with such numbers of applications and special in-transit number plates for vehicles sold in this State to be transported to and registered in another state or province as shall be necessary. The Commissioner is authorized to charge a fee of ~~\$6.00~~ \$8.00 for the processing of the plate application and the issuance of the plate. The dealer, upon the sale of a motor vehicle to be transported to and registered in another state or province, shall cause the application to be filled out and transmitted to the Commissioner and shall attach to the vehicle the in-transit number plate corresponding to the application. No registered motor vehicle dealer shall sell, exchange, give, or transfer any application or in-transit plate to any person other than the person to whom the dealer sells or exchanges a motor vehicle to be registered in another state or province. The application shall be in a form prescribed and furnished by the Commissioner. The special in-transit number plate to be attached to the vehicle will be issued in the form and design as prescribed by the Commissioner and shall be valid for a period of 30 days from the date of issue.

Sec. G.122 23 V.S.A. § 476 is amended to read:

§ 476. MOTOR VEHICLE WARRANTY FEE

A motor vehicle warranty fee of ~~\$6.00~~ \$8.00 is imposed on the registration of each new motor vehicle in this State, not including trailers, tractors, motorized highway building equipment, road-making appliances, snowmobiles, motorcycles, motor-driven cycles, or trucks with a gross vehicle weight over 12,000 pounds.

Sec. G.123 23 V.S.A. § 494 is amended to read:

§ 494. FEES

The annual fee for a transporter's registration certificate, number plate, or validation sticker is ~~\$123.00~~ \$148.00.

\* \* \* Registration; Display of Number Plates \* \* \*

Sec. G.124 23 V.S.A. § 514 is amended to read:

§ 514. REPLACEMENT NUMBER PLATES

(a) In case of the loss of a number plate, the owner of the motor vehicle to which it was assigned shall immediately notify the Commissioner of such loss, and the Commissioner shall furnish such owner with a new plate. The fee charged shall be ~~\$12.00~~ \$15.00 for each plate. The owner of a motor vehicle who has lost one number plate may operate ~~his or her~~ the owner's vehicle with

only one number plate attached, until a new plate is furnished ~~him or her~~ to the owner, provided ~~he or she~~ the owner notified the Commissioner as required under this section.

(b) Any replacement number plate shall be issued at a fee of ~~\$12.00~~ \$15.00. However, if the Commissioner, in ~~his or her~~ the Commissioner's discretion, determines that a plate has become illegible as a result of deficiencies in the manufacturing process or by use of faulty materials, the replacement fee shall be waived.

Sec. G.125 23 V.S.A. § 516 is amended to read:

§ 516. SALE OF VEHICLE TO GO OUT OF STATE BY A PERSON  
OTHER THAN DEALER

The Commissioner of Motor Vehicles is authorized to issue an in-transit registration permit for the purpose of movement over the highways of certain motor vehicles otherwise required to be registered when the vehicles are sold in this State by a person, other than a registered motor vehicle dealer, to be transported to and registered in another state or province. The registration may be obtained by submitting an application on a form prescribed and furnished by the Commissioner of Motor Vehicles. The Commissioner is authorized to charge a fee of ~~\$6.00~~ \$8.00 for the processing of the application and the issuance of the plate. The in-transit registration plate pursuant to this section shall be valid for a period of 30 days from issuance and shall be in the form and design prescribed by the Commissioner of Motor Vehicles. Issuance of an in-transit plate for vehicles sold by a registered motor vehicle dealer to a person to be transported to and registered in another state or province shall be governed by the provisions of section 463 of this title.

Sec. G.126 23 V.S.A. § 517 is amended to read:

§ 517. INTRASTATE IN-TRANSIT PERMIT

The Commissioner may issue an intrastate in-transit registration permit to authorize the movement within Vermont of a motor vehicle otherwise required to be registered, if the vehicle is sold in this State by a person other than a registered motor vehicle dealer. The permit may be obtained after submission of an application on a form prescribed and furnished by the Commissioner and payment of a ~~\$6.00~~ \$8.00 fee. The permit shall be valid for a period of 10 days from the date of issuance and shall be in the form and design prescribed by the Commissioner.

\* \* \* Operator's License; General Provisions \* \* \*

Sec. G.127 23 V.S.A. § 608 is amended to read:

§ 608. FEES

(a) The four-year fee required to be paid the Commissioner for licensing an operator of motor vehicles or for issuing an operator's privilege card shall be ~~\$51.00~~ \$62.00. The two-year fee required to be paid the Commissioner for licensing an operator or for issuing an operator's privilege card shall be ~~\$32.00~~ \$39.00, and the two-year fee for licensing a junior operator or for issuing a junior operator's privilege card shall be ~~\$32.00~~ \$39.00.

(b) An additional fee of ~~\$3.00~~ \$4.00 per year shall be paid for a motorcycle endorsement. The endorsement may be obtained for either a two-year or four-year period, to be coincidental with the length of the operator's license.

Sec. G.128 23 V.S.A. § 613 is amended to read:

§ 613. REPLACEMENT LICENSE

(a) In case of the loss, mutilation, or destruction of a license or error in a license, the licensee shall forthwith notify the Commissioner who shall furnish such licensee with a replacement on receipt of ~~\$20.00~~ \$24.00.

\* \* \*

Sec. G.129 23 V.S.A. § 617 is amended to read:

§ 617. LEARNER'S PERMIT

\* \* \*

(b)(1) Notwithstanding the provisions of subsection (a) of this section, any licensed person may apply to the Commissioner of Motor Vehicles for a learner's permit for the operation of a motorcycle in the form prescribed by the Commissioner. The Commissioner shall offer both a motorcycle learner's permit that authorizes the operation of three-wheeled motorcycles only and a motorcycle learner's permit that authorizes the operation of any motorcycle. The Commissioner shall require payment of a fee of ~~\$20.00~~ \$24.00 at the time application is made.

(2) After the applicant has successfully passed all parts of the applicable motorcycle endorsement examination, other than a skill test, the Commissioner may issue to the applicant a learner's permit that entitles the applicant, subject to subsection 615(a) of this title, to operate a three-wheeled motorcycle only, or to operate any motorcycle, upon the public highways for a period of 120 days from the date of issuance. The fee for the examination shall be ~~\$9.00~~ \$11.00.

(3) A motorcycle learner's permit may be renewed only twice upon payment of a ~~\$20.00~~ \$24.00 fee. If, during the original permit period and two renewals the permittee has not successfully passed the applicable skill test or motorcycle rider training course, ~~he or she~~ the permittee may not obtain another motorcycle learner's permit for a period of 12 months from the expiration of the permit unless:

\* \* \*

(d) An applicant shall pay ~~\$20.00~~ \$24.00 to the Commissioner for each learner's permit or a duplicate or renewal thereof.

\* \* \*

\* \* \* Operator's License; General Provisions \* \* \*

Sec. G.130 23 V.S.A. § 634 is amended to read:

§ 634. FEE FOR EXAMINATION

(a) The fee for an examination for a learner's permit shall be ~~\$32.00~~ \$39.00. The fee for an examination to obtain an operator's license when the applicant is required to pass an examination pursuant to section 632 of this title shall be ~~\$19.00~~ \$23.00. The fee for a motorcycle skill test to obtain a motorcycle endorsement shall be ~~\$19.00~~ \$23.00.

(b) A scheduling fee of ~~\$24.00~~ \$29.00 shall be paid by the applicant before ~~he or she~~ the applicant may schedule the road test required under section 632 of this title. Unless an applicant gives the Department at least 48 hours' notice of cancellation, if the applicant does not appear as scheduled, the ~~\$24.00~~ \$29.00 scheduling fee is forfeited. If the applicant appears for the scheduled road test, the fee shall be applied toward the license examination fee. The Commissioner may waive the scheduling fee until the Department is capable of administering the fee electronically.

\* \* \*

\* \* \* Operator's License; Suspension and Revocation \* \* \*

Sec. G.131 23 V.S.A. § 675 is amended to read:

§ 675. FEE PRIOR TO TERMINATION OR REINSTATEMENT OF  
SUSPENSION OR REVOCATION OF LICENSE

(a) Before a suspension or revocation issued by the Commissioner of a person's operator's license or privilege of operating a motor vehicle may be terminated or before a person's operator's license or privilege of operating a motor vehicle may be reinstated, there shall be paid to the Commissioner a fee of ~~\$80.00~~ \$96.00 in addition to any other fee required by statute. This section

shall not apply to suspensions issued under the provisions of chapter 11 of this title nor suspensions issued for physical disabilities or failing to pass reexamination. The Commissioner shall not reinstate the license of a driver whose license was suspended pursuant to section 1205 of this title until the Commissioner receives certification from the court that the costs due the State have been paid.

\* \* \*

\* \* \* Operator's License; Driver Training School Licenses \* \* \*

Sec. G.132 23 V.S.A. § 702 is amended to read:

§ 702. TRAINING SCHOOL AND INSTRUCTOR'S LICENSES

A person shall not operate a driver training school or act as an instructor unless the person has secured a license from the Commissioner. Applications for such licenses may be filed with the Commissioner and shall contain the information and shall be on the forms the Commissioner may prescribe. Each application for a driver's training school license shall be accompanied by an application fee of ~~\$150.00~~ \$180.00, which shall not be refunded. If the application is approved by the Commissioner, the applicant upon payment of an additional fee of ~~\$225.00~~ \$270.00 shall be granted a license, which shall become void two years after the first day of the month of issue unless sooner revoked as provided in this subchapter. The renewal fee shall be ~~\$225.00~~ \$270.00. Each application for an instructor's license shall be accompanied by an application fee of ~~\$105.00~~ \$126.00, which shall not be refunded. If the application is approved by the Commissioner, the applicant upon payment of an additional fee of ~~\$75.00~~ \$90.00 shall be granted a license, which shall become void two years after the first day of the month of issue unless sooner revoked as provided in this subchapter. The renewal fee shall be ~~\$75.00~~ \$90.00.

Sec. G.133 23 V.S.A. § 703 is amended to read:

§ 703. POSSESSION OF LICENSE

Each person granted a driver's training school license shall display the same conspicuously on the school premises. Each person granted an instructor's license shall carry the same in ~~his or her~~ the person's possession while engaged in giving driver training. In case of loss, mutilation, or destruction of a license certificate, the Commissioner shall issue a duplicate certificate upon payment of a fee of ~~\$8.00~~ \$10.00.



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\* \* \* Operation of Vehicles; Equipment \* \* \*

Sec. G.134 23 V.S.A. § 1230 is amended to read:

§ 1230. CHARGE

For each inspection certificate issued by the Department of Motor Vehicles, the Commissioner shall be paid ~~\$6.00~~ \$8.00, provided that State and municipal inspection stations that inspect only State or municipally owned and registered vehicles shall not be required to pay a fee. All vehicle inspection certificate charge revenue shall be allocated to the Transportation Fund with one-half reserved for bridge maintenance activities.

\* \* \* Operation of Vehicles; Weight, Size, Loads \* \* \*

Sec. G.135 23 V.S.A. § 1392 is amended to read:

§ 1392. GROSS WEIGHT LIMITS ON HIGHWAYS

Except as provided in section 1400 of this title, a person ~~or corporation~~ shall not operate or cause to be operated a motor vehicle in excess of the total weight, including vehicle, object, or contrivance and load, of:

\* \* \*

(13) Despite the axle-load provisions of section 1391 of this title and the maximum gross load of subdivision (4) of this section, a special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following date of issue, may be issued to a person operating on designated routes on the State Highway System for a fee of ~~\$382.00~~ \$458.00 for each vehicle registered for a weight of 80,000 pounds. This special permit shall be issued only for a combination of vehicle and semi-trailer or trailer equipped with five or more axles, with a distance between axles that meets the minimum requirements of registering the vehicle to 80,000 pounds as allowed under subdivision (4) of this section. The maximum gross load under this special permit shall be 90,000 pounds. Unless authorized by federal law, this subdivision shall not apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways.

(14) Despite the axle-load provisions of section 1391 of this title and the axle spacing and maximum gross load provisions of subdivision (4) of this section, a special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following date of issue, may be issued to a person transporting loads on vehicles on designated routes on the State Highway System for the following fees for each vehicle unit. Unless authorized by federal law, the provisions of this subdivision regarding weight

limits or tolerances, or both, shall not apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways. This special permit shall be issued for the following vehicles and conditions:

(A) 3-axle trucks with a single steering axle and a rear tandem axle that have a maximum gross weight of not more than 60,000 pounds when registered for a minimum gross weight of not more than 55,000 pounds, the permit fee shall be ~~\$156.00~~ \$187.00.

(B) 4-axle trucks with a single steering axle and a rear tri-axle unit that have a maximum gross weight of not more than 69,000 pounds when registered for a minimum weight of 60,000 pounds, the permit fee shall be ~~\$352.00~~ \$422.00.

(C) 4-axle tractor semi-trailer or truck trailer combination with a maximum gross weight of not more than 72,000 pounds, provided the distance between the second axle of the tractor and the rear axle of the trailer is at least 24 feet measured to the nearest foot. For each foot or fraction of a foot less than 24 feet, measured to the nearest foot, a reduction of 2,000 pounds in the maximum gross weight shall be made. The permit fee shall be ~~\$15.00~~ \$18.00.

(D) 5- or more axle tractor semi-trailer or truck trailer combination with a maximum gross weight of not more than 76,000 pounds, provided that the distance between the first and last axle of two consecutive sets of tandem axles is at least 24 feet measured to the nearest foot. For each foot or fraction of a foot less than 24 feet, measured to the nearest foot, a reduction of 2,000 pounds in the maximum gross weight shall be made. The permit fee shall be ~~\$15.00~~ \$18.00.

\* \* \*

(17) Notwithstanding the gross vehicle weight provisions of subdivision (4) of this section, a truck trailer combination or truck tractor, semi-trailer combination with six or more load-bearing axles registered for 80,000 pounds shall be allowed to bear a maximum of 99,000 pounds by special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following the date of issue, for operating on designated routes on State and town highways, subject to the following:

\* \* \*

(F) The fee for the annual permit as provided in this subdivision (17) shall be ~~\$382.00~~ \$458.00 for vehicles bearing up to 90,000 pounds and ~~\$560.00~~ \$671.00 for vehicles bearing up to 99,000 pounds.

\* \* \*

Sec. G.136 23 V.S.A. § 1402 is amended to read:

§ 1402. OVERWEIGHT, WIDTH, HEIGHT, AND LENGTH PERMITS;  
FEES

(a) Overweight, overwidth, indivisible overlength, and overheight permits. Overweight, overwidth, indivisible overlength, and overheight permits shall be signed by the Commissioner or by ~~his or her~~ the Commissioner's agent and a copy shall be kept in the office of the Commissioner or in a location approved by the Commissioner. Except as provided in subsection (c) of this section, a copy shall also be available in the towing vehicle and must be available for inspection on demand of a law enforcement officer. Before operating a traction engine, tractor, trailer, motor truck, or other motor vehicle, the person to whom a permit to operate in excess of the weight, width, indivisible overlength, and height limits established by this title is granted shall pay a fee of ~~\$40.00~~ \$48.00 for each single trip permit or ~~\$112.00~~ \$135.00 for a blanket permit, except that the fee for a fleet blanket permit shall be ~~\$112.00~~ \$135.00 for the first unit and ~~\$6.00~~ \$8.00 for each unit thereafter. At the option of a carrier, an annual permit for the entire fleet, to operate over any approved route, may be obtained for ~~\$112.00~~ \$135.00 for the first tractor and ~~\$6.00~~ \$8.00 for each additional tractor, up to a maximum fee of \$1,000.00. The fee for a fleet permit shall be based on the entire number of tractors owned by the applicant. An applicant for a fleet permit may apply for any number of specific routes, each of which shall be reviewed with regard to the characteristics of the route and the type of equipment operated by the applicant. When the weight or size of the vehicle-load are considered sufficiently excessive for the routing requested, the Agency of Transportation shall, on request of the Commissioner, conduct an engineering inspection of the vehicle-load and route, for which a fee of \$300.00 will be added to the cost of the permit if the load is a manufactured home. For all other loads of any size or with gross weight limits less than 150,000 pounds, the fee shall be \$800.00 for any engineering inspection that requires up to eight hours to conduct. If the inspection requires more than eight hours to conduct, the fee shall be \$800.00 plus \$60.00 per hour for each additional hour required. If the vehicle and load weigh 150,000 pounds or more but not more than 200,000 pounds, the engineering inspection fee shall be \$2,000.00. If the vehicle and load weigh more than 200,000 pounds but not more than 250,000 pounds, the engineering inspection fee shall be \$5,000.00. If the vehicle and load weigh more than 250,000 pounds, the engineering inspection fee shall be \$10,000.00. The study must be completed prior to the permit being issued. Prior to the issuance of a permit, an applicant whose vehicle weighs 150,000 pounds or more, or is 15 or more feet in width or height, shall file with the Commissioner a special certificate of insurance showing minimum coverage of

\$250,000.00 for death or injury to one person, \$500,000.00 for death or injury to two or more persons, and \$250,000.00 for property damage, all arising out of any one crash.

(b) Overlength permits. Except as provided in subsections 1432(c) and (e) of this title, it shall be necessary to obtain an overlength permit as follows:

(1) For vehicles with a trailer or semitrailer longer than 75 feet, anywhere in the State on highways approved by the Agency of Transportation. In such cases, the vehicle may be operated with a single trip overlength permit issued by the Department of Motor Vehicles for a fee of ~~\$28.00~~ \$34.00. If the vehicle is 100 feet or more in length, the permit applicant shall file with the Commissioner of Motor Vehicles a special certificate of insurance showing minimum coverage of \$250,000.00 for death or injury to one person, \$500,000.00 for death or injury to two or more persons, and \$250,000.00 for property damage, all arising out of any one crash.

\* \* \*

\* \* \* Title to Motor Vehicles; General Provisions \* \* \*

Sec. G.137 23 V.S.A. § 2002 is amended to read:

§ 2002. FEES

(a) The Commissioner shall be paid the following fees:

(1) for any certificate of title, including a salvage certificate of title, or an exempt vehicle title, ~~\$35.00~~ \$42.00;

(2) for each security interest noted upon a certificate of title, including a salvage certificate of title, ~~\$11.00~~ \$14.00;

(3) for a certificate of title after a transfer, ~~\$35.00~~ \$42.00;

(4) for each assignment of a security interest noted upon a certificate of title, ~~\$11.00~~ \$14.00;

(5) for a duplicate certificate of title, including a salvage certificate of title, ~~\$35.00~~ \$42.00;

(6) for an ordinary certificate of title issued upon surrender of a distinctive certificate, ~~\$35.00~~ \$42.00;

(7) for filing a notice of security interest, ~~\$11.00~~ \$14.00;

(8) for a certificate of search of the records of the Department of Motor Vehicles, for each motor vehicle searched against, ~~\$22.00~~ \$27.00;

(9) for filing an assignment of a security interest, ~~\$11.00~~ \$14.00;

(10) for a certificate of title after a security interest has been released, ~~\$35.00~~ \$42.00;

(11) for a certificate of title for a motor vehicle acquired by a veteran with financial assistance from the U.S. Department of Veterans Affairs and exempt from registration fees pursuant to section 378 of this title, no fee;

(12) for a corrected certificate of title, ~~\$35.00~~ \$42.00.

\* \* \*

\* \* \* Titling of Vessels, Snowmobiles, and All-terrain Vehicles \* \* \*

Sec. G.138. 23 V.S.A. § 3802 is amended to read:

§ 3802. FEES

(a) The Commissioner shall be paid the following fees:

(1) for filing an application for a first certificate of title, ~~\$22.00~~ \$27.00;

(2) for each security interest noted upon a certificate of title, ~~\$11.00~~ \$14.00;

(3) for a certificate of title after a transfer, ~~\$22.00~~ \$27.00;

(4) for each assignment of a security interest noted upon a certificate of title, ~~\$11.00~~ \$14.00;

(5) for a duplicate certificate of title, ~~\$22.00~~ \$27.00;

(6) for an ordinary certificate of title issued upon surrender of a distinctive certificate, ~~\$22.00~~ \$27.00;

(7) for filing a notice of security interest, ~~\$11.00~~ \$14.00;

(8) for a certificate of search of the records of the Department of Motor Vehicles for each vessel, snowmobile, or all-terrain vehicle searched against, ~~\$22.00~~ \$27.00;

(9) for filing an assignment of a security interest, ~~\$11.00~~ \$14.00;

(10) for a certificate of clear title after the security interest or interests have been released, ~~\$22.00~~ \$27.00;

(11) for a corrected certificate of title, ~~\$22.00~~ \$27.00.

\* \* \*

\* \* \* Commercial Driver's License Act \* \* \*

Sec. G.139 23 V.S.A. § 4108 is amended to read:

§ 4108. COMMERCIAL DRIVER'S LICENSE, COMMERCIAL  
LEARNER'S PERMIT QUALIFICATION STANDARDS

\* \* \*

(f) The fee for a knowledge test and the fee for a skills test shall each be ~~\$32.00~~ \$39.00. The fee for an endorsement test shall be ~~\$14.00~~ \$17.00. In the event that an applicant fails a test three times, ~~he or she~~ the applicant may not take the test again for at least six months. A fee of ~~\$24.00~~ \$29.00 shall be paid by the applicant before ~~he or she~~ the applicant may schedule a skills test. If an applicant does not appear for the scheduled skills test, the ~~\$24.00~~ \$29.00 scheduling fee is forfeited, unless the applicant has given the Department of Motor Vehicles at least 48 hours' notice of cancellation of the test. If the applicant appears for the skills test, the ~~\$24.00~~ \$29.00 scheduling fee for that test will be used as part of the test fee. Use of an interpreter is prohibited during the administration of the knowledge or skills tests.

\* \* \*

Sec. G.140 23 V.S.A. § 4110 is amended to read:

§ 4110. APPLICATION FOR COMMERCIAL DRIVER'S LICENSE OR  
COMMERCIAL LEARNER'S PERMIT

\* \* \*

(8) The proper fee.

(A) The four-year fee for a commercial driver's license shall be ~~\$90.00~~ \$108.00. The two-year fee shall be ~~\$60.00~~ \$72.00. In those instances where the applicant surrenders a valid Vermont Class D license, the total fees due shall be reduced by:

\* \* \*

(B) The fee for a commercial learner's permit is ~~\$15.00~~ \$18.00.

\* \* \*

(b) When a licensee or permittee changes ~~his or her~~ the licensee's or permittee's name, mailing address, or residence or in the case of the loss, mutilation, or destruction of a license or permit, the licensee or permittee shall forthwith notify the Commissioner and apply in person for a duplicate license or permit in the same manner as set forth in subsection (a) of this section. The fee for a duplicate license or permit shall be ~~\$15.00~~ \$18.00.

\* \* \*

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\* \* \* Motor Vehicle Purchase and Use Tax \* \* \*

Sec. G.141 32 V.S.A. § 8903 is amended to read:

§ 8903. TAX IMPOSED

(a)(1) There is hereby imposed upon the purchase in Vermont of a motor vehicle by a resident a tax at the time of such purchase, payable as hereinafter provided. The amount of the tax shall be six percent of the taxable cost of a:

\* \* \*

(2) For any other motor vehicle, it shall be six percent of the taxable cost of the motor vehicle or ~~\$2,075.00~~ \$2,486.00 for each motor vehicle, whichever is smaller, except that pleasure cars that are purchased, leased, or otherwise acquired for use in short-term rentals shall be subject to taxation under subsection (d) of this section.

(b)(1) There is hereby imposed upon the use within this State a tax of six percent of the taxable cost of a:

\* \* \*

(2) For any other motor vehicle, it shall be six percent of the taxable cost of the motor vehicle or ~~\$2,075.00~~ \$2,486.00 for each motor vehicle, whichever is smaller, by a person at the time of first registering or transferring a registration to such motor vehicle payable as hereinafter provided, except no use tax shall be payable hereunder if the tax imposed by subsection (a) of this section has been paid, or the vehicle is a pleasure car that was purchased, leased, or otherwise acquired for use in short-term rentals, in which case the vehicle shall be subject to taxation under subsection (d) of this section.

\* \* \*

\* \* \* Effective Dates \* \* \*

Sec. H.100 EFFECTIVE DATES

(a) This section and Secs. C.100 through C.116 (fiscal year 2023 adjustments, appropriations, and amendments) shall take effect upon passage.

(b) Sections G.100 through G. 141 shall take effect on January 1, 2024.

(c) All remaining sections shall take effect on July 1, 2023.

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. Lanpher of Vergennes** 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. Lanpher of Vergennes**  
**Rep. Scheu of Middlebury**  
**Rep. Wood of Waterbury**

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 two o'clock and forty-three minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Monday, May 1, 2023, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 25.

### **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. 100**

House concurrent resolution recognizing May 2023 as Older Americans Month in Vermont

#### **H.C.R. 101**

House concurrent resolution honoring spouses Eugene Uman and Elsa Borrero on their quarter century of leadership at the Vermont Jazz Center and for their individual artistic and educational contributions

#### **H.C.R. 102**

House concurrent resolution commemorating the bicentennial of the Old West Church in Calais

#### **H.C.R. 103**

House concurrent resolution congratulating the 2023 Vermont Principal of the Year, Christopher Young

#### **H.C.R. 104**

House concurrent resolution in memory of Albert D. Corey of St. Albans



**H.C.R. 105**

House concurrent resolution congratulating the 2023 U-32 Raiders Division II championship boys' ice hockey team

**H.C.R. 106**

House concurrent resolution recognizing May 2023 as National Foster Care Month in Vermont

**H.C.R. 107**

House concurrent resolution honoring the 83 years of outstanding Paquette family agricultural entrepreneurship

[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 2023 Biennial Session.]

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**Monday, May 1, 2023**

At ten o'clock in the forenoon, **Rep. Sheldon of Middlebury** called the House to order. Noting a lack of quorum and pursuant to House Rule 9, the House adjourned until Tuesday, May 2, 2023 at ten o'clock in the forenoon.

**Message from the Senate No. 48**

A message was received from the Senate by Ms. Kucserik, 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 bills of the following titles:

**S. 5.** An act relating to affordably meeting the mandated greenhouse gas reductions for the thermal sector through efficiency, weatherization measures, electrification, and decarbonization.

**S. 37.** An act relating to access to legally protected health care activity and regulation of health care providers.

And has concurred therein.

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

**H. 178.** An act relating to commissioning Department of Corrections personnel as notaries public.

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. 494.** 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 Perchlik  
Senator Westman

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

**H.C.R. 100.** House concurrent resolution recognizing May 2023 as Older Americans Month in Vermont.

**H.C.R. 101.** House concurrent resolution honoring spouses Eugene Uman and Elsa Borrero on their quarter century of leadership at the Vermont Jazz Center and for their individual artistic and educational contributions.

**H.C.R. 102.** House concurrent resolution commemorating the bicentennial of the Old West Church in Calais.

**H.C.R. 103.** House concurrent resolution congratulating the 2023 Vermont Principal of the Year, Christopher Young.

**H.C.R. 104.** House concurrent resolution in memory of Albert D. Corey of St. Albans.

**H.C.R. 105.** House concurrent resolution congratulating the 2023 U-32 Raiders Division II championship boys' ice hockey team.

**H.C.R. 106.** House concurrent resolution recognizing May 2023 as National Foster Care Month in Vermont.

**H.C.R. 107.** House concurrent resolution honoring the 83 years of outstanding Paquette family agricultural entrepreneurship.

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**Tuesday, May 2, 2023**

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

**Devotional Exercises**

Devotional exercises were conducted by Samn Stockwell, Poet, Barre City.

**Recess**

At ten o'clock and three minutes in the forenoon, the House recessed due to a power outage.

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

**Pledge of Allegiance**

Page Eli R. Welch of Guilford led the House in the Pledge of Allegiance.

**House Bill Introduced****H. 519**

By Reps. Canfield of Fair Haven, Graham of Williamstown, Toof of St. Albans Town, and Williams of Granby,

House bill, entitled

An act relating to the duties and salaries of municipal clerks

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

**Bill Referred to Committee on Ways and Means****S. 100**

Senate bill, entitled

An act relating to housing opportunities made for everyone

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 Adopted****H.R. 10**

House resolution, entitled

House resolution supporting the continuing resiliency and strengthening of the Abenaki communities in Vermont and encouraging a greater appreciation and respect for Abenaki culture during Abenaki Recognition and Heritage Week and throughout the year

Offered by: All Members of the House

Whereas, Indigenous People in Vermont were long denied legal recognition and experienced direct discrimination, especially as a result of the Vermont Eugenics Survey and the eugenics-inspired and State-sanctioned sterilizations authorized in 1931 Acts and Resolves No. 174, and

Whereas, over the past 15 years, the injustices that the Abenakis experienced have begun to be addressed, and

Whereas, 2006 Acts and Resolves No. 125 established the Vermont Commission of Native American Affairs, and 2010 Acts and Resolves No. 107 granted the Commission the authority to review applications from Native American tribes and bands for State recognition, and

Whereas, during the 2011–2012 biennium, the General Assembly confirmed the Commission’s determination that the Elu Abenaki tribe; the Nulhegan Band of the Coosuk Abenaki Nation; the Koasek Abenaki of the Koas; and the Missisquoi, St. Francis-Sokoki Band had satisfied the criteria for State recognition, and

Whereas, in 2021 Acts and Resolves No. R-114, the General Assembly adopted a joint resolution extending an official State apology to all impacted Vermonters, including members of Indigenous communities, for the harms they suffered due to State-sanctioned eugenics policies and practices, and this apology was modeled on the apology that the University of Vermont issued for its role in the conducting of the Vermont Eugenics Survey, and

Whereas, having extended an apology for the effects of the 1931 sterilization legislation, the General Assembly, in 2022 Acts and Resolves No. 128, established a Truth and Reconciliation Commission to address past harms, including those referenced in the 2021 joint resolution, and

Whereas, the Abenakis and other Indigenous people hold great reverence for and have an enduring bond with the land and waters of Vermont, and they have long counted on these natural resources as a source of sustenance and as a place of gathering for civic and sacred purposes, and

Whereas, the General Assembly recently enacted legislation in recognition of this ancient bond by passing 2020 Acts and Resolves No. 143, which provides for free hunting and fishing licenses for certified citizens of State-recognized Native American Indian tribes, and 2020 Acts and Resolves No. 174, which establishes a process to add Abenaki names as appropriate on new or replaced signs in State parks, and

Whereas, for the fifth consecutive year, Governor Philip B. Scott has designated the first week of May as Abenaki Recognition and Heritage Week, and this designation affords an ideal opportunity for Vermonters to gain a more informed understanding of Abenaki life in Vermont, now therefore be it

Resolved by the House of Representatives:

That this legislative body supports the continuing resiliency and strengthening of the Abenaki communities in Vermont and encourages a greater appreciation and respect for Abenaki culture during Abenaki Recognition and Heritage Week and throughout the year, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the Vermont Commission on Native American Affairs and to each Vermont-recognized Abenaki tribe and band.

Was read and adopted.

**Ceremonial Reading****H.C.R. 100**

House concurrent resolution recognizing May 2023 as Older Americans Month in Vermont

Offered by: Committee on Human Services

Whereas, the life experience and knowledge of older Vermonters are invaluable societal assets, and

Whereas, according to the American Community Survey, as of 2021, there were over 183,000 persons 60 years of age and older residing in Vermont, and

Whereas, in 2021, the U.S. Census reported that over 61,000 older adults in Vermont were in the labor force, and

Whereas, older Vermonters are active community members involved in volunteering, mentorship, the arts, and cultural and civic engagement, and

Whereas, recognizing their successes at work or as retirees encourages continuing community participation and spurs further accomplishments, and

Whereas, local communities can engage older Vermonters in opportunities that result in rewarding lives, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes May 2023 as Older Americans Month in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Association of Area Agencies on Aging and the Commissioner of Disabilities, Aging, and Independent Living.

Having been adopted in concurrence on Friday, April 28, 2023 in accord with Joint Rule 16b, was read.

**Second Reading; Bill Amended; Third Reading Ordered****H. 490**

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

An act relating to approving the merger of the Village of Lyndonville with the Town of Lyndon

Reported in favor of its passage when amended as follows:

First: In Sec. 2, 24 App. V.S.A. chapter 126 (Town of Lyndon), in section 12, in subsection (b), following the words “shall take effect on the” by striking out “30th” and inserting in lieu thereof “60th”

Second: In Sec. 2, 24 App. V.S.A. chapter 126 (Town of Lyndon), by striking out section 14 (penalties for violation of an ordinance) in its entirety and inserting in lieu thereof a new section 14 to read as follows:

§ 14. COVERED BRIDGES; PENALTY FOR VIOLATION OF LEGAL

LIMITS

Notwithstanding 23 V.S.A. § 1434, the Town may adopt an ordinance governing operator damage to covered bridges that provides for a civil penalty of not more than \$10,000.00 or an amount equal to the costs of repairing the damage to the covered bridge.

Third: In Sec. 2, 24 App. V.S.A. chapter 126 (Town of Lyndon), in section 27 (other elected town officers), in subdivision (c)(3), following the subdivision heading, by striking out “With the approval of the Selectboard, the Board of Listers” and inserting in lieu thereof the words “The Selectboard” before the words “may appoint”

Fourth: In Sec. 2, 24 App. V.S.A. chapter 126 (Town of Lyndon), by striking out section 33 in its entirety and inserting in lieu thereof a new section 33 to read as follows:

§ 33. SELECTBOARD MEETINGS

(a) As soon as possible after the election of the Chair and Vice Chair, the Selectboard shall fix the time and place of its regular meetings. The Selectboard shall meet at least twice each month, except when the Selectboard determines that the then-pending business does not require a meeting.

(b) The Selectboard shall determine its own rules and order of business.

(c) A majority of the members of the Selectboard shall constitute a quorum. The act of the majority of the members of the Selectboard present at a meeting shall constitute the act of the Selectboard.

(d) All meetings of the Selectboard shall be open to the public unless the Selectboard votes to go into executive session in accordance with the provisions of 1 V.S.A. chapter 5.

(e) Except in cases of emergency meetings, the agenda of the Selectboard’s meetings shall be made available to the public at least 24 hours prior to the meeting and posted in the Town Clerk’s office.

Fifth: In Sec. 2, 24 App. V.S.A. chapter 126 (Town of Lyndon), in section 42 (Town meetings), in subsection (b), following the words “The ballot boxes at” by striking out the words “any election” and inserting in lieu thereof the words “Town elections” before the words “shall be open”

Sixth: In Sec. 2, 24 App. V.S.A. chapter 126 (Town of Lyndon), in section 61 (fiscal year), following the words “shall commence on the first day of January” by striking out “and end at 12:00 midnight on the last day of the following December” before the period.

Seventh: In Sec. 2, 24 App. V.S.A. chapter 126 (Town of Lyndon), by striking out section 63 (public meeting on proposed budget) in its entirety and inserting in lieu thereof the following:

§ 63. [RESERVED]

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

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

#### **Bill Committed Pending Second Reading**

##### **S. 103**

Senate bill, entitled

An act relating to amending the prohibitions against discrimination

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up and pending second reading, on motion of **Rep. Stevens of Waterbury**, the bill was committed to the Committee on Education.

#### **Favorable Report; Second Reading; Third Reading Ordered**

##### **H. 506**

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

An act relating to approval of amendments to the election boundary provisions of the charter of the City of Burlington

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.



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**Favorable Report; Second Reading; Third Reading Ordered****H. 507**

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

An act relating to approval of amendments to the polling place provisions of the charter of the City of Burlington

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.

**Recess**

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

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

**Message from the Senate No. 49**

A message was received from the Senate by Ms. Kucserik, 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. 141.** An act relating to approval of the charter of Fairfax Fire District No. 1.

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. 110.** An act relating to extending the sunset under 30 V.S.A. § 248a.

And has passed the same in concurrence with proposal of amendment 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. 150.** An act relating to approval of an amendment to the charter of the Village of Alburgh.

And has passed the same in concurrence.

The Senate has considered House proposal of amendment to Senate bill of the following title:

**S. 36.** An act relating to permitting an arrest without a warrant for assaults and threats against health care workers and disorderly conduct at health care facilities.

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 joint resolution of the following title:

**J.R.S. 26.** Joint resolution relating to weekend adjournment.

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

### **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 May 2023, he signed a bill originating in the House of the following title:

**H. 190** An act relating to removing the residency requirement from Vermont's patient choice at end of life laws

### **Favorable Report; Second Reading; Third Reading Ordered**

#### **H. 508**

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

An act relating to approval of an amendment to the ranked choice voting provisions of the charter of the City of Burlington

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.

### **Favorable Report; Second Reading; Third Reading Ordered**

#### **H. 509**

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

An act relating to approval of amendments to the voter qualification provisions of the charter of the City of Burlington

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. 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 be read a third time?, was decided in the affirmative. Yeas, 105. Nays, 33.

Those who voted in the affirmative are:

Andrews of Westford	Demrow of Corinth	Mulvaney-Stanak of Burlington *
Anthony of Barre City	Dodge of Essex	Nicoll of Ludlow
Arrison of Weathersfield	Dolan of Essex Junction	Notte of Rutland City
Arsenault of Williston	Dolan of Waitsfield	Nugent of South Burlington
Austin of Colchester	Durfee of Shaftsbury	O'Brien of Tunbridge
Bartholomew of Hartland	Elder of Starksboro	Ode of Burlington
Beck of St. Johnsbury	Emmons of Springfield	Pajala of Londonderry
Berbeco of Winooski	Farlice-Rubio of Barnet	Patt of Worcester
Birong of Vergennes	Garofano of Essex	Pouech of Hinesburg
Black of Essex	Goldman of Rockingham	Priestley of Bradford
Bluemle of Burlington	Graning of Jericho	Rachelson of Burlington
Bongartz of Manchester	Headrick of Burlington	Rice of Dorset
Bos-Lun of Westminster	Holcombe of Norwich	Roberts of Halifax
Boyden of Cambridge	Hooper of Randolph	Satcowitz of Randolph
Brady of Williston	Hooper of Burlington	Scheu of Middlebury
Brown of Richmond	Houghton of Essex Junction	Sheldon of Middlebury
Brumsted of Shelburne	Howard of Rutland City	Sibilia of Dover
Burke of Brattleboro	Hyman of South Burlington	Sims of Craftsbury
Burrows of West Windsor	James of Manchester	Small of Winooski *
Buss of Woodstock	Jerome of Brandon	Squirrell of Underhill
Campbell of St. Johnsbury	Kornheiser of Brattleboro	Stebbins of Burlington
Carpenter of Hyde Park	Krasnow of South Burlington	Stevens of Waterbury
Carroll of Bennington	LaBounty of Lyndon	Stone of Burlington
Casey of Montpelier	Lalley of Shelburne	Surprenant of Barnard
Chapin of East Montpelier	LaLonde of South Burlington	Taylor of Colchester
Chase of Chester	LaMont of Morristown	Templeman of Brownington
Chase of Colchester	Lanpher of Vergennes	Toleno of Brattleboro
Chesnut-Tangerman of Middletown Springs	Lipsky of Stowe	Torre of Moretown
Christie of Hartford	Logan of Burlington	Troiano of Stannard
Cina of Burlington	Long of Newfane	Waters Evans of Charlotte
Coffey of Guilford	Masland of Thetford	White of Bethel
Cole of Hartford	McCarthy of St. Albans City	Whitman of Bennington
Conlon of Cornwall	McGill of Bridport	Williams of Barre City
Corcoran of Bennington	Minier of South Burlington	Wood of Waterbury
Cordes of Lincoln	Morris of Springfield	
	Mrowicki of Putney	

Those who voted in the negative are:

Bartley of Fairfax	Gregoire of Fairfield	Oliver of Sheldon
Branagan of Georgia	Hango of Berkshire	Page of Newport City
Brennan of Colchester	Harrison of Chittenden	Parsons of Newbury
Burditt of West Rutland	Higley of Lowell	Peterson of Clarendon
Canfield of Fair Haven	Labor of Morgan	Shaw of Pittsford
Clifford of Rutland City	Laroche of Franklin	Smith of Derby
Demar of Enosburgh	Marcotte of Coventry	Taylor of Milton
Dickinson of St. Albans Town	Mattos of Milton	Toof of St. Albans Town
Donahue of Northfield	McCoy of Poultney	Walker of Swanton
Galfetti of Barre Town	McFaun of Barre Town	Williams of Granby
Goslant of Northfield	Morgan of Milton	
	Morrissey of Bennington	

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

Andriano of Orwell	Maguire of Rutland City	Pearl of Danville
Brownell of Pownal	McCann of Montpelier	Sammis of Castleton
Graham of Williamstown	Mihaly of Calais	Wilson of Lyndon
Leavitt of Grand Isle	Noyes of Wolcott	

**Rep. Mulvaney-Stanak of Burlington** explained her vote as follows:

“Madam Speaker:

Extending local voting rights to all residents is a critical way to strengthen our democracy. It builds a stronger community, provides people a voice in local matters, and recognizes, rightfully so, the vibrancy of our diverse communities.”

**Rep. Small of Winooski** explained her vote as follows:

“Madam Speaker:

I vote yes today knowing that our Vermont Supreme Court ruled earlier this year that ‘the statute allowing noncitizens to vote in local [Montpelier] elections does not violate Chapter II § 42 because that constitutional provision does not apply to local elections.’ I vote yes today to expand access to democracy in our brave little State.”

**Senate Proposal of Amendment Concurred in  
With a Further Amendment Thereto; Rules Suspended,  
House Actions Messaged to Senate Forthwith**

**H. 222**

The Senate proposed to the House to amend House bill, entitled  
An act relating to reducing overdoses

The Senate proposed to the House to amend the bill as follows:

First: In Sec. 2, regional stakeholder meetings; public needle and syringe disposal programs, in subsection (a), in the first sentence, by striking out “Health’s Accountable Communities for”

Second: By striking out Sec. 3a, 33 V.S.A. § 2004, in its entirety and inserting in lieu thereof the following:

Sec. 3a. [Deleted.]

Third: In Sec. 6b, 18 V.S.A. § 4752, in subsection (e), after “Department of Vermont Health Access”, by inserting the phrase or the Department’s pharmacy benefits manager

Fourth: By striking out Sec. 8b, rulemaking; prior authorization; buprenorphine in its entirety and inserting in lieu thereof a new Sec. 8b to read as follows:

Sec. 8b. RULEMAKING; PRIOR AUTHORIZATION; BUPRENORPHINE

The Department of Vermont Health Access shall amend its rules pursuant to 3 V.S.A. chapter 25 to enable health care providers in office-based opioid-treatment programs to prescribe 24 milligrams or less of the preferred medication for buprenorphine without prior authorization in accordance with 33 V.S.A. § 19011.

Fifth: In Sec. 9, 24 V.S.A. § 4412, subdivision (1)(G), in the first sentence, by striking out the word “and” before the phrase “a recovery residence” and inserting in lieu thereof or

Sixth: In Sec. 9, 24 V.S.A. § 4412, in subdivision (1)(G)(i), by striking out the word “tenants” and inserting in lieu thereof the phrase persons in recovery

Seventh: By inserting a new reader assistance heading and Secs. 11 and 12 after Sec. 10 to read as follows:

\* \* \* Drug Checking for Contamination Detection \* \* \*

Sec. 11. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

As used in this chapter, ~~unless the context otherwise requires:~~

\* \* \*

(45) “Drug-checking” means the testing of a substance to determine its chemical composition or assist in determining whether the substance contains contaminants, toxic substances, or hazardous compounds.

Sec. 12. 18 V.S.A. § 4240a is added to read:

§ 4240a. OVERDOSE PREVENTION; DRUG-CHECKING FOR  
CONTAMINANT DETECTION

(a) Notwithstanding any other provision of law, it shall not be a violation of this chapter to receive, possess, transport, or store samples of a substance that may contain a regulated drug solely for purposes of analyzing the substance to determine its chemical composition and disseminate information regarding the analysis to the provider of the substance.

(b) On-site community drug-checking service providers shall be permitted to:

(1) collect voluntarily provided residual samples of substances potentially containing regulated drugs, possess, transport, or store samples of a regulated drug solely for purposes of analyzing the substances to determine its chemical composition as a lifesaving intervention;

(2) use any available technologies to analyze the contents of samples to obtain timely, highly accurate information regarding the composition of drugs to prevent overdose and mitigate health risks;

(3) provide results of analysis obtained from drug-checking technology to the person requesting drug services;

(4) disseminate data containing only the results of analysis and containing no personally identifiable information to community members at risk of overdose; and

(5) if necessary, arrange for a sample of a drug or substance to be tested by an approved laboratory.

(c) In operating any drug-checking service, no personally identifiable information shall be collected from a person providing a controlled substance to a service provider.

(d) An employee, contractor, volunteer, or other person acting in the good faith provision of drug-checking services and, acting in accordance with established protocols shall not:

(1) be subject to arrest, charge, or prosecution for a violation pursuant to this chapter, including for attempting to, aiding and abetting in, or conspiracy to commit a violation of this chapter;

(2) have their property subject to forfeiture, any civil or administrative penalty, or liability of any kind, including disciplinary action by a professional licensing board, credentialing restrictions, contractual or civil liability, or medical staff or other employment action; or

(3) be denied any right or privilege for actions, conduct, or omissions relating to the operation of a drug-checking service in compliance with this chapter and any rules adopted pursuant to this chapter.

(e) An individual possessing a regulated substance and who provides any portion of the substance to a program pursuant to this section for purposes of obtaining drug-checking services shall not be subject to arrest, charge, or prosecution for possession of a regulated substance pursuant to this chapter or civil or administrative penalty or disciplinary action by a professional licensing board for a violation of this chapter.

(f) Local governments shall not collect, maintain, use, or disclose any personal information relating to an individual from whom local government receives any drug or substance for checking or disposal.

(g) The result of a test carried out by a drug-checking service provider shall not be admissible as evidence in any criminal or civil proceeding.

(h)(1) The Department of Health shall publish guidance and provide technical assistance for any service provider choosing to implement drug-checking services under this section.

(2) The Department shall coordinate the collection and dissemination of deidentified data related to drug-checking services to inform prevention and public health initiatives.

Eighth: By inserting a new reader assistance heading and Secs. 13 and 14 after the newly added Sec. 12 to read as follows:

\* \* \* Opioid Abatement Special Fund \* \* \*

Sec. 13. 18 V.S.A. § 4774 is amended to read:

§ 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 to the Department from the national abatement account fund, 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~~ submit a spending plan to the General Assembly, 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 funding is approved appropriated by the General Assembly from the Opioid Abatement Special Fund, the Department shall request to have the funds formally released from the national abatement account fund, 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.

\* \* \*

#### Sec. 14. APPROPRIATION; OPIOID ABATEMENT SPECIAL FUND

In fiscal year 2023, the following monies shall be appropriated from the Opioid Abatement Special Fund pursuant to 18 V.S.A. § 4774:

(1) \$1,980,000.00 for the expansion of naloxone distribution efforts, including establishing harm reduction vending machines, home delivery and mail order options, and expanding the harm reduction pack and leave behind kit programs;

(2)(A) \$2,000,000.00 divided equally between four opioid treatment programs to cover costs associated with partnering with other health care providers to expand satellite locations for the dosing of medications, including costs associated with the satellite locations' physical facilities, staff time at the satellite locations, and staff time at opioid treatment programs to prepare medications and coordinate with satellite locations;

(B) the satellite locations established pursuant to this subdivision (2) shall be located in Addison County, eastern or southern Vermont, Chittenden County, and a facility operated by the Department of Corrections;

(3)(A) \$1,976,000.00 to fund 26 outreach or case management staff positions within the preferred provider network and within syringe service organizations for the provision of services that increase motivation of and engagement with individuals with substance use disorder in settings such as police barracks, shelters, social service organizations, and elsewhere in the community;

(B) it the intent of the General Assembly that these positions shall be funded annually by the Opioid Abatement Special Fund unless and until the Special Fund does not have sufficient monies to fund this expenditure;



(4) \$400,000.00 divided equally among the State's four syringe service providers to provide overdose prevention services and response education and resources that build trust between individuals with substance use disorder and Vermont's system of care;

(5) \$840,000.00 to provide contingency management services to individuals with substance use disorder;

(6) \$100,000.00 to implement a wound care telehealth consultation pilot program for the purpose of utilizing wound care experts to provide telehealth drop-in appointments to address syringe use by individuals with opioid use disorder;

(7) \$200,000.00 to expand the distribution of fentanyl test strips and, if available, xylazine test strips; and

(8)(A) \$700,000.00 to the Department of Health's Division of Substance Use Programs to award one or more grants to an organization or organizations providing or preparing to implement drug-checking services with spectroscopy devices, including high-pressure mass spectrometer (HPMS) or Fourier-transform infrared spectroscopy device (FTIR), in a harm reduction setting;

(B) the grants awarded pursuant to this subdivision (8) shall be based on an applicant's ability to provide publicly available drug-checking services.

And by renumbering the remaining section to be numerically correct.

Ninth: In the newly renumbered Sec. 15, effective dates, before the period, by inserting and Sec. 8b (rulemaking; prior authorization; buprenorphine) shall take effect on January 1, 2024

Pending the question, Shall the House concur in the Senate proposal of amendment?, **Reps. Whitman of Bennington, Brumsted of Shelburne, Donahue of Northfield, Garofano of Essex, Gregoire of Fairfield, Hyman of South Burlington, McGill of Bridport, Noyes of Wolcott, Pajala of Londonderry, Small of Winooski, and Wood of Waterbury** moved to concur in the Senate proposal of amendment with a further amendment thereto as follows:

First: In Sec. 9, 24 V.S.A. § 4412, in subdivision (1)(G)(i), by striking out the phrase "persons in recovery" and inserting in lieu thereof the word "tenants"

Second: By striking out Sec. 11, 18 V.S.A. § 4201, in its entirety and inserting in lieu thereof a new Sec. 11 to read as follows:

Sec. 11. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

As used in this chapter, ~~unless the context otherwise requires:~~

\* \* \*

(45) “Approved drug-checking service provider” means a provider who complies with operating guidelines developed by the Department of Health pursuant to section 4240a of this title.

(46) “Drug-checking” means the testing of a substance to determine its chemical composition or assist in determining whether the substance contains contaminants, toxic substances, or hazardous compounds.

Third: By striking out Sec. 12, 18 V.S.A. § 4240a, in its entirety and inserting in lieu thereof a new Sec. 12 to read as follows:

Sec. 12. 18 V.S.A. § 4240a is added to read:

§ 4240a. OVERDOSE PREVENTION; DRUG-CHECKING FOR  
CONTAMINANT DETECTION

(a) Notwithstanding any other provision of law, it shall not be a violation of this chapter for an approved drug-checking service provider to receive, possess, transport, or store samples of a substance that may contain a regulated drug solely for purposes of analyzing the substance to determine its chemical composition and disseminate information regarding the analysis to the provider of the substance.

(b) On-site approved drug-checking service providers shall be permitted to:

(1) collect voluntarily provided residual samples of substances potentially containing regulated drugs, possess, transport, or store samples of a regulated drug solely for purposes of analyzing the substances to determine its chemical composition as a lifesaving intervention;

(2) use any available technologies to analyze the contents of samples to obtain timely, highly accurate information regarding the composition of drugs to prevent overdose and mitigate health risks;

(3) provide results of analysis obtained from drug-checking technology to the person requesting drug services;

(4) disseminate data containing only the results of analysis and containing no personally identifiable information to community members at risk of overdose; and

(5) if necessary, arrange for a sample of a drug or substance to be tested by an approved laboratory.

(c) In operating any drug-checking service, personally identifiable information may be collected from a person providing a controlled substance to an approved drug-checking service provider only as necessary to communicate drug-checking results to the person. Personally identifiable information collected solely for the purposes of communicating drug-checking results shall not be retained or shared by an approved drug-checking service provider.

(d) An employee, contractor, volunteer, or other person acting in the good faith provision of drug-checking services and, acting in accordance with established protocols shall not:

(1) be subject to arrest, charge, or prosecution for a violation pursuant to this chapter, including for attempting to, aiding and abetting in, or conspiracy to commit a violation of this chapter;

(2) have their property subject to forfeiture, any civil or administrative penalty, or liability of any kind, including disciplinary action by a professional licensing board, credentialing restrictions, contractual or civil liability, or medical staff or other employment action; or

(3) be denied any right or privilege for actions, conduct, or omissions relating to the operation of a drug-checking service in compliance with this chapter and any rules adopted pursuant to this chapter.

(e) An individual possessing a regulated substance and who provides any portion of the substance to an approved drug-checking service provider pursuant to this section for purposes of obtaining drug-checking services shall not be subject to arrest, charge, or prosecution for possession of a regulated substance pursuant to this chapter or civil or administrative penalty or disciplinary action by a professional licensing board for a violation of this chapter based on the individual's use or attempted use of drug-checking services in accordance with this section. The immunity provisions of this subsection shall apply only to the use and derivative use of evidence gained as a proximate result of an individual seeking drug-checking services and shall not preclude prosecution of the individual on the basis of evidence obtained from an independent source.

(f) Local governments shall not collect, maintain, use, or disclose any personal information relating to an individual from whom local government receives any drug or substance for checking or disposal.

(g) The result of a test carried out by an approved drug-checking service provider shall not be admissible as evidence in any criminal or civil proceeding.

(h)(1) The Department shall provide technical assistance to and develop operating guidelines for drug-checking service providers.

(2) The Department shall coordinate the collection and dissemination of deidentified data related to drug-checking services to inform prevention and public health initiatives.

Fourth: In Sec. 13, 18 V.S.A. § 4774, in subdivision (a)(2), in the first sentence, by inserting the phrase “annually on or before January 15” after “subchapter, as part of its annual budget submission,”

Fifth: In Sec. 14, appropriation; Opioid Abatement Special Fund, in subdivision (3)(A), by striking out the phrase “and within syringe service organizations”

Which was agreed to. 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.

### **Action on Bill Postponed**

#### **H. 473**

House bill, entitled

An act relating to radiologist assistants

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Houghton of Essex Junction**, action on the bill was postponed until May 3, 2023.

### **Second Reading; Proposal of Amendment Agreed to; Third Reading Ordered**

#### **S. 17**

**Rep. McCarthy of St. Albans City**, for the Committee on Government Operations and Military Affairs, to which had been referred Senate bill, entitled

An act relating to sheriff reforms

Recommended 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:

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

Sec. 1. FINDINGS

The General Assembly finds that:

(1) Sheriffs provide essential public safety services to the State, counties, and communities of Vermont.

(2) Incidents of criminal and unprofessional behavior by elected sheriffs and sheriff's deputies have shaken the public's trust in the office of sheriff.

(3) The office of sheriff requires reform to provide more consistent structure, financial practices, accountability, and increased transparency.

(4) While criminal charges or misconduct may lead to sanctions on Vermont sheriffs, including decertification by the Vermont Criminal Justice Council, removal from office can only be achieved through expiration of term, resignation, or impeachment by the General Assembly.

\* \* \* Audits \* \* \*

Sec. 2. 24 V.S.A. § 290 is amended to read:

§ 290. COUNTY SHERIFF'S DEPARTMENT

\* \* \*

(d)(1) Upon the election of a sheriff-elect who is not the incumbent sheriff, or upon notice of the resignation of the sheriff, an announcement that the incumbent sheriff will not seek reelection, or an announcement that the incumbent sheriff intends to resign, whichever occurs earliest, all financial disbursements from the accounts of the department, including the transfer of real or personal property, or other assets, of the department, shall be co-signed by the sheriff and ~~the~~ at least one assistant judges judge in that county. The sheriff shall provide a written transition plan to the assistant judges of that county and the Sheriffs' Executive Committee detailing all anticipated disbursements or transfers of departmental assets. Assistant judges shall consult with the Department and Sheriff's Executive Committee prior to co-signing any disbursements or transfer of sheriff's department assets. If the assistant judges refuse to co-sign a disbursement or transfer of sheriff's department assets, the Sheriffs' Executive Committee may instead approve the disbursements or transfer of sheriff's department assets and shall thereafter inform the sheriff and the assistant judges of the county of the Committee's decision.

(2) A An assistant judge shall forward the sheriff's written transition plan and a report of all financial disbursements or and transfers made pursuant to this subsection shall be forwarded by the assistant judges to the Auditor of Accounts within 15 days of completion of the out-going sheriff's duties following the sheriff leaving office.

Sec. 3. 24 V.S.A. § 290b is amended to read:

§ 290b. AUDITS

\* \* \*

(b) The Auditor of Accounts shall adopt and sheriffs shall comply with a uniform system of accounts, controls, and procedures for the sheriff's department, which accurately reflects the receipt and disbursement of all funds by the department, the sheriff, and all employees of the department. The uniform system shall include:

\* \* \*

(8) procedures and controls ~~which~~ that identify revenues received from public entities through appropriations or grants from the federal, State, or local governments from revenues received through contracts with private entities; ~~and~~

(9) procedures to notify the Auditor of Accounts and the Department of State's Attorneys and Sheriffs of the establishment and activities of any nonpublic organization of which the sheriff or any employee of the sheriff is a director or participant and that has a mission or purpose of supplementing the efforts of the sheriff's department; and

(10) other procedures and requirements as the Auditor of Accounts deems necessary.

(c) The Auditor of Accounts and ~~his or her~~ the Auditor's designee may at any time examine the records, accounts, books, papers, contracts, reports, and other materials of the county sheriff departments as they pertain to the financial transactions, obligations, assets, and receipts of that department. ~~The Auditor or his or her designee shall conduct an audit of the accounts for a sheriff's department whenever the incumbent sheriff leaves office, and the auditor shall charge for the any associated costs of the report pursuant to in the same manner described in 32 V.S.A. § 168(b).~~

\* \* \*

\* \* \* Conflict of Interest \* \* \*

Sec. 4. 24 V.S.A. § 314 is added to read:

§ 314. CONFLICT OF INTEREST; APPEARANCE OF CONFLICT OF INTEREST

(a) Sheriffs and deputy sheriffs are considered public servants for the purposes of 3 V.S.A. § 1202(1). A conflict of interest may also exist when a member of a sheriff's or deputy sheriff's immediate family or household, or the sheriff's or deputy sheriff's business associate, or an organization with which the sheriff or deputy sheriff is affiliated, interferes with the proper discharge of a lawful duty. A conflict of interest does not include any interest that is not greater than that of other individuals generally affected by the outcome of the matter.

(b) A sheriff or deputy sheriff shall avoid any conflict of interest or the appearance of a conflict of interest. When confronted with a conflict of interest or an appearance of a conflict of interest, a sheriff or deputy sheriff shall disclose the conflict of interest to the Sheriff's Executive Committee, recuse themselves from the matter, and not take further action on the matter.

(c) The Department of State's Attorneys and Sheriffs shall establish procedures for forwarding ethics complaints from any source to the State Ethics Commission based on the procedures set forth in 3 V.S.A. § 1223.

(d) Nothing in this section shall require a sheriff or deputy sheriff to disclose confidential information or information that is otherwise privileged under law. "Confidential information," as used in this subsection, means information that is exempt from public inspection and copying under 1 V.S.A. § 315 et seq. or is otherwise designated by law as confidential.

Sec. 4a. 24 V.S.A. § 315 is added to read:

§ 315. SHERIFFS; ANNUAL DISCLOSURE

(a) Annually, each sheriff shall file with the State Ethics Commission a disclosure form that contains the following information in regard to the previous 12 months:

(1) Each source, but not amount, of personal income of the sheriff and of the sheriff's spouse or domestic partner, and of the sheriff together with the sheriff's spouse or domestic partner, that totals more than \$5,000.00, including any of the sources meeting that total described as follows:

(A) employment, including the employer or business name and address and, if self-employed, a description of the nature of the self-employment without needing to disclose any individual clients; and

(B) investments, described generally as “investment income.”

(2) Any board, commission, or other entity that is regulated by law or that receives funding from the State on which the sheriff served and the sheriff’s position on that entity.

(3) Any company of which the sheriff or the sheriff’s spouse or domestic partner, or the sheriff together with the sheriff’s spouse or domestic partner, owned more than 10 percent.

(4) Any lease or contract with the State held or entered into by:

(A) the sheriff or the sheriff’s spouse or domestic partner; or

(B) a company of which the sheriff or the sheriff’s spouse or domestic partner, or the sheriff together with the sheriff’s spouse or domestic partner, owned more than 10 percent.

(b) In addition, if a sheriff’s spouse or domestic partner is a lobbyist, the sheriff shall disclose that fact and provide the name of the sheriff’s spouse or domestic partner and, if applicable, the name of that individual’s lobbying firm.

(c)(1) Disclosure forms shall contain the statement, “I certify that the information provided on all pages of this disclosure form is true to the best of my knowledge, information, and belief.”

(2) Each sheriff shall sign the disclosure form in order to certify it in accordance with this subsection.

(d)(1) A sheriff shall file the disclosure form on or before January 15 of each year or, if the sheriff is appointed after January 15, within 10 days after that appointment.

(2) A sheriff who filed this disclosure form as a candidate in accordance with 17 V.S.A. § 2414 in the preceding year and whose disclosure information has not changed since that filing may update that filing to indicate that there has been no change.

\* \* \* Sheriff’s Department Compensation and Benefits \* \* \*

Sec. 5. 24 V.S.A. § 291a is amended to read:

§ 291a. CONTRACTS

\* \* \*

(b) A contract made with a town, city, village, or county to provide law enforcement or related services shall contain provisions governing the following subjects as best suit the needs of the parties:



---

\* \* \*

(4) the type, frequency, and information to be contained in reports submitted by the sheriff's department to the town, city, village, or county;

\* \* \*

(c) A contract under this section may contain provisions for compensation to the sheriff for administration of the contract and related services. No compensation may be paid to a sheriff for administration of the contract or related services unless the contract sets forth in writing the rate or method of calculation for the compensation and a schedule of payment; provided that a sheriff's compensation for administration shall not exceed five percent of the contract. A sheriff's rate of compensation shall be at a rate equivalent to other employees of the department who provide similar services under the contract. Compensation to the sheriff shall be made in accordance with the schedule set forth in the contract but in no event may a sheriff be compensated for administration of the contract and related services unless the compensation is made in the same calendar year in which the revenue was received by the department under the contract. Funds derived from charges for the administration of a contract, if used for sheriff, sheriff deputy, or other departmental employee compensation, bonuses, salary supplements, retirement contributions, or employment benefits, shall be expended in accordance with the model policy created and maintained by the Department of State's Attorneys and Sheriffs. Willful failure to comply with this policy shall constitute Category B conduct pursuant to 20 V.S.A. § 2401(2).

\* \* \*

(f) An agreement or contract for sheriff's departments to provide law enforcement or security services to county and State courthouses shall be subject to a single, statewide contracted rate of pay for such services over all county and State courthouses.

Sec. 5a. SHERIFF'S DEPARTMENTS COMPENSATION AND BENEFITS  
MODEL POLICY

(a) On or before January 1, 2024, the Department of State's Attorneys and Sheriffs, after receiving input from the sheriffs, the Auditor of Accounts, and the Department of Human Resources, shall develop the Sheriff's Departments Compensation and Benefits Model Policy and submit it for review and approval to the Vermont Criminal Justice Council. The Vermont Criminal Justice Council may, in consultation with the Department of State's Attorneys and Sheriffs, subsequently alter and update the Model Policy.

(b) The Sheriff's Departments Compensation and Benefits Model Policy shall address the structure and use of funds for compensation, bonuses, salary supplements, retirement contributions, and employment benefits for sheriffs, sheriff's deputies, and other departmental employees.

(c) On or before July 1, 2024, each sheriff's department shall adopt the model Sheriff's Departments Compensation and Benefits Model Policy. A sheriff's department may include additional provisions to the Model Policy in its own policy, provided that none of these provisions contradict any provisions of the Model Policy.

Sec. 5b. 24 V.S.A. § 367 is amended to read:

§ 367. DEPARTMENT OF STATE'S ATTORNEYS AND SHERIFFS

\* \* \*

(e)(1) The Executive Director of the Department of State's Attorneys and Sheriffs, in consultation with the Sheriff's Executive Committee, shall appoint a Director of Sheriffs' Operations who shall serve at the pleasure of the Executive Director.

(2) The Director of Sheriffs' Operations shall provide centralized support services for the sheriffs with respect to budgetary planning, policy development and compliance, training, and office management, and perform such other duties as directed by the Executive Director.

(3) The Director of Sheriffs' Operations shall develop, maintain, and provide to each sheriff's department model policies on operational topics, including service of civil process, relief from abuse orders, transportation of prisoners, ethics, and sheriffs' responsibilities.

Sec. 5c. DEPARTMENT OF STATE'S ATTORNEYS AND SHERIFFS;

POSITION

The following position is created in the Department of State's Attorneys and Sheriffs: one full-time, exempt Director of Sheriffs' Operations.

Sec. 5d. 24 V.S.A. § 290(b) is amended to read:

(b) Full-time State deputy sheriffs whose primary responsibility is transportation of prisoners and, persons with a mental condition or psychiatric disability, or juveniles being transported to court or to a court-ordered facility shall be paid by the State of Vermont. 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.

\* \* \* Sheriff Duties \* \* \*

Sec. 6. 24 V.S.A. § 293 is amended to read:

§ 293. DUTIES

(a) A sheriff so commissioned and sworn shall serve and execute lawful writs, warrants, and processes directed to ~~him or her~~ the sheriff, according to the precept thereof, and do all other things pertaining to the office of sheriff.

(b) A sheriff shall maintain a record of the sheriff's work schedule, including work days, leave taken, and any remote work performed outside the sheriff's district for a period of more than three days.

(c) If an individual who has a relief from abuse order pursuant to 15 V.S.A. § 1103 requires assistance in the retrieval of personal belongings from the individual's residence and that individual requests assistance from a sheriff's department providing law enforcement services in the county in which that individual resides, the sheriff's department shall provide the assistance.

Sec. 6a. 20 V.S.A. chapter 209 is added to read:

CHAPTER 209. GENERAL LAW ENFORCEMENT SERVICES

§ 4661. PROHIBITION; STANDBY FEES

No law enforcement officer or law enforcement agency shall seek a fee from the individual seeking assistance or being assisted in the retrieval of personal belongings or the personal belongings of the individual's dependents from the individual's residence, pursuant to 24 V.S.A. § 293(c), or any representative of that individual.

## Sec. 6b. SHERIFF'S DEPARTMENTS' PROVISION OF STANDBY

## SERVICES FOR DOMESTIC VIOLENCE SURVIVORS; REPORT

On or before January 15, 2024, the Department of State's Attorneys and Sheriffs, in consultation with the State sheriffs and the Vermont Network Against Domestic and Sexual Violence, shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations data, as available through December 1, 2023, regarding sheriff's departments' assistance in the retrieval of personal belongings of domestic violence survivors pursuant to 24 V.S.A. § 293(c), including the aggregate number of episodes of assistance provided, the time spent, and the costs accumulated by sheriff's departments for providing this assistance.

## Sec. 7. SHERIFF'S DEPUTY PROVISION OF COURTHOUSE

## SECURITY; REPORT

On or before December 1, 2023, the Judiciary, in consultation with the Department of State's Attorneys and Sheriffs, the Vermont Sheriffs' Association, Vermont State Employees' Association, and other relevant stakeholders, shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations on the number of sheriff's deputies needed to be made available to provide law enforcement and security services to county and State courthouses to facilitate regular courthouse operations. The report shall also include recommendations regarding any needed creation of classified positions responsible for courthouse security services, similar to the classified position of transport deputy, and any corresponding budget request for these positions.

Sec. 8. 24 V.S.A. § 299 is amended to read:

## § 299. DUTIES AS PEACE OFFICER

~~A sheriff shall preserve the peace, and suppress, with force and strong hand, if necessary, unlawful disorder using force only as permitted pursuant to 20 V.S.A. chapter 151. He or she~~ A sheriff may apprehend, without warrant, ~~persons~~ individuals assembled in disturbance of the peace, and bring them before a the Criminal Division of the Superior Court, which shall proceed with such ~~person~~ individuals as with ~~persons~~ individuals brought before it by process issued by ~~sueh~~ the court.

\* \* \* Repeal of Penalty for Refusal to Assist a Sheriff \* \* \*

Sec. 9. REPEAL OF PENALTY FOR REFUSAL TO ASSIST A SHERIFF

24 V.S.A. § 301 (penalty for refusal to assist) is repealed.

\* \* \* Sheriff's Departments Reform Report \* \* \*

Sec. 10. SHERIFF'S DEPARTMENTS REFORM; REPORT

On or before November 15, 2023, the Department of State's Attorneys and Sheriffs, in consultation with the Vermont Criminal Justice Council, the Auditor of Accounts, the Vermont Association of County Judges, the Chief Superior Court Judge, and the Vermont Sheriffs Association, shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations on the following:

(1) recommended policies and best practices to be included in standard operating procedures, manuals and policy manuals;

(2) increasing efficiency and equity in the delivery of public safety services by sheriff's departments;

(3) recommendations for the compensation structure and levels of sheriffs, deputies, and departmental staff, including salaries, overtime, retirement, and benefits;

(4) the duties of sheriffs, including law enforcement and administration of sheriff's departments;

(5) recommended membership and duties of an advisory commission for sheriffs comparable to, or combined with, the Vermont State Police Advisory Commission, as related to both conduct and administration of sheriff's departments;

(6) the creation of a sustainable funding model for sheriff's departments, including the consolidation or reorganization of sheriff's departments;

(7) recommendations for the Department of State's Attorneys and Sheriffs to better provide oversight and support for State's Attorneys and sheriffs; and

(8) recommendations for the scope and timing of public sector management training that sheriffs should receive upon election and on a continuing basis to ensure departmental operations and management of public funds are consistent with generally accepted standards.

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\* \* \* Effective Dates \* \* \*

Sec. 11. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 5 (amending 24 V.S.A. § 291a) shall take effect on January 1, 2024.

**Rep. Squirrell of Underhill**, for the Committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the Committee on Government Operations and Military Affairs.

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

**Second Reading; Proposal of Amendment Agreed to;  
Third Reading Ordered**

**S. 99**

**Rep. Shaw of Pittsford**, for the Committee on Transportation, to which had been referred Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles

Recommended 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:

\* \* \* New Motor Vehicle Arbitration \* \* \*

Sec. 1. 9 V.S.A. § 4173(d) is amended to read:

(d) Within the 45-day period set forth in subsection (c) of this section but at least five days prior to hearing, the manufacturer shall have one final opportunity to correct and repair the defect that the consumer claims entitles ~~him or her~~ the consumer to a refund or replacement vehicle. Any right to a final repair attempt is waived if the manufacturer does not complete it at least five days prior to hearing. If the consumer is satisfied with the corrective work done by the manufacturer or ~~his or her~~ the manufacturer's delegate, the arbitration proceedings shall be terminated without prejudice to the consumer's right to request arbitration be recommenced ~~if the repair proves unsatisfactory for the duration of the~~ within one year following the expiration of the express warranty term in accordance with subsection 4179(a) of this title.

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\* \* \* Definition of Mail \* \* \*

Sec. 2. 23 V.S.A. § 4(87) is added to read:

(87) “Mail,” “mail or deliver,” “mails,” “mails or delivers,” “mailing,” “mailing or delivering,” “mailed,” and “mailed or delivered” mean any method of delivery authorized by the Commissioner, which may include by hand, U.S. mail, and electronic transmission.

\* \* \* Mobile Identification \* \* \*

Sec. 3. 23 V.S.A. § 116 is added to read:

§ 116. ISSUANCE OF MOBILE IDENTIFICATION

(a) Definitions. As used in this section:

(1) “Data field” means a discrete piece of information that appears on a mobile identification.

(2) “Full profile” means all the information provided on a mobile identification.

(3) “Limited profile” means a portion of the information provided on a mobile identification.

(4) “Mobile identification” means an electronic representation of the information contained on a nonmobile credential.

(5) “Mobile identification holder” means an individual to whom a mobile identification has been issued.

(6) “Nonmobile credential” means a nondriver identification card issued under section 115 of this title, a driver’s license issued under section 603 of this title, a junior operator’s license issued under section 602 of this title, a learner’s permit issued under section 617 of this title, a commercial driver’s license issued under section 4111 of this title, or a commercial learner’s permit issued under section 4112 of this title.

(b) Issuance. The Commissioner of Motor Vehicles may issue a mobile identification to an individual in addition to, and not instead of, a nonmobile credential. If issued, the mobile identification shall:

(1) be capable of producing both a full profile and a limited profile;

(2) satisfy the purpose for which the profile is presented;

(3) allow the mobile identification holder to maintain physical possession of the device on which the mobile identification is accessed during verification; and

(4) not be a substitute for an individual producing a nonmobile credential upon request.

(c) Agreements with other entities. The Commissioner may enter into agreements to facilitate the issuance, use, and verification of a mobile identification or other electronic credentials issued by the Commissioner or another state.

(d) Administration.

(1) The Commissioner may operate, or may operate through a third-party administrator, a verification system for mobile identifications.

(2) Access to the verification system and any data field by a person presented with a mobile identification requires the credential holder's consent, and, if consent is granted, the Commissioner may release the following through the verification system:

(A) for a full profile, all data fields that appear on the mobile identification; and

(B) for a limited profile, only the data fields represented in the limited profile for the mobile identification.

\* \* \* License Plate Stickers; Validation Stickers \* \* \*

Sec. 4. 23 V.S.A. § 305 is amended to read:

#### § 305. REGISTRATION PERIODS

(a) The Commissioner of Motor Vehicles shall issue registration certificates, ~~validation stickers,~~ and number plates upon initial registration, and registration certificates ~~and validation stickers~~ for each succeeding renewal period of registration upon payment of the registration fee. Number plates so issued will become void one year from the first day of the month following the month of issue, unless a longer initial registration period is authorized by law or unless this period is extended through renewal. Registrations issued for motor trucks shall become void one year from the first day of the month following the month of issue.

(b) The Commissioner shall issue a registration certificate, ~~validation sticker,~~ and a number plate or number plates for each motor vehicle owned by the State, which shall be valid for a period of five years. Such motor vehicle shall be considered properly registered while the issued number plate or number plates are attached to the motor vehicle. The Commissioner may replace such number plate or number plates when in ~~his or her~~ the Commissioner's discretion their condition requires.



~~(c) Except as otherwise provided in subsection (d) of this section, no plate is valid unless the validation sticker is affixed to the rear plate in the manner prescribed by the Commissioner in section 511 of this title. [Repealed.]~~

(d) When a registration for a motor vehicle, snowmobile, motorboat, or all-terrain vehicle is processed electronically, a receipt shall be available electronically and for printing. An electronic or printed receipt shall serve as a temporary registration for 10 days after the date of the transaction. An electronic receipt may be shown to an enforcement officer using a portable electronic device. Use of a portable electronic device to display the receipt does not in itself constitute consent for an officer to access other contents of the device.

Sec. 5. 23 V.S.A. § 326 is amended to read:

§ 326. REFUND UPON LOSS OF VEHICLE

The Commissioner may cancel the registration of a motor vehicle when the owner thereof of the motor vehicle proves to his or her the Commissioner's satisfaction that the motor vehicle has been totally destroyed by fire or, through crash or wear, has become wholly unfit for use and has been dismantled. After the Commissioner cancels the registration and the owner returns to the Commissioner either the registration certificate, or the number plate or number plates and the validation sticker, the Commissioner shall certify to the Commissioner of Finance and Management the fact of the cancellation, giving the name of the owner of the motor vehicle, ~~his or her~~ the owner's address, the amount of the registration fee paid, and the date of cancellation. The Commissioner of Finance and Management shall issue ~~his or her~~ the Commissioner of Finance and Management's warrant in favor of the owner for such percent of the registration fee paid as the unexpired term of the registration bears to the entire registration period, but in no case shall the Commissioner of Finance and Management retain less than \$5.00 of the fee paid.

Sec. 6. 23 V.S.A. § 364b is amended to read:

§ 364b. ALL-SURFACE VEHICLES; REGISTRATION

(a) The annual fee for registration of an all-surface vehicle (ASV) shall be the sum of the fees established by sections 3305 and 3504 of this title, plus \$26.00.

(b) Evidence of the registration shall be a ~~sticker, as determined by the Commissioner, affixed to registration certificate and the number plate issued pursuant to chapter 31 of this title.~~

Sec. 7. 23 V.S.A. § 453(f) is amended to read:

(f) In any year that number plates are reused ~~and validation stickers are issued~~, the Commissioner shall not be required to issue new number plates to persons renewing registrations under this section.

Sec. 8. 23 V.S.A. § 457 is amended to read:

§ 457. TEMPORARY PLATES

At the time of the issuance of a registration certificate to a dealer as provided in this chapter, the Commissioner shall furnish the dealer with a sufficient number of number plates ~~and temporary validation stickers~~, temporary number plates, or temporary decals for use during the 60-day period immediately following sale of a vehicle or motorboat by the dealer. The plates and decals shall have the same general design as the plates or decals furnished individual owners, but the plates and decals may be of a material and color as the Commissioner may determine. The Commissioner shall collect a fee of \$5.00 for each temporary plate issued.

Sec. 9. 23 V.S.A. § 458 is amended to read:

§ 458. TEMPORARY PLATE ON SOLD OR EXCHANGED VEHICLES

On the day of the sale or exchange of a motor vehicle, motorboat, snowmobile, or all-terrain vehicle to be registered in this State, a dealer may issue to the purchaser, for attachment to the motor vehicle, snowmobile, or all-terrain vehicle, or to be carried in or on the motorboat, a number plate ~~with temporary validation stickers~~, a temporary number plate, or a temporary decal, provided that the purchaser deposits with such dealer, for transmission to the Commissioner, a properly executed application for the registration of such motor vehicle, motorboat, snowmobile, or all-terrain vehicle and the required fee. If a properly licensed purchaser either attaches to the motor vehicle, snowmobile, or all-terrain vehicle or carries in the motorboat such number plate or decal, ~~he or she~~ the purchaser may operate the same for a period not to exceed 60 consecutive days immediately following the purchase. ~~An individual shall not operate a motor vehicle, motorboat, snowmobile, or all-terrain vehicle with a number plate with temporary validation stickers, a temporary number plate, or a temporary decal attached to the motor vehicle or carried in the motorboat except as provided in this section.~~

Sec. 10. 23 V.S.A. § 459 is amended to read:

§ 459. NOTICE, APPLICATION, AND FEES TO COMMISSIONER

(a) Upon issuing a number plate ~~with temporary validation stickers~~, a temporary number plate, or a temporary decal to a purchaser, a dealer shall have 15 calendar days, or up to 30 calendar days as applicable pursuant to

subsection 2015(b) of this title, to forward to the Commissioner the application and fee, deposited with ~~him or her~~ the dealer by the purchaser, together with notice of such issue and such other information as the Commissioner may require.

(b) If a number plate with ~~temporary validation stickers~~, a temporary registration plate, or a temporary decal is not issued by a dealer in connection with the sale or exchange of a vehicle or motorboat, the dealer may accept from the purchaser a properly executed registration, tax, and title application and the required fees for transmission to the Commissioner. The dealer shall have 15 calendar days, or up to 30 calendar days as applicable pursuant to subsection 2015(b) of this title, to forward to the Commissioner the application and fee together with such other information as the Commissioner may require.

Sec. 11. 23 V.S.A. § 465 is amended to read:

§ 465. LOANING OF PLATES, VEHICLES, OR MOTORBOATS

PROHIBITED

A dealer shall not lend or lease registration certificates, ~~validation stickers~~, numbers, decals, or number plates that have been assigned to ~~him or her~~ the dealer under the provisions of this chapter, nor shall ~~he or she~~ the dealer lend or lease a vehicle or motorboat to which ~~his or her~~ the dealer's decals, numbers, or number plates have been attached, nor lend or lease ~~his or her~~ the dealer's decals, numbers, or number plates to a subagent.

Sec. 12. 23 V.S.A. § 494 is amended to read:

§ 494. FEES

The annual fee for a transporter's registration certificate, or number plate, ~~or validation sticker~~ is \$123.00.

Sec. 13. 23 V.S.A. § 511 is amended to read:

§ 511. MANNER OF DISPLAY

(a) Number plates. A motor vehicle operated on any highway shall have displayed in a conspicuous place either one or two number plates as the Commissioner may require. Such number plates shall be furnished by the Commissioner and shall show the number assigned to such vehicle by the Commissioner. If only one number plate is furnished, the same shall be securely attached to the rear of the vehicle. If two are furnished, one shall be securely attached to the rear and one to the front of the vehicle. The number plates shall be kept entirely unobscured, and the numerals and letters thereon shall be plainly legible at all times. They shall be kept horizontal, shall be so

fastened as not to swing, excepting, however, there may be installed on a motor truck or truck tractor a device that would, upon contact with a substantial object, permit the rear number plate to swing toward the front of the vehicle, provided such device automatically returns the number plate to its original rigid position after contact is released, and the ground clearance of the lower edges thereof shall be established by the Commissioner pursuant to the provisions of 3 V.S.A. chapter 25.

~~(b) Validation sticker. — A registration validation sticker shall be unobstructed and shall be affixed as follows:~~

~~(1) — for vehicles issued registration plates with dimensions of approximately 12 x 6 inches, in the lower right corner of the rear registration plate; and~~

~~(2) — for vehicles issued a registration plate with a dimension of approximately 7 x 4 inches, in the upper right corner of the rear registration plate. [Repealed.]~~

~~(c) Violation. A person shall not operate a motor vehicle unless a number plate or number plates and a validation sticker are displayed as provided in this section.~~

~~(d) Failure to display a validation sticker. — An operator cited for violating subsection (c) of this section with respect to failure to display a validation sticker on a pleasure car, motorcycle, or truck that could be registered for less than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00, which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if he or she is cited within the 14 days following the expiration of the motor vehicle's registration. [Repealed.]~~

\* \* \*

#### Sec. 14. VALIDATION STICKER REQUIREMENTS IN RULE

(a) Registration and Operation of Snowmobiles, Approved Helmets and VAST Snowmobile Registrations.

(1) Notwithstanding Department of Motor Vehicles, Registration and Operation of Snowmobiles, Approved Helmets and VAST Snowmobile Registrations (CVR 14-050-027), Secs. I(3)(a) and III:

(A) the Department of Motor Vehicles shall not issue temporary and permanent validation stickers, temporary and permanent validating stickers, or "S" stickers;

(B) operators of snowmobiles shall not be required to display temporary or permanent validation stickers, temporary or permanent validating stickers, or “S” stickers; and

(C) the Vermont Association of Snow Travelers (VAST) shall not be required to maintain a log of “S” stickers or have unused registration “S” stickers available for inspection in Department of Motor Vehicles audits, nor shall VAST agents be eligible to issue “S” stickers.

(2) The Department of Motor Vehicles shall amend the Approved Helmets and VAST Snowmobile Registrations rule to eliminate requirements related to temporary and permanent validation stickers, temporary and permanent validating stickers, and “S” stickers the next time the rule is amended pursuant to 3 V.S.A. chapter 25.

(b) Vermont Dealer Licensing and Schedule of Penalties and Suspension.

(1) Notwithstanding Department of Motor Vehicles, Vermont Dealer Licensing and Schedule of Penalties and Suspension (CVR 14-050-050), Sec. VI(j), there shall not be an administrative penalty assessed for a dealer failing to display a validation sticker on a dealer’s registration plate.

(2) The Department of Motor Vehicles shall amend the Vermont Dealer Licensing and Schedule of Penalties and Suspension rule to eliminate the administrative penalty for a dealer failing to display a validation sticker on a dealer’s registration plate the next time the rule is amended pursuant to 3 V.S.A. chapter 25.

\* \* \* Electronic Proof of Registration \* \* \*

Sec. 15. 23 V.S.A. § 307 is amended to read:

§ 307. CARRYING OF REGISTRATION CERTIFICATE; REPLACEMENT  
AND CORRECTED CERTIFICATES

(a) ~~A person~~ An individual shall not operate a motor vehicle nor draw a trailer or semi-trailer unless all required registration certificates are carried in some easily accessible place in the motor vehicle or electronically on a portable electronic device; however, use of a device for this purpose does not in itself constitute consent for an enforcement officer to access other contents of the device.

\* \* \*

(d)(1) An operator cited for violating subsection (a) of this section shall not be convicted if the operator sends a copy of or produces to the issuing enforcement agency within seven business days after the traffic stop proof of a valid registration certificate that was in effect at the time of the traffic stop.

(2) An operator cited for violating subsection (a) of this section with respect to a pleasure car, motorcycle, or truck that could be registered for less than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00, which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if ~~he or she~~ the operator is cited within the 14 days following the expiration of the motor vehicle's registration.

\* \* \* Registration Fees; Plug-In Electric Vehicles \* \* \*

Sec. 16. 23 V.S.A. § 361 is amended to read:

§ 361. PLEASURE CARS

The annual registration fee for ~~registration of any motor vehicle of the a pleasure car type, and all vehicles powered by electricity as defined in subdivision 4(28) of this title, and including a pleasure car that is a plug-in electric vehicle, as defined in subdivision 4(85) of this title,~~ shall be \$74.00; and the biennial fee shall be \$136.00.

Sec. 17. 23 V.S.A. § 362 is amended to read:

§ 362. SPECIALIZED FUEL MOTOR VEHICLES AND MOTOR BUSES

(a) The annual registration fee for ~~the registration of any "specialized fuel driven motor vehicle", as defined in section subdivision 4(22) of this title, and of motor buses, as defined in section 3002 of this title,~~ shall be one and three-quarters times the amount of the annual fee provided for a motor vehicle of the classification and weight under the terms of this chapter.

(b) Notwithstanding subsection (a) of this section, the annual and biennial registration fees for a pleasure car, as defined in subdivision 4(28) of this title, that is a plug-in electric vehicle, as defined in subdivision 4(85) of this title, shall be determined pursuant to section 361 of this chapter, and the annual registration fee for a motorcycle, as defined in subdivision 4(18)(A) of this title, that is a plug-in electric vehicle, as defined in subdivision 4(85) of this title, shall be determined pursuant to section 364 of this chapter.

\* \* \* Distracted Driving; Hands-Free Use \* \* \*

Sec. 18. 23 V.S.A. § 1095b is amended to read:

§ 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

PROHIBITED

(a) ~~Definition~~ Definitions. As used in this section, ~~"hands-free;~~

(1) "Hands-free use" means the use of a portable electronic device without use of utilizing either hand by employing an internal feature of, or an attachment to, the device or a motor vehicle.

(2) “Public highway” means a State or municipal highway as defined in 19 V.S.A. § 1(12).

(3) “Securely mounted” means the portable electronic device is placed in an accessory specifically designed or built to support the hands-free use of a portable electronic device that is not affixed to the windshield in violation of section 1125 of this title and either:

(A) is utilized in accordance with manufacturer specifications; or

(B) causes the portable electronic device to remain completely stationary under typical driving conditions.

(4) “Use” means the use of a portable electronic device in any way that is not a hands-free use, including an operator of a motor vehicle holding a portable electronic device in the operator’s hand or hands while operating a motor vehicle.

(b) Use of handheld portable electronic device prohibited.

(1) An individual shall not use a portable electronic device while operating:

(A) a moving motor vehicle in a place open temporarily or permanently to public or general circulation of vehicles.; or

~~(2) In addition, an individual shall not use a portable electronic device while operating~~

~~(B) a motor vehicle on a public highway in Vermont, including while the vehicle is stationary, unless otherwise provided in this section. As used in this subdivision (b)(2):~~

~~(A) “Public highway” means a State or municipal highway as defined in 19 V.S.A. § 1(12).~~

~~(B) “Operating” means operating a motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic control device, or other temporary delays. “Operating” does not include operating a motor vehicle with or without the motor running when the operator has moved the vehicle to the side of or off the public highway and has halted in a location where the vehicle can safely and lawfully remain stationary including while temporarily stationary because of traffic, a traffic control device, or other temporary delays.~~

~~(3)(2) The prohibitions of this subsection shall not apply:~~

~~(A) To hands-free use.;~~

(B) ~~To~~ to activation or deactivation of hands-free use, ~~as long as any accessory for securely mounting the device is not affixed to the windshield in violation of section 1125 of this title.~~ provided the portable electronic device is securely mounted or the activation or deactivation is done through an internal feature of the device or the motor vehicle being operated and without the operator utilizing either hand to hold the portable electronic device;

(C) ~~When~~ when use of a portable electronic device is necessary for an individual to communicate with law enforcement or emergency service personnel under emergency circumstances or in response to a direction or order from law enforcement;

(D) ~~To~~ to use of an ignition interlock device, as defined in section 1200 of this title;

(E) ~~To~~ to use of a global positioning or navigation system if it is installed by the manufacturer or securely mounted in the vehicle ~~in a manner that does not violate section 1125 of this title. As used in this subdivision (b)(3)(E), "securely mounted" means the device is placed in an accessory or location in the vehicle, other than the operator's hands, where the device will remain stationary under typical driving conditions; or~~

(F) when the operator has moved the motor vehicle to the side of or off the public highway and has halted, with or without the motor running, in a location where the vehicle can safely and lawfully remain stationary.

\* \* \*

\* \* \* Total Abstinence Program \* \* \*

Sec. 19. 23 V.S.A. § 1209a is amended to read:

§ 1209a. CONDITIONS OF REINSTATEMENT; ALCOHOL AND  
DRIVING EDUCATION; SCREENING; THERAPY PROGRAMS

(a) Conditions of reinstatement. No license or privilege to operate suspended or revoked under this subchapter, except a license or privilege to operate suspended under section 1216 of this title, shall be reinstated except as follows:

(1) In the case of a first suspension, a license or privilege to operate shall be reinstated only:

(A) ~~after the person~~ individual has successfully completed the Alcohol and Driving Education Program, at the ~~person's~~ individual's own expense, followed by an assessment of the need for further treatment by a State-designated counselor, at the ~~person's~~ individual's own expense, to determine whether reinstatement should be further conditioned on satisfactory



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completion of a therapy program agreed to by the ~~person~~ individual and the Drinking Driver Rehabilitation Program Director;

(B) if the screening indicates that therapy is needed, after the ~~person~~ individual has satisfactorily completed or shown substantial progress in completing a therapy program at the ~~person's~~ individual's own expense agreed to by the ~~person~~ individual and the Driver Rehabilitation Program Director;

(C) if the ~~person~~ individual elects to operate under an ignition interlock RDL or ignition interlock certificate, after the ~~person~~ individual operates under the RDL or certificate for the applicable period set forth in subsection 1205(a) or section 1206 of this title, plus any extension of this period arising from a violation of section 1213 of this title; and

(D) if the ~~person~~ individual has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.

(2) In the case of a second suspension, a license or privilege to operate shall not be reinstated until:

(A) the ~~person~~ individual has successfully completed an alcohol and driving rehabilitation program;

(B) the ~~person~~ individual has completed or shown substantial progress in completing a therapy program at the ~~person's~~ individual's own expense agreed to by the ~~person~~ individual and the Driver Rehabilitation Program Director;

(C) after the ~~person~~ individual operates under an ignition interlock RDL or ignition interlock certificate for 18 months or, in the case of a ~~person~~ someone subject to the one-year hard suspension prescribed in subdivision 1213(a)(1)(C) of this title, for one year, plus any extension of the relevant period arising from a violation of section 1213 of this title, except if otherwise provided in subdivision (4) of this subsection (a); and

(D) the ~~person~~ individual has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.

(3) In the case of a third or subsequent suspension or a revocation, a license or privilege to operate shall not be reinstated until:

(A) the ~~person~~ individual has successfully completed an alcohol and driving rehabilitation program;

(B) the ~~person~~ individual has completed or shown substantial progress in completing a therapy program at the ~~person's~~ individual's own expense agreed to by the ~~person~~ individual and the Driver Rehabilitation Program Director;

(C) ~~the person~~ individual has satisfied the requirements of subsection (b) of this section; and

(D) ~~the person~~ individual has no pending criminal charges, civil citations, or unpaid fines or penalties for a violation under this chapter.

(4) The Commissioner shall waive a requirement under subdivision (2) of this subsection or subsection (b) of this section that ~~a person~~ an individual operate under an ignition interlock RDL or certificate prior to eligibility for reinstatement if:

(A) ~~the person~~ individual furnishes sufficient proof as prescribed by the Commissioner that ~~he or she~~ the individual is incapable of using an ignition interlock device because of a medical condition that will persist permanently or at least for the term of the suspension or, in the case of suspensions or revocations for life, for a period of at least three years; or

(B) the underlying offenses arose solely from being under the influence of a drug other than alcohol.

(b) Total Abstinence Program.

(1) As used in this subsection:

(A) “Drug” means:

(i) a regulated drug, as defined in 18 V.S.A. § 4201, that is used in any way other than as prescribed for a legitimate medical use in conformity with instructions from the prescriber; or

(ii) any substance or combination of substances, other than alcohol or a regulated drug, that potentially affects the nervous system, brain, or muscles of an individual so as to impair an individual’s ability to drive a vehicle safely to the slightest degree.

(B) “Total abstinence” means refraining from consuming any amount of alcohol or drugs at any time, regardless of whether the alcohol or drugs are consumed by an individual when attempting to operate, operating, or in actual physical control of a vehicle.

(2)(A) Notwithstanding any other provision of this subchapter, ~~a person~~ an individual whose license or privilege to operate has been suspended or revoked for life under this subchapter may apply to the Commissioner for reinstatement of ~~his or her~~ the individual’s driving privilege if the individual satisfies the requirements set forth in subdivision (3) of this subsection (b). ~~The person shall have completed three years of total abstinence from consumption of alcohol and nonprescription regulated drugs. The use of a regulated drug in accordance with a valid prescription shall not disqualify an~~

~~applicant for reinstatement of his or her driving privileges unless the applicant used the regulated drug in a manner inconsistent with the prescription label.~~

(B) The beginning date for the period of total abstinence shall be not earlier than the effective date of the suspension or revocation from which the ~~person~~ individual is requesting reinstatement and shall not include any period during which the ~~person~~ individual is serving a sentence of incarceration to include furlough. The application shall include the applicant's authorization for a urinalysis examination, or another examination if it is approved as a preliminary screening test under this subchapter, to be conducted prior to reinstatement under this subdivision (2). The application to the Commissioner shall be accompanied by a fee of \$500.00. The Commissioner shall have the discretion to waive the application fee if the Commissioner determines that payment of the fee would present a hardship to the applicant.

~~(2)(3)~~ (3) If the Commissioner or a medical review board convened by the Commissioner is satisfied by a preponderance of the evidence that the applicant has ~~abstained for the required number of years~~ maintained total abstinence for the three years immediately preceding the application, has successfully completed a therapy program as required under this section, and has operated under a valid ignition interlock RDL or under an ignition interlock certificate for at least three years following the suspension or revocation, and the ~~person~~ applicant provides a written acknowledgment that ~~he or she cannot drink any amount of alcohol at all and cannot consume nonprescription regulated drugs under any circumstances~~ the applicant must maintain total abstinence at all times while participating in the Total Abstinence Program, the ~~person's~~ applicant's license or privilege to operate shall be reinstated immediately, subject to the condition that the ~~person's~~ applicant's suspension or revocation will be put back in effect in the event any further investigation reveals a ~~return to the consumption of alcohol or drugs~~ failure to maintain total abstinence and to ~~such~~ any additional conditions as the Commissioner may impose to advance the public interest in public safety. The requirement to operate under an ignition interlock RDL or ignition interlock certificate shall not apply if the ~~person~~ applicant is exempt under subdivision (a)(4) of this section.

~~(3)(4)~~ (4) If after notice and an opportunity for a hearing the Commissioner later finds that the ~~person~~ individual was violating the conditions of the ~~person's~~ individual's reinstatement under this subsection, the ~~person's~~ individual's operating license or privilege to operate shall be immediately suspended or revoked for life.

~~(4)~~(5) If the Commissioner finds that ~~a person~~ an individual reinstated under this subsection is suspended pursuant to section 1205 of this title or is convicted of a violation of section 1201 of this title subsequent to reinstatement under this subsection, the ~~person~~ individual shall be conclusively presumed to be in violation of the conditions of ~~his or her~~ the reinstatement.

~~(5)~~(6) ~~A person~~ An individual shall be eligible for reinstatement under this subsection only once following a suspension or revocation for life.

~~(6)~~(7)(A) If an applicant for reinstatement under this subsection (b) resides in a jurisdiction other than Vermont, the Commissioner may elect not to conduct an investigation. If the Commissioner elects not to conduct an investigation, ~~he or she~~ the Commissioner shall provide a letter to the applicant's jurisdiction of residence stating that Vermont does not object to the jurisdiction issuing the applicant a license if the applicant is required to operate only vehicles equipped with an ignition interlock device for at least a three-year period, unless exempt under subdivision (a)(4) of this section, and is required to complete any alcohol rehabilitation or treatment requirements of the licensing jurisdiction.

(B) If the applicant's jurisdiction of residence is prepared to issue or has issued a license in accordance with subdivision (A) of this subdivision (6) and the applicant satisfies the requirements of section 675 of this title, the Commissioner shall update relevant State and federal databases to reflect that the applicant's lifetime suspension or revocation in Vermont under chapter 13, subchapter 13 of this title has terminated.

(c) Screening and therapy programs. In the case of a second or subsequent suspension, the Commissioner shall notify the ~~person that he or she is required~~ individual of the requirement to enroll in the alcohol and driving education screening and therapy program provided for in this section within 30 days ~~of~~ after license suspension. If the ~~person~~ individual fails to enroll or fails to remain so enrolled until completion, the Drinking Driver Rehabilitation Program shall report such failure to the sentencing court. The court may order the ~~person~~ individual to appear and show cause why ~~he or she~~ the individual failed to comply.

(d) Judicial review. ~~A person~~ An individual aggrieved by a decision of a designated counselor under this section may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

\* \* \*

Sec. 20. CURRENT TOTAL ABSTINENCE PROGRAM PARTICIPANTS

(a) Not later than September 1, 2023, the Commissioner of Motor Vehicles shall provide written notice to all individuals participating in or applying to participate in the Total Abstinence Program as of the effective date of this section of amendments to 23 V.S.A. § 1209a and that, as of the effective date of this section, they must maintain total abstinence, as defined in 23 V.S.A. § 1209a(b)(1) as amended by Sec. 19 of this act, at all times while participating in or applying to participate in the Total Abstinence Program. Notice shall be mailed to an individual's residence or mailing address as currently listed with the Department of Motor Vehicles.

(b) Notwithstanding any provision of law to the contrary, the license or privilege to operate of an individual participating in the Total Abstinence Program on the effective date of this section may be suspended or revoked for life in accordance with 23 V.S.A. § 1209a(b)(3), as amended by Sec. 19 of this act, in the event that any further investigation reveals a failure to maintain total abstinence, as defined in 23 V.S.A. § 1209a(b)(1) as amended by Sec. 19 of this act.

\* \* \* Overweight Permits \* \* \*

Sec. 21. 23 V.S.A. § 1392 is amended to read:

§ 1392. GROSS WEIGHT LIMITS ON HIGHWAYS

Except as provided in section 1400 of this title, a person or corporation shall not operate or cause to be operated a motor vehicle in excess of the total weight, including vehicle, object, or contrivance and load, of:

\* \* \*

(3) No vehicle may exceed a gross weight in excess of 80,000 pounds unless the operator or owner of the vehicle has complied with the provisions of section 1400 of this title or except as otherwise provided in this section.

\* \* \*

(13) Despite the axle-load provisions of section 1391 of this title and the maximum gross load of subdivision (4) of this section, a special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following date of issue, may be issued to a person ~~or corporation~~ operating on designated routes on the State Highway System for a fee of ~~\$415.00~~ \$382.00 for each vehicle ~~that must be~~ registered for a weight of 80,000 pounds. This special permit shall be issued only for a combination of vehicle and semi-trailer or trailer equipped with five or more axles, with a distance between axles that meets the minimum requirements of registering the vehicle to 80,000

pounds as allowed under subdivision (4) of this section. The maximum gross load under this special permit shall be 90,000 pounds. Unless authorized by federal law, this subdivision shall not apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways.

(14) Despite the axle-load provisions of section 1391 of this title and the axle spacing and maximum gross load provisions of subdivision (4) of this section, a special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following date of issue, may be issued to a person ~~or corporation~~ transporting loads on vehicles on designated routes on the State Highway System for the following fees for each vehicle unit. Unless authorized by federal law, the provisions of this subdivision regarding weight limits, or tolerances, or both, shall not apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways. This special permit shall be issued for the following vehicles and conditions:

\* \* \*

(16) Notwithstanding the axle load provisions of section 1391 of this title and the maximum gross load of subdivision (4) of this section, a five or more axle truck tractor, semi-trailer combination, or truck trailer combination, when the load consists solely of unprocessed milk products as defined in subdivision 4(55) of this title, may be registered for and operated with a maximum gross weight of 90,000 pounds on State highways without permit and upon posted State and town highways ~~and those highways designated as the Dwight D. Eisenhower National System of Interstate and Defense Highways~~ when the vehicle has been issued a permit in compliance with the provisions of section 1400 of this title; however:

(A) Vehicles operated pursuant to this subdivision (16) shall be subject to the same axle spacing restrictions as are applied to five or more axle vehicles registered to 80,000 pounds as set forth in subdivision (4) of this section.

(B) ~~On those highways designated as the Dwight D. Eisenhower National System of Interstate and Defense Highways, the provisions of subsection 1391(e) of this title shall apply unless other axle load limits, tolerances, or both, are authorized under federal law. Unless prohibited by federal law, the provisions of this subdivision (16) shall apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways.~~

~~(C) The fee for the annual permit as provided in this subdivision (16) shall be \$10.00 when the fee has been paid to register the vehicle for 90,000 pounds or \$382.00 when the vehicle is registered for 80,000 pounds. [Repealed.]~~

(17) Notwithstanding the gross vehicle weight provisions of subdivision (4) of this section, a truck trailer combination or truck tractor, semi-trailer combination with six or more load-bearing axles registered for 80,000 pounds shall be allowed to bear a maximum of 99,000 pounds by special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following the date of issue, for operating on designated routes on State and town highways, subject to the following:

(A) The combination of vehicles must have, as a minimum, a distance of 51 feet between extreme axles.

(B) The axle weight provisions of section 1391 of this title and ~~subdivision 1392~~ the axle weight provisions of subdivisions (6)(A)-(D) of this section shall also apply to vehicles permitted under this subdivision (17).

(C) When determining the ~~fine~~ civil penalty for a gross overweight violation of this subdivision (17), the ~~fine~~ civil penalty for any portion of the first 10,000 pounds over the permitted weight shall be the same as provided in section 1391a of this title, and for overweight violations 10,001 pounds or more over the permitted weight, the ~~fine~~ civil penalty schedule provided in section 1391a shall be doubled.

(D) The weight permitted by this subdivision (17) shall be allowed for foreign trucks that are registered or permitted for 99,000 pounds in a state or province that recognizes Vermont vehicles for weights consistent with this subdivision (17).

(E) Unless authorized by federal law, the provisions of this subdivision (17) shall not apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways.

(F) The fee for the annual permit as provided in this subdivision (17) shall be ~~\$415.00~~ \$382.00 for vehicles bearing up to 90,000 pounds and \$560.00 for vehicles bearing up to 99,000 pounds.

\* \* \*

(19)(A) A person issued a permit under the provisions of subdivision (13), (14), ~~(16)~~, or (17) of this section, and upon payment of a \$10.00 administrative fee for each additional permit, may obtain additional permits for the same vehicle, provided the additional permit is for a lesser weight and

provided the vehicle or combination of vehicles meets the minimum requirements for the permit sought as set forth in this section.

\* \* \*

Sec. 22. [Deleted.]

\* \* \* Electronic Permits \* \* \*

Sec. 23. 23 V.S.A. § 1392 is amended to read:

§ 1392. GROSS WEIGHT LIMITS ON HIGHWAYS

Except as provided in section 1400 of this title, a person ~~or corporation~~ shall not operate or cause to be operated a motor vehicle in excess of the total weight, including vehicle, object, or contrivance and load, of:

\* \* \*

~~(21) All permits issued pursuant to this section shall be carried in the vehicle. The fine for violation of this subdivision shall be \$150.00. A violation of this subdivision shall be considered an offense separate from an overweight violation. [Repealed.]~~

Sec. 24. 23 V.S.A. § 1455 is added to read:

§ 1455. CARRYING OF PERMITS IN THE PERMITTED MOTOR VEHICLE

All permits issued pursuant to this subchapter shall be carried in the motor vehicle in either paper or electronic form. Use of a portable electronic device to display an electronic permit does not in itself constitute consent for an enforcement officer to access other contents of the device. The civil penalty for violation of this section shall be \$150.00. A violation of this section shall be considered an offense separate from any other related violations.

\* \* \* Title \* \* \*

\* \* \* Prospective Elimination of 15-Year Limitation; Electronic Title \* \* \*

Sec. 25. 23 V.S.A. § 2012 is amended to read:

§ 2012. EXEMPTED VEHICLES

No certificate of title need be obtained for:

\* \* \*

(10) a vehicle that is more than 15 years old on January 1, 2024.



Sec. 26. 23 V.S.A. § 2013 is amended to read:

§ 2013. WHEN CERTIFICATE REQUIRED; ISSUANCE OF EXEMPT  
VEHICLE TITLE UPON REQUEST

(a)(1) Except as provided in section 2012 of this title, the provisions of this chapter shall apply to and a title must be obtained for all motor vehicles at the time of first registration or when a change of registration is required under the provisions of section 321 of this title by reason of a sale for consideration.

(2) ~~In addition, a Vermont resident may apply at any time to the Commissioner to obtain an “exempt vehicle title” for a vehicle that is more than 15 years old. Such titles shall be in a form prescribed by the Commissioner and shall include a legend indicating that the title is issued under the authority of this subdivision. The Commissioner shall issue an exempt vehicle title if the applicant pays the applicable fee and fulfills the requirements of this section, and if the Commissioner is satisfied that:~~

~~(A) the applicant is the owner of the vehicle;~~

~~(B) the applicant is a Vermont resident; and~~

~~(C) the vehicle is not subject to any liens or encumbrances.~~

[Repealed.]

(3) ~~Prior to issuing an exempt vehicle title pursuant to subdivision (2) of this subsection, the Commissioner shall require all of the following:~~

~~(A) The applicant to furnish one of the following proofs of ownership, in order of preference:~~

~~(i) a previous Vermont or out-of-state title indicating the applicant’s ownership;~~

~~(ii) an original or a certified copy of a previous Vermont or out-of-state registration indicating the applicant’s ownership;~~

~~(iii) sufficient evidence of ownership as determined by the Commissioner, including bills of sale or original receipts for major components of homebuilt vehicles; or~~

~~(iv) a notarized affidavit certifying that the applicant is the owner of the vehicle and is unable to produce the proofs listed in subdivisions (i)–(iii) of this subdivision (3)(A) despite reasonable efforts to do so.~~

~~(B) A notarized affidavit certifying:~~

~~(i) the date the applicant purchased or otherwise took ownership of the vehicle;~~

- ~~(ii) the name and address of the seller or transferor, if known;~~
- ~~(iii) that the applicant is a Vermont resident; and~~
- ~~(iv) that the vehicle is not subject to any liens or encumbrances.~~

~~(C) Assignment of a new vehicle identification number pursuant to section 2003 of this title, if the vehicle does not have one. [Repealed.]~~

\* \* \*

Sec. 27. 23 V.S.A. § 2017 is amended to read:

§ 2017. ISSUANCE OF CERTIFICATE; RECORDS

(a) The Commissioner shall file each application received and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title of the vehicle, without regard to the age of the vehicle.

(b) The Commissioner may issue an electronic certificate of title, provided that the applicant is entitled to the issuance of the certificate of title pursuant to subsection (a) of this section.

~~(c) The Commissioner shall maintain at his or her central office a record of all certificates of title issued by him or her for vehicles 15 years old and newer, and of all exempt vehicle titles issued by him or her, under a distinctive title number assigned to the vehicle; under the identification number of the vehicle; alphabetically, under the name of the owner; and, in the discretion of the Commissioner, by any other method he or she the Commissioner determines. The original records may be maintained on microfilm or electronic imaging.~~

Sec. 28. 23 V.S.A. § 2091(a) is amended to read:

(a) Except for vehicles for which no certificate of title is required pursuant to section 2012 of this title ~~and for vehicles that are more than 15 years old~~, any person who purchases or in any manner acquires a vehicle as salvage; any person who scraps, dismantles, or destroys a motor vehicle; or any insurance company or representative thereof who declares a motor vehicle to be a total loss, shall apply to the Commissioner for a salvage certificate of title within 15 days ~~of~~ after the time the vehicle is purchased or otherwise acquired as salvage; is scrapped, dismantled, or destroyed; or is declared a total loss. However, an insurance company or representative thereof proceeding under subsection (c) of this section may apply outside this 15-day window to the extent necessary to comply with the requirements of that subsection.

## \* \* \* Nonresident Title \* \* \*

Sec. 29. 23 V.S.A. § 2020 is amended to read:

§ 2020. WITHHOLDING OF CERTIFICATE; BOND REQUIRED

If the Commissioner is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the Commissioner may register the vehicle but shall either:

(1) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the Commissioner as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; ~~or,~~

(2) As a condition of issuing a certificate of title, require ~~the~~ an applicant who is a Vermont resident to file with the Commissioner a bond in the form prescribed by the Commissioner and executed by the applicant, and either accompanied by the deposit of cash with the Commissioner or also executed by a person authorized to conduct a surety business in this State. The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the Commissioner and conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three years or earlier if the vehicle is no longer registered in this State and the currently valid certificate of title is surrendered to the Commissioner, unless the Commissioner has been notified of the pendency of an action to recover on the bond. The Commissioner shall not issue titles to nonresidents under the provisions of this subdivision.

\* \* \* Towing; Abandoned Vehicles \* \* \*

Sec. 30. 23 V.S.A. § 4(88) is added to read:

(88) "Towing business" means a person that regularly engages in one or more of the following: recovery, impoundment, transport, storage, or disposal of motor vehicles.

Sec. 31. 23 V.S.A. § 2151 is amended to read:

§ 2151. DEFINITIONS

As used in this subchapter:

(1)(A) “Abandoned motor vehicle” means:

(i) a motor vehicle that has remained on public or private property or on or along a highway for more than 48 hours without the consent of the owner or person in control of the property and has a valid registration plate or public vehicle identification number that has not been removed, destroyed, or altered; or

(ii) a motor vehicle that has remained on public or private property or on or along a highway without the consent of the owner or person in control of the property for any period of time if:

(I) the vehicle does not have a valid registration plate or the public vehicle identification number has been removed, destroyed, or altered; or

(II) a law enforcement officer has requested that the vehicle be removed by a towing business.

(B) “Abandoned motor vehicle” does not include a vehicle or other equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which is left in a manner that does not interfere with the normal movement of traffic.

(2) “Landowner” means a person who owns or leases or otherwise has authority to control use of real property.

(3) “Law enforcement officer” means a State Police officer, municipal police officer, motor vehicle inspector, Capitol Police officer, constable, sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council under 20 V.S.A. § 2358.

(4) “Motor vehicle” means all vehicles propelled or drawn by power other than muscular power that have, or could have, one or more of the following:

(A) a registration plate, registration decal, or certificate of number;

(B) a public vehicle identification number; or

(C) a certificate of title.

~~(3)~~(5) “Public vehicle identification number” means the public vehicle identification number that is usually visible through the windshield and attached to the driver’s side of the dashboard, instrument panel, or windshield pillar post or on the doorjamb on the driver’s side of the vehicle.

Sec. 32. 23 V.S.A. § 2153(a) is amended to read:

(a) A landowner on whose property an abandoned motor vehicle ~~is located~~ was discovered or has been relocated to shall apply to the Department for an abandoned motor vehicle certification on forms supplied by the Department within ~~30~~ 90 days ~~of~~ after the date the vehicle was discovered ~~on or brought to the property unless the vehicle has been removed from the property or relocated.~~ An abandoned motor vehicle certification form shall indicate the date that the abandoned motor vehicle was discovered or ~~brought to the property~~ relocated; the make, color, model, and location of the vehicle; the name, address, and telephone number of the landowner of the property where the vehicle is currently located; and a certification of the public vehicle identification number, if any, ~~to be recorded~~ prepared by a law enforcement officer, licensed dealer, or inspection station designated by the Commissioner of Motor Vehicles. This subsection shall not be construed as creating a private right of action against the landowner of the property where an abandoned motor vehicle is located.

Sec. 33. 23 V.S.A. § 2158 is amended to read:

§ 2158. FEES FOR TOWING; PUBLIC PROPERTY; FUNDING

(a) A towing service may charge a fee of up to ~~\$40.00~~ \$125.00 for towing an abandoned motor vehicle from public property under the provisions of sections 2151–2157 of this ~~title~~ subchapter. This fee shall be paid to the towing service upon the issuance by the Department of Motor Vehicles of a certificate of abandoned motor vehicles under section 2156 of this title. The Commissioner of Motor Vehicles shall notify the Commissioner of Finance and Management who shall issue payment to the towing service for vehicles removed from public property. ~~Payments under this section shall terminate upon the payment of a total of \$16,000.00 for towing abandoned motor vehicles from public property in any fiscal year. A towing company shall not be eligible for more than 50 percent of this annual allocation.~~

(b) ~~The Commissioner of Motor Vehicles is authorized to expend up to \$16,000.00 of the Department’s annual appropriation for the purpose of this section.~~ [Repealed.]

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Sec. 34. REPORTS ON AMOUNT PAID BY STATE FOR TOWING

ABANDONED MOTOR VEHICLES FROM PUBLIC PROPERTY

(a) The Department of Motor Vehicles shall provide an oral report on the following to the House and Senate Committees on Transportation on or before February 15, 2024:

(1) the amount paid by the State pursuant to 23 V.S.A. § 2158 during the first six months of fiscal year 2024; and

(2) a summary of any changes to Department processes related to the payment for the towing of abandoned motor vehicles from public property that were implemented after May 1, 2023.

(b) The Department of Motor Vehicles shall file a written report on the following with the House and Senate Committees on Transportation on or before December 15, 2025:

(1) the amount paid by the State pursuant to 23 V.S.A. § 2158 during fiscal year 2024;

(2) the amount paid by the State pursuant to 23 V.S.A. § 2158 during fiscal year 2025;

(3) a summary of any changes to Department processes related to the payment for the towing of abandoned motor vehicles from public property that were implemented after May 1, 2023; and

(4) any recommendations on changes to State statute related to the towing of abandoned motor vehicles from public property.

Sec. 35. TOWING WORKING GROUP; REPORT

(a) The Office of the Attorney General, in consultation with the Department of Financial Regulation, the Department of Motor Vehicles, the Office of Professional Regulation, and the Office of the Vermont State Treasurer, shall engage in a working group process to study vehicle towing practices in the State of Vermont.

(b) The working group process shall include stakeholder engagement and at least one public hearing. The following shall be invited to participate as a stakeholder:

(1) AAA Northern New England;

(2) Associated General Contractors of Vermont;

(3) Association of Vermont Credit Unions;

(4) Vermont Bankers Association;

- (5) Vermont Insurance Agents Association;
- (6) Vermont League of Cities and Towns;
- (7) Vermont Legal Aid;
- (8) Vermont Towing Association;
- (9) Vermont Truck and Bus Association;
- (10) Vermont Public Interest Research Group; and
- (11) any other persons identified by the Office of the Attorney General.

(c) The study shall, at a minimum, address:

- (1) pricing of pleasure car and commercial vehicle towing and recovery, including from State and town highways that are restricted based on motor vehicle size;
- (2) crash site remediation, including costs borne by towing companies;
- (3) storage practices, including:
  - (A) pricing;
  - (B) vehicle access for removal of personal belongings; and
  - (C) vehicle access for removal of cargo;
- (4) practices relating to abandonment or suspected abandonment when necessary or appropriate;
- (5) any applicable recommendations for amendments to State statute;
- (6) best practices from other states; and
- (7) any other information that the Office of the Attorney General deems pertinent to the study.

(d) The Attorney General shall file a written report on the study, including any recommendations it deems appropriate, with the House Committees on Commerce and Economic Development, on Government Operations and Military Affairs, and on Transportation and the Senate Committees on Economic Development, Housing and General Affairs, on Finance, on Government Operations, and on Transportation on or before December 15, 2023.

\* \* \* Proof of Liability Insurance; Snowmobiles \* \* \*

Sec. 36. 23 V.S.A. § 3206(b) is amended to read:

(b) A snowmobile shall not be operated:

\* \* \*

(19) Without carrying proof of liability insurance as described in this subdivision. No owner or operator of a snowmobile shall operate or permit the operation of the snowmobile on the Statewide Snowmobile Trail System or public right of way, except on the property of the owner, without having in effect a liability policy or bond in the amounts of at least \$25,000.00 for one person and \$50,000.00 for two or more persons killed or injured and \$10,000.00 for damages to property in any one crash. In lieu thereof, evidence of self-insurance in the amount of \$115,000.00 must be filed with the Commissioner. Such financial responsibility shall be maintained and evidenced in a form prescribed by the Commissioner. The standards and process established in subsection 801(c) of this title shall be adopted. An operator may prove financial responsibility using a portable electronic device; however, use of a device for this purpose does not in itself constitute consent for an enforcement officer to access other contents of the device. An operator cited for violating this subsection shall not be convicted if the operator sends or produces to the issuing enforcement agency within seven business days after the traffic stop proof of financial responsibility that was in effect at the time of the traffic stop.

\* \* \*

\* \* \* Commercial Driver's License; Federal Motor Carrier Safety  
Administration Drug and Alcohol Clearinghouse \* \* \*

Sec. 37. 23 V.S.A. § 4108 is amended to read:

§ 4108. COMMERCIAL DRIVER'S LICENSE, COMMERCIAL  
LEARNER'S PERMIT QUALIFICATION STANDARDS

(a) Before issuing a commercial driver's license or commercial learner's permit, the Commissioner shall request the applicant's complete operating record from any state in which the applicant was previously licensed to operate any type of motor vehicle in the past 10 years and conduct a check of the applicant's operating record by querying the National Driver Register established under 49 U.S.C. § 30302 ~~and~~, the Commercial Driver's License Information System established under 49 U.S.C. § 31309, and the Commercial Driver's License Drug and Alcohol Clearinghouse established under 49 C.F.R. Part 382, Subpart G and required pursuant to 49 C.F.R. § 382.725 to determine if:

- (1) the applicant has already been issued a commercial driver's license;
- (2) the applicant's commercial driver's license has been suspended, revoked, or canceled; ~~or~~



(3) the applicant has been convicted of any offense listed in 49 U.S.C. § 30304(a)(3); or

(4) the applicant has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of 49 C.F.R. § 382.211; or the applicant's employer has reported actual knowledge, as defined at 49 C.F.R. § 382.107, that the applicant used alcohol on duty in violation of 49 C.F.R. § 382.205, used alcohol before duty in violation of 49 C.F.R. § 382.207, used alcohol following an accident in violation of 49 C.F.R. § 382.209, or used a controlled substance in violation of 49 C.F.R. § 382.213.

(b) The Commissioner shall not issue a commercial driver's license or commercial learner's permit to any individual:

\* \* \*

(4) Who has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of 49 C.F.R. § 382.211; or for whom an employer has reported actual knowledge, as defined in 49 C.F.R. § 382.107, that the applicant used alcohol on duty in violation of 49 C.F.R. § 382.205, used alcohol before duty in violation of 49 C.F.R. § 382.207, used alcohol following an accident in violation of 49 C.F.R. § 382.209, or used a controlled substance in violation of 49 C.F.R. § 382.213.

\* \* \*

\* \* \* Purchase and Use Tax \* \* \*

Sec. 38. 32 V.S.A. § 8902(5) is amended to read:

(5) "Taxable cost" means the purchase price as defined in subdivision (4) of this section or the taxable cost as determined under section 8907 of this title. For any purchaser who has paid tax on the purchase or use of a motor vehicle that was sold or traded by the purchaser or for which the purchaser received payment under a contract of insurance, the taxable cost of the replacement motor vehicle other than a leased vehicle shall exclude:

(A) The value allowed by the seller on any motor vehicle accepted by ~~him or her~~ the seller as part of the consideration of the motor vehicle, provided the motor vehicle accepted by the seller is owned and previously or currently registered or titled by the purchaser, with no change of ownership since registration or titling, except for motor vehicles for which registration is not required under the provisions of Title 23 or motor vehicles received under the provisions of subdivision 8911(8) of this title.

(B) The amount received from the sale of a motor vehicle last registered or titled in ~~his or her~~ the seller's name, the amount not to exceed the clean trade-in value of the same make, type, model, and year of manufacture as designated by the manufacturer and as shown in the NADA Official Used Car Guide (New England edition), or any comparable publication, provided such sale occurs within three months of after the taxable purchase. However, this three-month period shall be extended day-for-day for any time that a member of a guard unit or of the U.S. Armed Forces, as defined in 38 U.S.C. § 101(10), spends outside Vermont due to activation or deployment; and an additional 60 days following the ~~person's~~ individual's return from activation or deployment. Such amount shall be reported on forms supplied by the Commissioner of Motor Vehicles.

\* \* \*

Sec. 39. 32 V.S.A. § 8911 is amended to read:

§ 8911. EXCEPTIONS

The tax imposed by this chapter shall not apply to:

\* \* \*

(22) Motor vehicles that have been registered to the applicant ~~for a period of at least three years~~ in a jurisdiction that imposes a state sales or use tax on motor vehicles. An applicant for exemption under this subdivision shall bear the burden of establishing to the satisfaction of the Commissioner that the vehicle was registered in a qualifying jurisdiction ~~for the requisite period~~.

\* \* \*

\* \* \* Gross Weight Limits on Highways; Report \* \* \*

Sec. 40. REPORT ON INCREASING GROSS WEIGHT LIMITS ON  
HIGHWAYS THROUGH SPECIAL ANNUAL PERMIT

(a) The Secretary of Transportation or designee, in collaboration 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, 2024.

(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;

(6) additional penalties, including civil penalties and permit revocation, for gross vehicle weight violations; and

(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.

\* \* \* Implementation of DMV Modernization Project; Driver Services \* \* \*

Sec. 41. IMPLEMENTATION OF DEPARTMENT OF MOTOR VEHICLES  
MODERNIZATION PROJECT; GENERAL ASSEMBLY  
OVERSIGHT

(a) Findings. The General Assembly finds that:

(1) The Department of Motor Vehicles provides services to almost all Vermonters, including, in fiscal year 2022, engaging in more than a million transactions, with almost half of all transactions being conducted online.

(2) The Department is in the middle of the DMV Core System Modernization project, with an estimated launch date for the vehicle services module in November 2023 and with the driver services module expected to launch approximately 18 months after it commences in February 2024.

(3) As part of its design and implementation of the vehicle services module, the Department has discovered that one of the barriers to modernizing Department operations is certain outdated statutes. In order to best modernize and optimize Department processes for the future during the months-long module design and development process, the Commissioner of Motor Vehicles has had to make business decisions based on the needs of the Department to modernize processes to best meet the needs of Vermonters. These business decisions will, upon future implementation, conflict with statute if certain statutes are not amended through the legislative process.

(4) The driver services module of the DMV Core System Modernization project will design and implement processes to issue and maintain driver's licenses and other credentials; support fraud detection and investigation; administer hearings; and administer, manage, and report driver restrictions, convictions, and other information related to driver improvement.

(5) Driver services processes are regulated by statute in 23 V.S.A. chapters 1, 3, 5, 9, 11, 24, 25, and 39, as well as more than 15 rules adopted pursuant to authority under Title 23.

(6) It is anticipated that in designing and implementing the driver services module, the Commissioner will, in order to modernize and optimize Department processes to best serve Vermonters, need to make additional business decisions that will, upon future implementation, conflict with statute if certain statutes are not amended through the legislative process.

(7) Of the modernization projects in which the State is currently engaged, the DMV Core System Modernization Project will likely have the most significant impact on existing statutory language, but it is anticipated that other modernization projects, such as the one that the Department of Labor will undertake related to unemployment insurance, will raise similar tensions between promoting efficiencies as part of modernization and contending with outdated statutory provisions.

(8) A collaborative partnership between the Department and the General Assembly throughout the driver services module, monitored during legislative adjournment by the Joint Transportation Oversight Committee, the Joint Fiscal Committee, and members of the House and Senate Committees on Transportation, provides the best opportunity to save money, promote transparency, streamline the process of amending statute to optimize potential efficiencies for Vermonters, and serve as a model for collaboration between branches of State government in future modernization projects.

(b) Reports.

(1) The Commissioner of Motor Vehicles shall file three written reports on the design and implementation of the driver services module of the DMV Core System Modernization project with the Joint Transportation Oversight Committee, the Joint Fiscal Committee, and the House and Senate Committees on Transportation. The first shall be due on or before July 31, 2024, the second shall be due on or before October 15, 2024, and the third shall be due on or before January 15, 2025.

(2) To the extent practicable, at the time each written report is filed, the Department shall include recommendations on which provisions of statute and rule the Department anticipates will need to be amended or repealed in order to best modernize and optimize Department processes related to the provision of driver services.

(c) General Assembly oversight. To the extent practicable, the Joint Transportation Oversight Committee, the Joint Fiscal Committee, and the House and Senate Committees on Transportation shall promptly express any concerns to the Department regarding any Department recommendations contained in any written report filed pursuant to subsection (b) of this section.

\* \* \* Excessive Motor Vehicle Noise Report \* \* \*

Sec. 42. EXCESSIVE MOTOR VEHICLE NOISE REPORT

(a) The Commissioner of Motor Vehicles, in consultation with the Commissioner of Public Safety and the Vermont League of Cities and Towns, shall study and report on current and potential enforcement practices around excessive motor vehicle noise and make recommendations on ways to limit excessive motor vehicle noise in Vermont.

(b) The study and report shall, at a minimum, address:

(1) if there should be a noise standard in statute or the Periodic Inspection Manual, or both, and, if so, what that standard should be;

(2) costs to incorporate noise testing into the State motor vehicle inspection required under 23 V.S.A. § 1222 and the State's Periodic Inspection Manual;

(3) costs to train law enforcement officers on noise testing;

(4) possible options to address excessive motor vehicle noise that do not involve noise testing such as visual inspections for modifications to a motor vehicle's exhaust system, whether as part of enforcement of the State motor vehicle inspection, and labeling on one or more components of a motor vehicle's exhaust system; and

(5) approaches to minimize excessive motor vehicle noise that have been taken in other states, including increased enforcement by law enforcement coupled with an objective noise standard defense.

(c) On or before January 1, 2025, the Commissioner of Motor Vehicles shall submit a written report to the House and Senate Committees on Judiciary and on Transportation with the Commissioner's findings and any recommendations for legislative action.

\* \* \* Outreach to Municipalities on Speed Limits \* \* \*

#### Sec. 43. OUTREACH TO MUNICIPALITIES ON SPEED LIMITS

The Agency of Transportation, in consultation with the Vermont League of Cities and Towns and regional planning commissions, shall design and implement a program to provide outreach to municipalities on the setting, posting, and enforcement of speed limits on town highways. The outreach materials shall, at a minimum, provide information on applicable State statutes, applicable portions of the Manual on Uniform Traffic Control Devices, and best practices when it comes to setting and posting speed limits on town highways.

\* \* \* ATV Fees and Penalties \* \* \*

#### Sec. 44. REPEALS

(a) 2018 Acts and Resolves No. 158, Secs. 29 (July 1, 2023 amendment to 23 V.S.A. § 3513(a)) and 43(c) (effective date) are repealed.

(b) 2022 Acts and Resolves No. 185, Sec. E.702 (July 1, 2023 amendment to 23 V.S.A. § 3513) is repealed.

Sec. 45. 2022 Acts and Resolves No. 185, Sec. H.100(d) is amended to read:

(d) Secs. E.240.1 (7 V.S.A. § 845); E.240.2 (32 V.S.A. § 7909); ~~E.702 (Fish and Wildlife)~~; F.100(b), F.101(b), F.102(b) and F.103 (Executive Branch; Exempt Employees, Misc. Statutory Salaries; Fiscal Year 2024); F.104–106 (Judicial Branch; Statutory Salaries, Fiscal Year 2024); F.107 (Sheriffs, Statutory Salaries, Fiscal Year 2024); F.108 (State's Attorney's; Statutory Salaries; Fiscal Year 2024); and Secs. F.109(a)(2), F.109(b)(3), and F.109(c)(2) (Appropriations; Fiscal Year 2024) shall take effect on July 1, 2023.

Sec. 46. 23 V.S.A. § 3513(a) is amended to read:

(a) The amount of 90 percent of the fees and penalties collected under this chapter, except interest, is allocated to the ~~Agency of Natural Resources Department of Forests, Parks and Recreation~~ 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~~ Department of Forests, Parks and Recreation shall retain for its use up to \$7,000.00 during each fiscal year to be used for administration of the State grant that supports this ~~program~~ Program.

\* \* \* Effective Dates \* \* \*

Sec. 47. EFFECTIVE DATES

(a) This section and Secs. 1 (new motor vehicle arbitration; 9 V.S.A. § 4173(d)), 2 (definition of mail; 23 V.S.A. § 4(87)), 14 (validation sticker requirements in rule), 15 (electronic proof of registration; 23 V.S.A. § 307), 16 and 17 (plug-in electric vehicle registration fees; 23 V.S.A. §§ 361 and 362), 20 (current Total Abstinence Program participants), and 23 and 24 (electronic permits; 23 V.S.A. §§ 1392(21) and 1455) shall take effect on passage.

(b) Sec. 19 (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) Secs. 4–13 (license plate stickers; validation stickers) shall take effect on November 1, 2023.

(d) Secs. 25–28 (title; 23 V.S.A. §§ 2012, 2013, 2017, and 2091(a)) shall take effect upon completion of the vehicle services module of the DMV Core System Modernization project.

(e) Sec. 37 (commercial driver's license clearinghouse; 23 V.S.A. § 4108) shall take effect on November 18, 2024.

(f) All other sections shall take effect on July 1, 2023.

**Rep. Mattos of Milton**, 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 Transportation.

**Rep. Brennan of Colchester**, for the Committee on Appropriations, recommended that the House propose to the Senate to amend the bill 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.

### **Adjournment**

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

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### **Wednesday, May 3, 2023**

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

### **Devotional Exercises**

Devotional exercises were conducted by Rep. Elizabeth Burrows of West Windsor.

### **House Bills Introduced**

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

#### **H. 520**

By Rep. Mrowicki of Putney,

House bill, entitled

An act relating to firearms licensing, registration, and insurance

To the Committee on Judiciary.

#### **H. 521**

By Rep. McCann of Montpelier,

House bill, entitled

An act relating to firearms storage

To the Committee on Judiciary.



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**Senate Bill Referred****S. 141**

Senate bill, entitled

An act relating to approval of the charter of Fairfax Fire District No. 1

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

**Bill Referred to Committee on Appropriations****S. 6**

Senate bill, entitled

An act relating to law enforcement interrogation policies

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 Appropriations  
Pending Entry on the Notice Calendar****S. 100**

Senate bill, entitled

An act relating to housing opportunities made for everyone

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. 26**

By Senator Baruth,

**J.R.S. 26.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, May 5, 2023, it be to meet again no later than Tuesday, May 9, 2023.

Was taken up, read, and adopted in concurrence.

**Bill Amended; Third Reading; Bill Passed****H. 490**

House bill, entitled

An act relating to approving the merger of the Village of Lyndonville with the Town of Lyndon

Was taken up and, pending third reading of the bill, **Rep. Shaw of Pittsford** moved to amend the bill as follows:

In Sec. 2, 24 App. V.S.A. chapter 126 (Town of Lyndon), by striking out section 14 in its entirety and inserting in lieu thereof a new section 14 to read as follows:

§ 14. COVERED BRIDGES; INCREASED PENALTY FOR VIOLATION  
OF LEGAL LIMITS RESULTING IN DAMAGE

Notwithstanding 23 V.S.A. § 1434(c), the Town may adopt an ordinance governing operator damage to covered bridges that provides for a civil penalty of not more than \$10,000.00 or an amount equal to the costs of repairing the damage to the covered bridge, provided that the covered bridge has a limit set pursuant to 23 V.S.A. § 1397a.

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. 506**

House bill, entitled

An act relating to approval of amendments to the election boundary provisions of the charter of the City of Burlington

**H. 507**

House bill, entitled

An act relating to approval of amendments to the polling place provisions of the charter of the City of Burlington

**H. 508**

House bill, entitled

An act relating to approval of an amendment to the ranked choice voting provisions of the charter of the City of Burlington

**H. 509**

House bill, entitled

An act relating to approval of amendments to the voter qualification provisions of the charter of the City of Burlington

**Third Reading; Bill Passed in Concurrence  
With Proposal of Amendment****S. 17**

Senate bill, entitled

An act relating to sheriff reforms

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

**Third Reading; Bill Passed in Concurrence  
With Proposal of Amendment****S. 99**

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

**Second Reading; Bill Amended; Third Reading Ordered****H. 469**

**Rep. Hyman of South Burlington**, for the Committee on Human Services, to which had been referred House bill, entitled

An act relating to allowing remote witnesses and explainers for a Ulysses clause in an advance directive

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

Sec. 1. 18 V.S.A. § 9701 is amended to read:

§ 9701. DEFINITIONS

As used in this chapter:

\* \* \*

(35) “Digital signature” means an electronic identifier that is intended by the individual using it to have the same force and effect as a manual signature and that meets all of the following requirements:

(A) uses an algorithm approved by either the National Institute of Standards and Technology or by the Department of Health;

(B) is unique to the individual using it;

(C) is capable of verification;

(D) is under the sole control of the individual using it;

(E) is linked to data in a manner that invalidates the digital signature if the data is changed;

(F) persists with the document and not by association in separate files; and

(G) is bound to a digital certificate.

(36) “Remote witness” means a witness who is not physically present when a principal signs an advance directive.

Sec. 2. 18 V.S.A. § 9703 is amended

§ 9703. FORM AND EXECUTION

(a) An adult with capacity may execute an advance directive at any time.

(b)(1) The advance directive shall be dated, executed by the principal or by another individual in the principal’s presence at the principal’s express direction if the principal is physically unable to do so, and signed ~~in the presence of~~ by two or more witnesses at least 18 years of age, who shall sign and affirm that the principal appeared to understand the nature of the document and to be free from duress or undue influence at the time the advance directive was signed.

(2) On and after April 1, 2024, the principal shall have either signed in the physical presence of the witness or the following conditions shall have been met if the witness is a remote witness:

(A) the principal and the remote witness were known to each other;

(B) based on communication between the principal and the remote witness through a live, interactive, audio-video connection or by telephone, the remote witness attested that the principal seemed to understand the nature of the document and to be free from duress or undue influence at the time the advance directive was signed; and

(C) the principal included on the advance directive the name and contact information for the remote witness and the nature of the principal's relationship to the remote witness.

(3) A health care provider may serve as a witness to the principal's execution of the advance directive under this subsection.

(4) If the principal is being admitted to or is a resident of a nursing home or residential care facility or is being admitted to or is a patient in a hospital at the time of execution, the individual who explained the nature and effect of the advance directive to the principal pursuant to subsection (d) or (e) of this section may also serve as one of the witnesses to the principal's execution of the advance directive under this subsection.

(c) Neither the agent appointed by the principal nor the principal's spouse, parent, adult sibling, adult child, or adult grandchild may witness the advance directive.

(d)(1) An advance directive shall not be effective if, at the time of execution, the principal is being admitted to or is a resident of a nursing home as defined in 33 V.S.A. § 7102 or a residential care facility, unless one of the following individuals explains the nature and effect of an advance directive to the principal and signs a statement affirming that ~~he or she~~ the individual has provided the explanation:

(A) an ombudsman;

(B) a recognized member of the clergy;

(C) an attorney licensed to practice in this State;

(D) a Probate Division of the Superior Court designee;

(E) an individual designated by a hospital pursuant to subsection 9709(d) of this title;

(F) a mental health patient representative;

(G) an individual who is volunteering at the nursing home or residential care facility without compensation and has received appropriate training regarding the explanation of advance directives; or

(H) a clinician, ~~as long as provided~~ the clinician is not employed by the nursing home or residential care facility at the time of the explanation.

(2) It is the intent of this subsection to ensure that residents of nursing homes and residential care facilities are willingly and voluntarily executing advance directives.

(3) The individual who explains the nature and effect of an advance directive to the principal under this subsection may be physically present in the same location as the principal at the time of the explanation or may deliver the explanation to the principal through a live, interactive, audio-video connection or by telephone.

(e)(1) An advance directive shall not be effective if, at the time of execution, the principal is being admitted to or is a patient in a hospital, unless one of the following individuals ~~has explained~~ explains the nature and effect of an advance directive to the principal and signs a statement affirming that ~~he or she~~ the individual has provided the explanation:

~~(1)~~(A) an ombudsman;

~~(2)~~(B) a recognized member of the clergy;

~~(3)~~(C) an attorney licensed to practice in this State;

~~(4)~~(D) a Probate Division of the Superior Court designee;

~~(5)~~(E) an individual designated by the hospital pursuant to subsection 9709(d) of this title; or

~~(6)~~(F) a mental health patient representative.

(2) The individual who explains the nature and effect of an advance directive to the principal under this subsection may be physically present in the same location as the principal at the time of the explanation or may deliver the explanation to the principal through a live, interactive, audio-video connection or by telephone.

(f) A durable power of attorney for health care, terminal care document, or advance directive executed prior to the enactment of this chapter shall be a valid advance directive if the document complies with the statutory requirements in effect at the time the document was executed or with the provisions of this chapter.

(g) A principal, a witness, or an individual who explains an advance directive under subsection (d) or (e) of this section may sign the advance directive or the explanation affirmation statement using a digital signature, provided that, for a remote witness, the conditions set forth in subdivision (b)(2) of this section shall be met.

Sec. 3. 18 V.S.A. § 9707(h) is amended to read:

(h)(1) An advance directive executed in accordance with section 9703 of this title may contain a provision permitting the agent, in the event that the principal lacks capacity, to authorize or withhold health care over the principal's objection. In order to be valid, the provision shall comply with the following requirements:

(A) An agent shall be named in the provision.

(B) The agent shall accept in writing the responsibility of authorizing or withholding health care over the principal's objection in the event the principal lacks capacity.

(C) A clinician for the principal shall sign the provision and affirm that the principal appeared to understand the benefits, risks, and alternatives to the health care being authorized or rejected by the principal in the provision.

(D)(i) An ombudsman, a mental health patient representative, attorney licensed to practice law in this State, or the Probate Division of the Superior Court designee shall sign a statement affirming that ~~he or she~~ the individual has explained the nature and effect of the provision to the principal, and that the principal appeared to understand the explanation and be free from duress or undue influence.

(ii) If the principal is a patient in a hospital when the provision is executed, the ombudsman, mental health patient representative, attorney, or Probate Division of the Superior Court designee shall be independent of the hospital and not an interested individual.

(E) The provision shall specify the treatments to which it applies and shall include an explicit statement that the principal desires or does not desire the proposed treatments even over the principal's objection at the time treatment is being offered or withheld. The provision may include a statement expressly granting to the health care agent the authority to consent to the principal's voluntary hospitalization.

(F) The provision shall include an acknowledgment that the principal is knowingly and voluntarily waiving the right to refuse or receive treatment at a time of incapacity, and that the principal understands that a clinician will determine capacity.

(2) A provision executed in compliance with subdivision (1) of this subsection shall be effective when the principal's clinician and a second clinician have determined pursuant to subdivision 9706(a)(1) of this title that the principal lacks capacity.

(3) If an advance directive contains a provision executed in compliance with this section:

(A) The agent may, in the event the principal lacks capacity, make health care decisions over the principal's objection, provided that the decisions are made in compliance with subsection 9711(d) of this title.

(B) A clinician shall follow instructions of the agent authorizing or withholding health care over the principal's objection.

(4)(A) The first time a principal executes a provision under this subsection (h):

(i) the principal's clinician shall be physically present in the same location as the principal to assess the principal's understanding of the benefits, risks, and alternatives to the health care being authorized or rejected in the provision in accordance with subdivision (1)(C) of this subsection (h); and

(ii) the individual explaining the nature and effect of the provision in accordance with subdivision (1)(D) of this subsection (h) shall be physically present in the same location as the principal at the time of the explanation.

(B) If a principal later amends a provision executed under this subsection (h) by executing a new advance directive pursuant to section 9703 of this title that includes a provision permitting the agent to authorize or withhold health care over the principal's objection pursuant to this subsection (h), or the principal executes a new advance directive that maintains a provision previously executed under this subsection (h):

(i) the clinician may be physically present in the same location as the principal to assess the principal's understanding of the benefits, risks, and alternatives to the health care being authorized or rejected in the provision in accordance with subdivision (1)(C) of this subsection (h) or may assess the principal's understanding based on the clinician's interactions with the principal through a live, interactive, audio-video connection; and

(ii) the individual explaining the nature and effect of the provision in accordance with subdivision (1)(D) of this subsection (h) may be physically present in the same location as the principal at the time of the explanation or may deliver the explanation to the principal through a live, interactive, audio-video connection.

(C) The clinician and the individual providing the explanation do not need to be physically present at the same time as one another or otherwise coordinate the timing or performance of their respective duties under subdivisions (1)(C) and (D) of this subsection (h).



(5) The agent who is permitted to authorize or withhold health care over the principal's objection pursuant to this subsection does not need to be physically present for any portion of the principal's execution of that provision or of the advance directive.

(6) The principal, the agent, the clinician, and the individual who explained the provision under subdivision (1)(D) of this subsection (h), or any one or more of them, may sign the provision, acceptance, or explanation affirmation statement, as applicable, using a digital signature.

Sec. 4. 18 V.S.A. § 9721 is amended to read:

§ 9721. REMOTE WITNESSES AND EXPLAINERS FOR A LIMITED  
TIME THROUGH MARCH 31, 2024

~~(a) As used in this section, "remote witness" means a witness who is not physically present when a principal signs an advance directive. [Repealed.]~~

(b)(1) Notwithstanding any provision of subsection 9703(b) of this title to the contrary, an advance directive executed by a principal between February 15, 2020 and June 15, 2020 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 were met with respect to each remote witness:

(A) the principal and the remote witness were known to each other;

(B) the remote witness was informed about the role of a witness to the execution of an advance directive; and

(C) the principal included on the advance directive the name and contact information for the witness.

(2) An advance directive executed as set forth in subdivision (1) of this subsection shall be valid until June 30, 2021 unless amended, revoked, or suspended by the principal in accordance with this chapter prior to that date.

(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 March 31, 2024 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:

(A) the principal and the remote witness were known to each other;

(B) based on video or telephonic communication between the principal and the remote witness, the remote witness attested that the principal seemed to understand the nature of the document and to be free from duress or undue influence at the time the advance directive was signed; and

(C) the principal included on the advance directive the name and contact information for the remote witness and the nature of the principal's relationship to the remote witness.

(2) An advance directive executed as set forth in subdivision (1) of this subsection shall remain valid unless amended, revoked, or suspended by the principal in accordance with this chapter.

(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 March 31, 2024 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.

(e) On and after April 1, 2024, advance directives shall only be executed in accordance with section 9703 of this chapter.

#### Sec. 5. EFFECTIVE DATE

This act shall take effect on April 1, 2024.

and that after passage the title of the bill be amended to read: "An act relating to remote and electronic processes for executing an advance directive"

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.

#### **Recess**

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

At three o'clock and fifteen minutes in the afternoon, **Rep. Long of Newfane** called the House to order.

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**Message from the Senate No. 50**

A message was received from the Senate by Ms. Kucserik, 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. 288.** An act relating to liability for the sale of alcoholic beverages.

And has passed the same in concurrence.

The Senate has considered bills originating in the House of the following titles:

**H. 230.** An act relating to implementing mechanisms to reduce suicide.

**H. 479.** 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.

**Senate Proposal of Amendment Concurred in  
With Further Amendment Thereto**

**H. 473**

The Senate proposed to the House to amend House bill, entitled

An act relating to radiologist assistants

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. 26 V.S.A. § 2851 is amended to read:

§ 2851. DEFINITIONS

As used in this chapter:

\* \* \*

(8) “Readily available” means that a supervising radiologist is available in person or is available remotely by telephone or through a live, interactive audio and video connection.

(9) “Supervision” means the direction and review by a supervising radiologist, as determined to be appropriate by the Board, of the medical services provided by the radiologist assistant. At a minimum, supervision

shall mean that a radiologist is readily available for consultation and intervention. A radiologist assistant may provide services under the direction and review of more than one supervising radiologist during the course of ~~his or her~~ the radiologist assistant's employment, subject to the limitations on ~~his or her~~ the radiologist assistant's scope of practice as set forth in this chapter and the protocol filed under subsection 2853(b) of this title.

Sec. 2. 26 V.S.A. § 2857 is amended to read:

§ 2857. SUPERVISION AND SCOPE OF PRACTICE

(a)(1) The number of radiologist assistants permitted to practice under the direction and supervision of a radiologist shall be determined by the Board after review of the system of care delivery in which the supervising radiologist and radiologist assistants propose to practice. Scope of practice and levels of supervision shall be consistent with guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the ARRT.

(2) The authority of a radiologist assistant to practice shall terminate immediately upon termination of the radiologist assistant's employment, and the primary supervising radiologist shall immediately notify the Board and the Commissioner of the Department of Health of the termination. The radiologist assistant's authority to practice shall not resume until ~~he or she~~ the radiologist assistant provides proof of other employment and a protocol as required under this chapter.

(3) The primary supervising radiologist and radiologist assistant shall be employed by and have as their primary work site the same Vermont health care facility or an affiliate of the facility; provided, however, that the primary supervising radiologist does not need to be physically present at the same location where the radiologist assistant is practicing as long as a supervising radiologist is readily available for consultation and intervention.

(4) If a supervising radiologist is not physically present at the location at which a radiologist assistant is practicing, the radiologist assistant shall provide services only when a physician licensed pursuant to chapter 23 or 33 of this title, who need not be a radiologist, is physically present at the location and would be responsible for providing intervention or assistance in the event of a medical emergency.

(b)(1) Subject to the limitations set forth in subsection (a) of this section, the radiologist assistant's scope of practice shall be limited to that delegated to the radiologist assistant by the primary supervising radiologist and for which the radiologist assistant is qualified by education, training, and experience. At

no time shall the practice of the radiologist assistant exceed the normal scope of the supervising radiologist's practice.

(2) A radiologist assistant ~~may~~ shall not interpret images, make diagnoses, or prescribe medications or therapies but may communicate with patients regarding the radiologist assistant's preliminary observations regarding the technical performance of a procedure or examination and regarding the findings from a radiologist's report. Preliminary observations shall not include any communication about the presence or absence of features or characteristics that would be considered in making a diagnosis.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Houghton of Essex Junction** moved that the House concur in the Senate proposal of amendment with further proposal of amendment thereto by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 26 V.S.A. § 2851 is amended to read:

#### § 2851. DEFINITIONS

As used in this chapter:

\* \* \*

(6) "Radiologist" means a person who is licensed to practice medicine or osteopathy under chapter 23 or 33 of this title and who meets one or both of the following requirements:

(A) The person is certified by or eligible for certification by the American Board of Radiology or the American Osteopathic Board of Radiology or their predecessors or successors ~~or who.~~

(B) The person is credentialed by a hospital to practice radiology and engages in the practice of radiology at that hospital full-time.

\* \* \*

(8) "Readily available" means that a supervising radiologist is available in person or is available remotely by telephone or through a live, interactive audio and video connection.

(9) "Supervision" means the direction and review by a supervising radiologist, as determined to be appropriate by the Board, of the medical services provided by the radiologist assistant. At a minimum, supervision shall mean that a radiologist is readily available for consultation and

intervention. A radiologist assistant may provide services under the direction and review of more than one supervising radiologist during the course of ~~his or her~~ the radiologist assistant's employment, subject to the limitations on ~~his or her~~ the radiologist assistant's scope of practice as set forth in this chapter and the protocol filed under subsection 2853(b) of this title.

Sec. 2. 26 V.S.A. § 2857 is amended to read:

§ 2857. SUPERVISION AND SCOPE OF PRACTICE

(a)(1) The number of radiologist assistants permitted to practice under the direction and supervision of a radiologist shall be determined by the Board after review of the system of care delivery in which the supervising radiologist and radiologist assistants propose to practice. Scope of practice and levels of supervision shall be consistent with guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the ARRT.

(2) The authority of a radiologist assistant to practice shall terminate immediately upon termination of the radiologist assistant's employment, and the primary supervising radiologist shall immediately notify the Board and the Commissioner of the Department of Health of the termination. The radiologist assistant's authority to practice shall not resume until ~~he or she~~ the radiologist assistant provides proof of other employment and a protocol as required under this chapter.

(3) The primary supervising radiologist and radiologist assistant shall be employed by and have as their primary work site the same health care facility or an affiliate of the facility, provided that:

(A) the radiologist assistant's primary work site shall be located in Vermont; and

(B) the primary supervising radiologist does not need to be physically present at the same location where the radiologist assistant is practicing as long as a supervising radiologist is readily available for consultation and intervention.

(4) If a supervising radiologist is not physically present at the location at which a radiologist assistant is practicing, the radiologist assistant shall provide services only when a physician licensed pursuant to chapter 23 or 33 of this title, who need not be a radiologist, is physically present at the location and would be responsible for providing intervention or assistance in the event of a medical emergency.

(b)(1) Subject to the limitations set forth in subsection (a) of this section, the radiologist assistant's scope of practice shall be limited to that delegated to the radiologist assistant by the primary supervising radiologist and for which the radiologist assistant is qualified by education, training, and experience. At no time shall the practice of the radiologist assistant exceed the normal scope of the supervising radiologist's practice.

(2) A radiologist assistant ~~may~~ shall not interpret images, make diagnoses, or prescribe medications or therapies but may communicate with patients regarding the radiologist assistant's preliminary observations regarding the technical performance of a procedure or examination and regarding the findings from a radiologist's report. Preliminary observations shall not include any communication about the presence or absence of features or characteristics that would be considered in making a diagnosis.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

Which was agreed to.

**Rules Suspended, Immediate Consideration; Senate Proposal of Amendment Not Concurred in; Committee of Conference Requested and Appointed; Rules Suspended, Messaged to the Senate Forthwith**

### H. 479

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 the Transportation Program and miscellaneous changes to laws related to transportation

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:

\* \* \* Transportation Program Adopted as Amended; Definitions;  
Technical Corrections \* \* \*

### Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS; TECHNICAL CORRECTIONS

(a) Adoption. The Agency of Transportation's Proposed Fiscal Year 2024 Transportation Program appended to the Agency of Transportation's proposed fiscal year 2024 budget (Revised January 27, 2023), as amended by this act, is adopted to the extent federal, State, and local funds are available.

(b) Definitions. 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) “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.

(5) “Secretary” means the Secretary of Transportation.

(6) “TIB funds” means monies deposited in the Transportation Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

(7) 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; 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; and “State” in any tables amending authorizations indicates that the source of funds is State monies in the Transportation Fund, unless otherwise specified.

(c) Technical corrections.

(1) In the Agency of Transportation’s Proposed Fiscal Year 2024 Transportation Program for Municipal Mitigation, the value “\$7,685,523” is struck and the value “\$10,113,523” is inserted in lieu thereof to correct a typographic error; the value “\$3,355,523” is struck and the value “\$4,783,523” is inserted in lieu thereof to correct a typographic error; the value “\$4,000,000” is struck and the value “\$5,000,000” is inserted in lieu thereof to correct a typographic error; and the value “\$8,060,523” is struck twice and the value “\$10,488,523” is inserted in lieu thereof twice to correct two typographic errors.



(2) In the Agency of Transportation’s Proposed Fiscal Year 2024 Transportation Program for Aviation, in the summary chart, the value “\$11,335,874” is struck and the value “\$10,885,874” is inserted in lieu thereof to correct a typographic error; the value “\$4,759,078” is struck and the value “\$4,719,078” is inserted in lieu thereof to correct a typographic error; and the value “\$17,764,405” struck and the value “\$17,274,405” is inserted in lieu thereof to correct a typographic error.

(3) In the Agency of Transportation’s Proposed Fiscal Year 2024 Transportation Program for Rail, in the project details, the following projects are deleted:

(A) Rail Statewide – Railroad Bridges; and

(B) Rail Statewide STRBMATN – Various-Railroads.

\* \* \* Summary of Transportation Investments \* \* \*

Sec. 2. FISCAL YEAR 2024 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 2024 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 the Vermont Climate Action Plan and to satisfy the Executive and Legislative Branches’ commitments to the Paris Agreement climate goals. In fiscal year 2024, these efforts will include the following:

(1) Park and Ride Program. This act provides for a fiscal year expenditure of \$2,266,045.00, which will fund one construction project to create a new park-and-ride facility; the design and construction of improvements to one existing park-and-ride facility; the design of improvements to one existing park-and-ride facility scheduled for construction in future fiscal years; and paving projects for existing park-and-ride facilities. This year’s Park and Ride Program will create 202 new State-owned spaces. Specific additions and improvements include:

(A) Manchester—construction of 50 new spaces;

(B) Sharon—design for 10 new spaces; and

(C) Williston—construction of 142 new spaces.

(2) Bike and Pedestrian Facilities Program.

(A) This act provides for a fiscal year expenditure, including local match, of \$13,039,521.00, which will fund 33 bike and pedestrian construction projects; 18 bike and pedestrian design, right-of-way, or design and right-of-way projects for construction in future fiscal years; 15 scoping studies; and three projects to improve signage. The construction projects include the creation, improvement, or rehabilitation of walkways, sidewalks, shared-use paths, bike paths, and cycling lanes. Projects are funded in Arlington, Bennington, Berlin, Bethel, Brattleboro, Bristol, Burke, Burlington, Castleton, Chester, Coventry, Dorset, Dover, Enosburg Falls, Fair Haven, Fairfax, Franklin, Hartford, Hartland, Hinesburg, Jericho, Lyndonville, Middlebury, Middlesex, Montpelier, Moretown, New Haven, Newfane, Newport City, Northfield, Pawlet, Proctor, Richford, Royalton, Rutland City, Rutland Town, Shaftsbury, Shelburne, South Burlington, South Hero, Springfield, St. Albans City, St. Albans Town, Sunderland, Swanton, Tunbridge, Vergennes, Wallingford, Waterbury, West Rutland, and Wilmington. This act also provides funding for:

(i) some of Local Motion's operation costs to run the Bike Ferry on the Colchester Causeway, which is part of the Island Line Trail;

(ii) the small-scale municipal bicycle and pedestrian grant program for projects to be selected during the fiscal year;

(iii) projects funded through the Safe Routes to School program;

(iv) education and outreach to K-8 schools to encourage higher levels of walking and bicycling to school; and

(v) community grants along the Lamoille Valley Rail Trail (LVRT).

(B) Sec. 5 of this act also creates the Rail Trail Community Connectivity Grants, with the purpose to continue the build out and enhancement of LVRT amenities and improve visitor experience.

(3) Transportation Alternatives Program. This act provides for a fiscal year expenditure of \$5,195,346.00, including local funds, which will fund 22 transportation alternatives construction projects; 19 transportation alternatives design, right-of-way, or design and right-of-way projects; and seven studies, including scoping, historic preservation, and connectivity. Of these 48 projects, 16 involve environmental mitigation related to clean water or stormwater concerns, or both clean water and stormwater concerns, and 29 involve bicycle and pedestrian facilities. Projects are funded in Bennington, Brandon, Bridgewater, Bristol, Burke, Burlington, Colchester, Derby, Duxbury, Enosburg, Fair Haven, Fairfax, Franklin, Hartford, Hinesburg, Hyde

Park, Jericho, Johnson, Killington, Mendon, Milton, Montgomery, Moretown, Newfane, Norwich, Proctor, Putney, Rockingham, Rutland City, South Burlington, Stowe, Swanton, Tinmouth, Vergennes, Wardsboro, Warren, West Rutland, Williston, Wilmington, and Winooski.

(4) Public Transit Program. This act provides for a fiscal year expenditure of \$48,795,330.00 for public transit uses throughout the State. Included in the authorization are:

(A) Go! Vermont, with an authorization of \$405,000.00. 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) Mobility and Transportation Innovations (MTI) Grant Program, with an authorization of \$500,000.00. 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.

(5) Rail Program. This act provides for a fiscal year expenditure of \$43,008,320.00, including local funds, for intercity passenger rail service and rail infrastructure throughout the State, including the recent addition 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 21 plug-in hybrid electric vehicles and 13 battery electric vehicles in the State Vehicle Fleet. In fiscal year 2024, 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 (PEVs), 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 (EVSE). This act provides for a fiscal year expenditure of \$7,625,000.00 to increase the presence of EVSE in Vermont in accordance with the State's federally approved National Electric Vehicle Infrastructure (NEVI) Plan, which will lead to the installation of Direct Current Fast Charging (DC/FC) along designated alternative fuel corridors. This is in addition to monies that were previously appropriated, but not yet expended, for EVSE at multiunit dwellings, workplaces, and public venues and attractions.

(8) Vehicle incentive programs and expansion of the PEV market.

(A) Incentive Program for New PEVs, MileageSmart, and Replace Your Ride Program. No additional monies are authorized for the State's vehicle incentive programs in this act, but it is estimated that approximately the following prior appropriations will be available in fiscal year 2024:

(i) \$8,200,000.00 for the Incentive Program for New PEVs;

(ii) \$2,250,000.00 for MileageSmart; and

(iii) \$3,200,000.00 for the Replace Your Ride Program.

(B) Electrify Your Fleet Program. Sec. 17 of this act creates the Electrify Your Fleet Program, which will provide incentives to Vermont municipalities and business entities in Vermont that maintain a fleet of motor vehicles to incentivize a transition to PEVs and reduce greenhouse gas emissions, including a limited number of increased incentives to nonprofit mobility services organizations, and authorizes \$500,000.00 in incentives under the Electrify Your Fleet Program.

(C) eBike Incentive Program. Sec. 18 of this act authorizes an additional \$50,000.00 in incentives under the eBike Incentive Program.

(9) Carbon Reduction Formula Program and Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Formula Program. This act provides for a fiscal year expenditure of \$12,771,029.00 in State and federal monies under the Carbon Reduction Formula Program and the PROTECT Formula Program.

\* \* \* Paving \* \* \*

Sec. 2a. PAVING; STATEWIDE DISTRICT LEVELING

(a) Within the Agency of Transportation's Proposed Fiscal Year 2024 Transportation Program for Paving, authorized spending for STATEWIDE District Leveling TBD is amended as follows:

<u>FY24</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Const.	3,150,000	3,150,000	0
Total	3,150,000	3,150,000	0
<u>Sources of funds</u>			
State	3,150,000	150,000	-3,000,000
Other	0	3,000,000	3,000,000
Total	3,150,000	3,150,000	0

(b) Within the Agency of Transportation’s Proposed Fiscal Year 2024 Transportation Program for Paving, the following footnote is added: “Other funds of \$3,000,000 are Cash Fund for Capital and Essential Investments (21952) funds, drawn from the Other Infrastructure, Essential Investments, and Reserves subaccount.”

\* \* \* One-Time Appropriations \* \* \*

Sec. 3. ONE-TIME APPROPRIATIONS

(a) Within the Agency of Transportation’s Proposed Fiscal Year 2024 Transportation Program for One-Time Appropriations, authorized spending is amended as follows:

<u>FY24</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Operating	3,500,000	3,500,000	0
Grants	3,000,000	1,000,000	-2,000,000
Total	6,500,000	4,500,000	-2,000,000
<u>Sources of funds</u>			
General	3,000,000	0	-3,000,000
Capital	3,500,000	0	-3,500,000
Other	0	4,500,000	4,500,000
Total	6,500,000	4,500,000	-2,000,000

(b) Within the Agency of Transportation’s Proposed Fiscal Year 2024 Transportation Program for One-Time Appropriations, “St. Albans District Maintenance Facility - \$3.5M Capital Fund Operating” is struck and “St. Albans District Maintenance Facility - \$3.5M Cash Fund for Capital and Essential Investments funds (21952, Supplemental Contingent Revenues subaccount)” is inserted in lieu thereof.

(c) Within the Agency of Transportation’s Proposed Fiscal Year 2024 Transportation Program for One-Time Appropriations, “Rail Trail Community Connectivity Grants - \$3M General Fund Grants” is struck and “Rail Trail Community Connectivity Grants - \$1M Cash Fund for Capital and Essential Investments funds (21952, Supplemental Contingent Revenues subaccount)” is inserted in lieu thereof.

\* \* \* St. Albans District Maintenance Facility \* \* \*

Sec. 4. ST. ALBANS DISTRICT MAINTENANCE FACILITY

The following project is added to the Agency of Transportation’s Proposed Fiscal Year 2024 Transportation Program for Transportation Buildings: St. Albans District Maintenance Facility.

\* \* \* Rail Trail Community Connectivity Grants \* \* \*

Sec. 5. RAIL TRAIL COMMUNITY CONNECTIVITY GRANTS

(a) Project addition. The following project is added to the Agency of Transportation's Proposed Fiscal Year 2024 Transportation Rail Program: Rail Trail Community Connectivity Grants.

(b) Purpose. The purpose of the Rail Trail Community Connectivity Grants is to continue the build-out and enhancement of Lamoille Valley Rail Trail (LVRT) amenities and improve visitor experience, which shall be consistent with the priorities outlined in the recently completed LVRT Management Plan.

(c) Eligible projects. Projects may include trail infrastructure improvements, such as trailheads, picnic areas, kiosks, and connections to towns; signage; and interpretive panel installations.

(d) Match. Grant recipients shall be required to provide a 20 percent match toward any projects that are awarded a grant.

\* \* \* State Airports \* \* \*

Sec. 5a. SALE OR LEASE OF CALEDONIA COUNTY STATE AIRPORT

(a) The Agency of Transportation is authorized to solicit proposals for the purchase or lease of the Caledonia County State Airport, located in the Town of Lyndon, and the Agency shall consult with the Town of Lyndon on any requests for proposals related to the purchase or lease of the Airport prior to the issuance of any requests for proposals related to the purchase or lease of the Airport.

(b) Subject to obtaining any necessary approvals from the U.S. Federal Aviation Administration, the Vermont Secretary of Transportation, as agent for the State, is authorized to convey the Airport property by warranty deed according to the terms of a purchase and sale agreement or through a long-term lease.

(c) Any such conveyance shall:

(1) include assignment of the State's interest in easements, leases, licenses, and other agreements pertaining to the Airport and the acceptance of the State's obligations under such easements, leases, licenses, and other agreements that requires, at a minimum, that any leases that are in effect at the time of the conveyance of the Airport are fully honored for the balance of the lease term;

(2) ensure that there are investments in the Airport to address current deficiencies and necessary repairs;

(3) ensure that the Airport continues to be a public-use airport and that the public continues to have access to the Airport for general aviation uses in perpetuity;

(4) ensure that the Airport continues to be identified as a public-use airport within the National Plan of Integrated Airport Systems until at least 2050, subject to federal determination; and

(5) include, if the Airport is conveyed through a purchase and sale agreement, a right of first refusal for the State to repurchase the Airport if the Airport is ever resold.

(d) The Agency shall not proceed with a sale or lease of the Airport unless:

(1) there is a fair market value offer, as required under 19 V.S.A. § 10k(b) or 26a(a), that meets the requirements of subsection (c) of this section; and

(2) the Town of Lyndon is given the opportunity to review and comment on the final purchase and sale agreement or lease as applicable.

(e) This section shall constitute specific prior approval, including of any sale or lease terms, by the General Assembly for purposes of 5 V.S.A. § 204.

Sec. 5b. REPEAL OF AUTHORITY FOR SALE OR LEASE OF  
CALEDONIA COUNTY STATE AIRPORT

Sec. 5a of this act shall be repealed on May 1, 2026.

\* \* \* Project Cancellations; Project Addition \* \* \*

Sec. 6. PROJECT CANCELLATIONS; PROJECT ADDITION

(a) Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of projects), the General Assembly approves cancellation of the following project within the Roadway Program: Bennington Bypass South NH F 019-1(4) – Southern Segment of the Bennington Bypass.

(b) Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of projects), the General Assembly approves cancellation of the following project within the Town Highway Bridge Program: Sheldon BO 1448(47) – Scoping for Bridge #20 on TH #22.

(c) The following project is added to the Town Highway Bridge Program: Sheldon BO 1448(48) – Scoping for Bridge #11 on Bridge Street, which will replace the existing Sheldon BO TRUS(11) as a Development and Evaluation project.

\* \* \* Transportation Alternatives Grant Program \* \* \*

Sec. 7. TRANSPORTATION ALTERNATIVES GRANT PROGRAM  
AWARDS IN STATE FISCAL YEARS 2024 TO 2027

Notwithstanding 19 V.S.A. § 38(c), Transportation Alternatives Grant Program awards in State fiscal years 2024 to 2027 shall not exceed \$600,000.00 per grant allocation.

\* \* \* Central Garage Fund \* \* \*

\* \* \* Amendments Effective July 1, 2023 \* \* \*

Sec. 8. 19 V.S.A. § 13 is amended to read:

§ 13. CENTRAL GARAGE FUND

(a) There is created the Central Garage Fund, which shall be used to:

(1) ~~to~~ furnish equipment on a rental basis to the districts and other sections of the Agency for construction, maintenance, and operation of highways or other transportation activities; and

(2) ~~to~~ provide a general equipment repair and major overhaul service, inclusive of any assets, supplies, labor, or use of contractors necessary to provide that service, as well as to furnish necessary supplies for the operation of the equipment.

(b) ~~To~~ In order to maintain a safe, and reliable equipment fleet, the Agency shall use Central Garage Fund monies to acquire new or replacement highway maintenance equipment shall be acquired using Central Garage Fund monies. The Agency is authorized to acquire replacement pieces for existing highway equipment or new, additional equipment equivalent to equipment already owned; ~~however, the Agency shall not increase the total number of permanently assigned or authorized motorized or self-propelled vehicles without approval by the General Assembly.~~

(c)(1) For the purpose specified in subsection (b) of this section, the following amount shall be transferred from the Transportation Fund to the Central Garage Fund:

(A) in fiscal year 2021, \$1,355,358.00; and

(B) in subsequent fiscal years, at a minimum, the amount specified in subdivision (A) of this subdivision (1) as adjusted annually by increasing the previous fiscal year's amount by the percentage increase in the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) during the two most recently closed State fiscal years.



(2) Each fiscal year, the sum of the following shall be appropriated from the Central Garage Fund exclusively for the purpose specified in subsection (b) of this section:

(A) the amount transferred pursuant to subdivision (1) of this subsection (c);

(B) the amount of the equipment depreciation expense from the prior fiscal year; and

(C) the amount of the net equipment sales from the prior fiscal year.

(d) In each fiscal year, net income of the Fund earned during that fiscal year shall be retained in the Fund.

(e) For the purposes of computing net worth and net income, the fiscal year shall be the year ending June 30.

(f) As used in this section, "equipment" means registered motor vehicles and ~~highway maintenance equipment assigned to~~ necessary assets required by the Central Garage in order to fulfill the objectives established in subsection (a) of this section.

(g) [Repealed.]

\* \* \* Appropriation for Acquisition of New or Replacement Equipment in State Fiscal Years 2024–2026 \* \* \*

Sec. 9. CALCULATION OF APPROPRIATION FROM CENTRAL GARAGE FUND FOR ACQUISITION OF NEW OR REPLACEMENT EQUIPMENT IN STATE FISCAL YEARS 2024–2026

Notwithstanding 19 V.S.A. § 13(c)(2)(B), the amount appropriated from the Central Garage Fund exclusively for the purposes specified in 19 V.S.A. § 13(b) in State fiscal years 2024–2026 shall be:

(1) the amount transferred pursuant to 19 V.S.A. § 13(c)(1);

(2) the amount of the equipment depreciation expense from the prior fiscal year or, for equipment that is fully depreciated and still actively in service, an amount equal to the depreciation on that piece of equipment from the prior year; and

(3) the amount of the net equipment sales from the prior fiscal year.

\* \* \* Public Transit \* \* \*

Sec. 10. GREEN MOUNTAIN TRANSIT; PLAN FOR TIERED-FARE SERVICE; REPORT

(a) Green Mountain Transit shall, in consultation with community action agencies and other relevant entities, such as those that represent the migrant and refugee populations, develop and implement, not later than January 1, 2024, a plan to establish tiered-fare service on urban Green Mountain Transit routes.

(b) At a minimum, the plan to establish tiered-fare service shall:

(1) incorporate a low-income transit program to provide certain passengers with service at no cost or a reduced cost to the passenger through digital methods, such as a handheld device, and nondigital methods, such as an electronic benefits transfer (EBT) card or a transit card; and

(2) be designed, based on reasonable revenue estimates, to generate fare revenue of at least 10 percent of projected operational costs on urban Green Mountain Transit routes.

(c) Green Mountain Transit shall advise the House and Senate Committees on Transportation of its plan to establish tiered-fare service by filing the final version of the plan to establish tiered-fare service with the House and Senate Committees on Transportation Committees on or before December 1, 2023.

Sec. 11. RECOMMENDATIONS ON FUNDING SOURCE FOR NONFEDERAL MATCH; PUBLIC TRANSIT; REPORT

The Vermont Public Transportation Association, in consultation with the Agency of Transportation and the Vermont League of Cities and Towns, shall provide the House and Senate Committees on Transportation with a written recommendation on one or more funding sources for the nonfederal match required of public transit providers operating in the statewide transit system not later than January 15, 2024.

Sec. 12. STATEWIDE PUBLIC TRANSIT SYSTEM; RECOMMENDATIONS; REPORT

(a) The Agency of Transportation, in consultation with the Agency of Human Services, Division of Vermont Health Access, and the Vermont Public Transportation Association, shall conduct a benefit and risk assessment of the current systems for delivering public transit and nonemergency medical transportation services in Vermont, known as the “braided service model.”

(b) The assessment shall also include a review of other public transit service approaches implemented in the United States and make recommendations on modifications to the management of Vermont’s statewide mobility service design to make Vermont’s public transit system as efficient, robust, and resilient as possible and fully maximize all available federal funding.

(c) The Agency of Transportation shall file the written assessment with the House and Senate Committees on Transportation, the House Committee on Human Services, and the Senate Committee on Health and Welfare not later than January 15, 2024.

Sec. 13. SEPARATING THE MOBILITY AND TRANSPORTATION INNOVATIONS (MTI) GRANT PROGRAM FROM GO! VERMONT

(a) Go! Vermont. Within the Agency of Transportation’s Proposed Fiscal Year 2024 Transportation Program for Public Transit, authorized spending for Go! Vermont STPG GOVT( ) is amended as follows:

<u>FY24</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	905,000	405,000	-500,000
Total	905,000	405,000	-500,000
<u>Sources of funds</u>			
State	30,000	30,000	0
Federal	875,000	375,000	-500,000
Total	905,000	405,000	-500,000

(b) Mobility and Transportation Innovations (MTI) Grant Program.

(1) Project addition. The following project is added to the Agency of Transportation’s Proposed Fiscal Year 2024 Transportation Program for Public Transit: Mobility and Transportation Innovations (MTI) Grant Program.

(2) Authorization. Spending authority for MTI Grant Program is authorized as follows:

<u>FY24</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	500,000	500,000
Total	0	500,000	500,000
<u>Sources of funds</u>			
Federal	0	500,000	500,000
Total	0	500,000	500,000

\* \* \* Vehicle Incentive Programs \* \* \*

\* \* \* Repeal of Existing Vehicle Incentive Programs \* \* \*

Sec. 14. REPEALS

(a) 2019 Acts and Resolves No. 59, Sec. 34, 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, 2021 Acts and Resolves No. 55, Secs. 18, 19, and 21–24, and 2022 Acts and Resolves No. 184, Sec. 6, is repealed.

(b) 2021 Acts and Resolves No. 55, Sec. 27, as amended by 2022 Acts and Resolves No. 184, Sec. 22, is repealed.

\* \* \* Codification of Vehicle Incentive Programs \* \* \*

Sec. 15. 19 V.S.A. chapter 29 is added to read:

CHAPTER 29. VEHICLE INCENTIVE PROGRAMS

§ 2901. DEFINITIONS

As used in this chapter:

(1) “Adaptive electric cycle” means an electric bicycle or an electric cargo bicycle that has been modified to meet the physical needs or abilities of the operator or a passenger.

(2) “Electric bicycle” has the same meaning as in 23 V.S.A. § 4(46)(A).

(3) “Electric cargo bicycle” means a motor-assisted bicycle, as defined in 23 V.S.A. § 4(45)(B)(i), with an electric motor, as defined under 23 V.S.A. § 4(45)(B)(i)(II), that is specifically designed and constructed for transporting loads, including at least one or more of the following: goods; one or more individuals in addition to the operator; or one or more animals. A motor-assisted bicycle that is not specifically designed and constructed for transporting loads, including a motor-assisted bicycle that is only capable of transporting loads because an accessory rear or front bicycle rack has been installed, is not an electric cargo bicycle.

(4) “Plug-in electric vehicle (PEV),” “battery electric vehicle (BEV),” and “plug-in hybrid electric vehicle (PHEV)” have the same meanings as in 23 V.S.A. § 4(85).

§ 2902. INCENTIVE PROGRAM FOR NEW PLUG-IN ELECTRIC VEHICLES

(a) Creation; administration.

(1) There is created the Incentive Program for New Plug-In Electric Vehicles (PEVs), which shall be administered by the Agency of Transportation.

(2) Subject to State procurement requirements, the Agency may retain a contractor or contractors to assist with marketing, program development, and administration of the Program.

(b) Program structure. The Incentive Program for New PEVs shall structure PEV purchase and lease incentive payments by income to help all Vermonters benefit from electric driving, including Vermont's most vulnerable. Specifically, the Incentive Program for New PEVs:

(1) shall apply to both purchases and leases of new PEVs with an emphasis on incentivizing the purchase and lease of battery electric vehicles (BEVs) and plug-in hybrid electric vehicles (PHEVs) with an electric range of 20 miles or greater per complete charge as rated by the Environmental Protection Agency when the vehicle was new;

(2) shall provide not more than one incentive of not more than \$3,000.00 for a PEV, per individual per year, to:

(A) an individual domiciled in the State whose federal income tax filing status is single with an adjusted gross income under the laws of the United States greater than \$60,000.00 and at or below \$100,000.00;

(B) an individual domiciled in the State whose federal income tax filing status is head of household with an adjusted gross income under the laws of the United States greater than \$75,000.00 and at or below \$125,000.00;

(C) an individual domiciled in the State whose federal income tax filing status is surviving spouse with an adjusted gross income under the laws of the United States greater than \$90,000.00 and at or below \$150,000.00;

(D) an individual who is part of a married couple with at least one spouse domiciled in the State whose federal income tax filing status is married filing jointly with an adjusted gross income under the laws of the United States greater than \$90,000.00 and at or below \$150,000.00; or

(E) an individual who is part of a married couple with at least one spouse domiciled in the State and at least one spouse whose federal income tax filing status is married filing separately with an adjusted gross income under the laws of the United States greater than \$60,000.00 and at or below \$100,000.00;

(3) shall provide not more than one incentive of not more than \$6,000.00 for a PEV, per individual per year, to:

(A) an individual domiciled in the State whose federal income tax filing status is single with an adjusted gross income under the laws of the United States at or below \$60,000.00;

(B) an individual domiciled in the State whose federal income tax filing status is head of household with an adjusted gross income under the laws of the United States at or below \$75,000.00;

(C) an individual domiciled in the State whose federal income tax filing status is surviving spouse with an adjusted gross income under the laws of the United States at or below \$90,000.00;

(D) an individual who is part of a married couple with at least one spouse domiciled in the State whose federal income tax filing status is married filing jointly with an adjusted gross income under the laws of the United States at or below \$90,000.00; or

(E) an individual who is part of a married couple with at least one spouse domiciled in the State and at least one spouse whose federal income tax filing status is married filing separately with an adjusted gross income under the laws of the United States at or below \$60,000.00;

(4) shall, as technology progresses, establish a minimum electric range in order for a PHEV to be eligible for an incentive;

(5) shall apply to:

(A) manufactured PEVs with any base Manufacturer's Suggested Retail Price (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;

(B) manufactured PHEVs with a base MSRP as determined by the Agency of Transportation and meeting the following requirements:

(i) shall not exceed a base MSRP of \$55,000.00;

(ii) shall phase out incentives for PHEVs with an electric range of less than 20 miles as rated by the Environmental Protection Agency when the vehicle was new; and

(iii) shall be benchmarked to a base MSRP of the equivalent of approximately \$50,000.00 or less in model year 2023; and

(C) manufactured BEVs with a base MSRP as determined by the Agency of Transportation and meeting the following requirements:

(i) shall not exceed a base MSRP of \$55,000.00; and

(ii) shall be benchmarked to a base MSRP of the equivalent of approximately \$50,000.00 or less in model year 2023; and

(6) shall provide incentives that may be in addition to any other available incentives, including through another program funded by the State, provided that not more than one incentive under the Incentive Program for New PEVs is used for the purchase or lease of any one PEV.

(c) Administrative costs. Up to 15 percent of any appropriations for the Incentive Program for New PEVs may be used for any costs associated with administering and promoting the Incentive Program for New PEVs.

(d) Outreach and marketing. The Agency, in consultation with any retained contractors, shall ensure that there is sufficient outreach and marketing, including the use of translation and interpretation services, of the Incentive Program for New PEVs so that Vermonters who are eligible for an incentive can easily learn how to secure as many different incentives as are available, and such costs shall be considered administrative costs for purposes of subsection (c) of this section.

#### § 2903. MILEAGESMART

(a) Creation; administration.

(1) There is created a used high fuel efficiency vehicle incentive program, which shall be administered by the Agency of Transportation and known as MileageSmart.

(2) Subject to State procurement requirements, the Agency may retain a contractor or contractors to assist with marketing, program development, and administration of MileageSmart.

(b) Program structure. MileageSmart shall structure high fuel efficiency purchase incentive payments by income to help all Vermonters benefit from more efficient driving and reduced greenhouse gas emissions, including Vermont's most vulnerable. Specifically, MileageSmart shall:

(1) apply to purchases of used high fuel-efficient motor vehicles, which for purposes of this program shall be pleasure cars with a combined city/highway fuel efficiency of at least 40 miles per gallon or miles-per-gallon equivalent as rated by the Environmental Protection Agency when the vehicle was new; and

(2) provide not more than one point-of-sale voucher worth up to \$5,000.00 to an individual who is a member of a household with an adjusted gross income that is at or below 80 percent of the State median income.

(c) Administrative costs. Up to 15 percent of any appropriations for MileageSmart may be used for any costs associated with administering and promoting MileageSmart.

(d) Outreach and marketing. The Agency, in consultation with any retained contractors, shall ensure that there is sufficient outreach and marketing, including the use of translation and interpretation services, of MileageSmart so that Vermonters who are eligible for an incentive can easily learn how to secure as many different incentives as are available, and such costs shall be considered administrative costs for purposes of subsection (c) of this section.

#### § 2904. REPLACE YOUR RIDE PROGRAM

(a) Creation; administration.

(1) There is created the Replace Your Ride Program, which shall be administered by the Agency of Transportation.

(2) Subject to State procurement requirements, the Agency may retain a contractor or contractors to assist with marketing, program development, and administration of the Program.

(b) Program structure. The Replace Your Ride Program shall structure incentive payments by income to help all Vermonters benefit from replacing lower efficient modes of transportation with modes of transportation that reduce greenhouse gas emissions. The Agency may apply a sliding scale incentive based on electric range, with larger incentives being available for PEVs with a longer electric range.

(c) Incentive amount. The Replace Your Ride Program shall provide up to a \$2,500.00 incentive for those who qualify under subdivision (d)(1)(A) of this section and up to a \$5,000.00 incentive for those who qualify under



subdivision (d)(1)(B) of this section, either of which may be in addition to any other available incentives, including through a program funded by the State, to individuals who qualify based on both income and the removal of an internal combustion vehicle. Only one incentive per individual is available under the Replace Your Ride Program.

(d) Eligibility. Applicants must qualify through both income and the removal of an eligible vehicle with an internal combustion engine.

(1) Income eligibility.

(A) The lower incentive amount of up to \$2,500.00 is available to the following, provided that all other eligibility requirements are met:

(i) an individual domiciled in the State whose federal income tax filing status is single with an adjusted gross income under the laws of the United States greater than \$60,000.00 and at or below \$100,000.00;

(ii) an individual domiciled in the State whose federal income tax filing status is head of household with an adjusted gross income under the laws of the United States greater than \$75,000.00 and at or below \$125,000.00;

(iii) an individual domiciled in the State whose federal income tax filing status is surviving spouse with an adjusted gross income under the laws of the United States greater than \$90,000.00 and at or below \$150,000.00;

(iv) an individual who is part of a married couple with at least one spouse domiciled in the State whose federal income tax filing status is married filing jointly with an adjusted gross income under the laws of the United States greater than \$90,000.00 and at or below \$150,000.00; or

(v) an individual who is part of a married couple with at least one spouse domiciled in the State and at least one spouse whose federal income tax filing status is married filing separately with an adjusted gross income under the laws of the United States greater than \$60,000.00 and at or below \$100,000.00.

(B) The higher incentive amount of up to \$5,000.00 is available to the following, provided that all other eligibility requirements are met:

(i) an individual domiciled in the State whose federal income tax filing status is single with an adjusted gross income under the laws of the United States at or below \$60,000.00;

(ii) an individual domiciled in the State whose federal income tax filing status is head of household with an adjusted gross income under the laws of the United States at or below \$75,000.00;

(iii) an individual domiciled in the State whose federal income tax filing status is surviving spouse with an adjusted gross income under the laws of the United States at or below \$90,000.00;

(iv) an individual who is part of a married couple with at least one spouse domiciled in the State whose federal income tax filing status is married filing jointly with an adjusted gross income under the laws of the United States at or below \$90,000.00;

(v) an individual who is part of a married couple with at least one spouse domiciled in the State and at least one spouse whose federal income tax filing status is married filing separately with an adjusted gross income under the laws of the United States at or below \$60,000.00; or

(vi) an individual who is a member of a household with an adjusted gross income that is at or below 80 percent of the State median income.

(2) Vehicle removal.

(A) In order for an individual to qualify for an incentive under the Replace Your Ride Program, the individual must remove an older low-efficiency vehicle from operation and switch to a mode of transportation that produces fewer greenhouse gas emissions. The entity that administers the Replace Your Ride Program, in conjunction with the Agency of Transportation, shall establish Program guidelines that specifically provide for how someone can show that the vehicle removal eligibility requirement has been, or will be, met.

(B) For purposes of the Replace Your Ride Program:

(i) An “older low-efficiency vehicle”:

(I) is currently registered, and has been for two years prior to the date of application, with the Vermont Department of Motor Vehicles;

(II) is currently titled in the name of the applicant and has been for at least one year prior to the date of application;

(III) has a gross vehicle weight rating of 10,000 pounds or less;

(IV) is at least 10 model years old;

(V) has an internal combustion engine; and

(VI) passed the annual inspection required under 23 V.S.A. § 1222 within the prior year.

(ii) Removing the older low-efficiency vehicle from operation must be done by disabling the vehicle's engine from further use and fully dismantling the vehicle for either donation to a nonprofit organization to be used for parts or destruction.

(iii) The following qualify as a switch to a mode of transportation that produces fewer greenhouse gas emissions:

(I) purchasing or leasing a new or used PEV;

(II) purchasing a new or used bicycle, electric bicycle, electric cargo bicycle, adaptive electric cycle, or motorcycle that is fully electric, and the necessary safety equipment; and

(III) utilizing shared-mobility services.

(e) Administrative costs. Up to 15 percent of any appropriations for the Replace Your Ride Program may be used for any costs associated with administering and promoting the Replace Your Ride Program.

(f) Outreach and marketing. The Agency, in consultation with any retained contractors, shall ensure that there is sufficient outreach and marketing, including the use of translation and interpretation services, of the Replace Your Ride Program so that Vermonters who are eligible for an incentive can easily learn how to secure as many different incentives as are available and such costs shall be considered administrative costs for purposes of subsection (e) of this section.

#### § 2905. ANNUAL REPORTING

(a) The Agency shall annually evaluate the programs established under this chapter to gauge effectiveness and shall submit a written report on the effectiveness of the programs to the House and Senate Committees on Transportation, the House Committee on Environment and Energy, and the Senate Committee on Finance on or before the 31st day of January in each year following a year that an incentive was provided through one of the programs.

(b) The report shall also include:

(1) any intended modifications to program guidelines for the upcoming fiscal year along with an explanation for the reasoning behind the modifications and how the modifications will yield greater uptake of PEVs and other means of transportation that will reduce greenhouse gas emissions; and

(2) any recommendations on statutory modifications to the programs, including to income and vehicle eligibility, along with an explanation for the reasoning behind the statutory modification recommendations and how the

modifications will yield greater uptake of PEVs and other means of transportation that will reduce greenhouse gas emissions.

(c) Notwithstanding 2 V.S.A. § 20(d), the annual report required under this section shall continue to be required if an incentive is provided through one of the programs unless the General Assembly takes specific action to repeal the report requirement.

\* \* \* Vehicle Incentive Program; Fiscal Year 2023 Authorizations \* \* \*

Sec. 16. 2022 Acts and Resolves No. 184, Sec. 5 is amended to read:

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, and subsequently codified in 19 V.S.A. chapter 29.

(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, and subsequently codified in 19 V.S.A. chapter 29.

(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, and subsequently codified in 19 V.S.A. chapter 29.

\* \* \*

\* \* \* Electrify Your Fleet Program and eBike Incentive Program \* \* \*

\* \* \* Creation of Electrify Your Fleet Program and Authorization \* \* \*

Sec. 17. ELECTRIFY YOUR FLEET PROGRAM; AUTHORIZATION

(a) Creation; administration.

(1) There is created the Electrify Your Fleet Program, which shall be administered by the Agency of Transportation.

(2) Subject to State procurement requirements, the Agency may retain a contractor or contractors to assist with marketing, program development, and administration of the Program.

(b) Authorization. The Agency is authorized to spend up to \$500,000.00 in one-time General Fund monies on the Electrify Your Fleet Program established pursuant to subdivision (a)(1) of this section.

(c) Definitions. The definitions in 19 V.S.A. § 2901, as added by Sec. 15 of this act, shall apply to this section.

(d) Program structure. The Electrify Your Fleet Program shall reduce the greenhouse gas emissions of persons operating a motor vehicle fleet in Vermont by structuring purchase and lease incentive payments on a first-come, first-served basis to replace vehicles other than a plug-in electric vehicle (PEV) cycled out of a motor vehicle fleet or avoid the purchase of vehicles other than a PEV for a motor vehicle fleet. Specifically, the Electrify Your Fleet Program shall:

(1) provide incentives to Vermont municipalities and business entities registered in Vermont that maintain a fleet of motor vehicles that are registered in Vermont with no single applicant being eligible for more than 20 incentives over the existence of the Program;

(2) provide \$2,500.00 purchase and lease incentives for:

(A) BEVs with a base Manufacturer's Suggested Retail Price (MSRP) of \$60,000.00 or less;

(B) PHEVs with an electric range of 20 miles or greater per complete charge as rated by the Environmental Protection Agency when the vehicle was new and a base MSRP of \$60,000.00 or less;

(C) electric bicycles and electric cargo bicycles with a base MSRP of \$6,000.00 or less;

(D) adaptive electric cycles with any base MSRP;

(E) electric motorcycles with a base MSRP of \$30,000.00 or less;  
and

(F) electric snowmobiles with a base MSRP of \$20,000.00 or less;

(3) require a showing that the incentive will be used to electrify the applicant's motor vehicle fleet; and

(4) require a showing of any other requirements implemented by the Agency of Transportation that are designed to maximize the impact of State-funded Electrify Your Fleet Program incentives by ensuring that, as applicable, other incentives, subsidies, and credits are fully taken advantage of.

(e) Increased incentives for nonprofit mobility services organizations. Nonprofit mobility services organizations incorporated in the State of Vermont for the purpose of providing Vermonters with transportation alternatives to personal vehicle ownership shall be entitled to:

(1) up to 15 \$2,500.00 incentives available under subsection (d) of this section on a first-come, first-served basis amongst all applicants for incentives under the Electrify Your Fleet Program over the existence of the Program, provided that the requirements of subsection (d) of this section are met; and

(2) notwithstanding subdivisions (d)(1) and (2) of this section, up to five increased incentives at the incentive amount available to individuals who purchase or lease a BEV and who qualify for an incentive under 19 V.S.A. § 2902(b)(3) (the lower-income tier for the Incentive Program for New PEVs), as added by Sec. 15 of this act, for BEVs with a base MSRP of \$55,000.00 or less, provided that the requirements of subdivisions (d)(3) and (4) of this section are met.

(f) Administrative costs. Up to 15 percent of any appropriations for the Electrify Your Fleet Program may be used for any costs associated with administering and promoting the Electrify Your Fleet Program.

(g) Outreach and marketing. The Agency, in consultation with any retained contractors, shall ensure that there is sufficient outreach and marketing, including the use of translation and interpretation services, of the Electrify Your Fleet Program so that persons who are eligible for an incentive can easily learn how to secure an incentive and such costs shall be considered administrative costs for purposes of subsection (f) of this section.

(h) Reporting. The reporting requirements of 19 V.S.A. § 2905, as added by Sec. 15 of this act, shall, notwithstanding 2 V.S.A. § 20(d), apply to the Electrify Your Fleet Program if an incentive is provided through the Electrify Your Fleet Program unless the General Assembly takes specific action to repeal the report requirement.

\* \* \* eBike Incentive Program; Authorization \* \* \*

Sec. 18. MODIFICATIONS TO EBIKE INCENTIVE PROGRAM;  
REPORT

(a) Definitions. The definitions in 19 V.S.A. § 2901, as added by Sec. 15 of this act, shall apply to this section.

(b) Authorization and modifications. The Agency is authorized to spend up to \$50,000.00 in one-time General Fund monies on the continuation of the eBike Incentive Program established pursuant to 2021 Acts and Resolves No. 55, Sec. 28, as amended by 2022 Acts and Resolves No. 184, Sec. 23, with the following modifications:

(1) incentives shall be provided in the form of a voucher redeemable as a point-of-sale rebate at participating retail shops;

(2) vouchers shall be provided to applicants that self-certify as to both:

(A) meeting income eligibility requirements under 19 V.S.A. § 2902(b)(3) (the lower-income tier for the Incentive Program for New PEVs), as added by Sec. 15 of this act; and

(B) that the incentivized electric bicycle, electric cargo bicycle, or adaptive electric cycle shall be used in a way that reduces greenhouse gas emissions, such as a substitute for trips that would have been taken in a vehicle other than a plug-in electric vehicle;

(3) only electric bicycles with a base Manufacturer's Suggested Retail Price (MSRP) of \$4,000.00 or less shall be eligible for an incentive;

(4) only electric cargo bicycles with a base MSRP of \$5,000.00 or less shall be eligible for an incentive;

(5) an adaptive electric cycle with any base MSRP shall be eligible for an incentive; and

(6) only electric bicycles, electric cargo bicycles, and adaptive electric cycles that meet one or more of the following standards shall be eligible for an incentive:

(A) American National Standard (ANSI)/Controller Area Network (CAN)/Underwriters Laboratories (UL) 2849 – Standard for Electrical Systems for eBikes, as amended, and any standards incorporated by reference in ANSI/CAN/UL 2849;

(B) Europäische Norm (EN) 15194 – Electrically Power Assisted Cycles (EPAC Bicycles), as amended; or

(C) another applicable standard designed to reduce the serious risk of dangerous fires, as determined by the Agency of Transportation, if neither of the standards in subdivisions (A) and (B) of this subdivision (6) are applicable.

(c) Administrative costs. Up to 15 percent of the authorization in subsection (b) of this section may be used for any costs associated with administering and promoting the eBike Incentive Program.

(d) Reporting. The Agency of Transportation shall address incentives for electric bicycles, electric cargo bicycles, and adaptive electric cycles provided pursuant to this section in the January 31, 2024 report required under 19 V.S.A. § 2905, as added by Sec. 15 of this act, including:

(1) the demographics of who received an incentive under the eBike Incentive Program;

(2) a breakdown of where vouchers were redeemed;

(3) a breakdown, by manufacturer and type, of electric bicycles, electric cargo bicycles, and adaptive electric cycles incentivized;

(4) a detailed summary of information provided in the self-certification forms; and

(5) a detailed summary of information collected through participant surveys.

Sec. 19. AGENCY OF TRANSPORTATION AUTHORITY TO MODIFY  
INCOME ELIGIBILITY REQUIREMENTS FOR EBIKE  
INCENTIVE PROGRAM ON PASSAGE

Notwithstanding 2022 Acts and Resolves No. 55, Sec. 28(a)(3), the Agency of Transportation may choose to only provide incentives to individuals who self-certify as to meeting income eligibility requirements under 19 V.S.A. § 2902(b)(3) (the lower-income tier for the Incentive Program for New PEVs), as added by Sec. 15 of this act.

\* \* \* Reallocation of Funding \* \* \*

Sec. 20. 2022 Acts and Resolves No. 184, Sec. 2(8)(C), as amended by 2023 Acts and Resolves No. 3, Sec. 83, is further amended to read:

(C) Replace Your Ride Program. Sec. 5(c) of this act authorizes ~~\$2,900,000.00~~ \$2,350,000.00 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.

Sec. 21. 2022 Acts and Resolves No. 184, Sec. 5(c), as amended by 2023 Acts and Resolves No. 3, Sec. 84, is further amended to read:

(c) Replace Your Ride Program. The Agency is authorized to spend up to ~~\$2,900,000.00~~ \$2,350,000.00 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.

Sec. 22. 2022 Acts and Resolves No. 185, Sec. G.600(b)(5), as amended by 2023 Acts and Resolves No. 3, Sec. 85, is further amended to read:

(5) ~~\$2,900,000.00~~ \$2,350,000.00 to the Agency of Transportation for the Replace Your Ride Program, established in 2021 Acts and Resolves No. 55, Sec. 27, as amended.



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\* \* \* Mileage-Based User Fee (MБУF) \* \* \*

Sec. 23. MILEAGE-BASED USER FEE LEGISLATIVE INTENT

It is the intent of the General Assembly for the State:

(1) to start collecting a mileage-based user fee from all battery-electric vehicles registered in Vermont starting on July 1, 2025, which is expected to be the first day of the first fiscal year when more than 15 percent of new pleasure car registrations in the State are plug-in electric vehicles (PEVs);

(2) to start subjecting plug-in hybrid electric vehicles (PHEVs) that are a pleasure car to an increased annual or a biennial registration fee starting on July 1, 2025, and that PHEVs shall not be subject to a mileage-based user fee;

(3) to work towards collecting a fee on kWhs that are dispensed through certain electric vehicle supply equipment available to the public so as to supplant lost gas tax revenue from PEVs; and

(4) to not commence collecting a mileage-based user fee until such authorizing language is codified in statute and becomes effective.

Sec. 24. MILEAGE-BASED USER FEE AUTHORIZATION

(a) Within the Agency of Transportation’s Proposed Fiscal Year 2024 Transportation Program for Environmental Policy and Sustainability, the Agency of Transportation, including the Department of Motor Vehicles, is authorized to apply for and accept a competitive federal Strategic Innovation for Revenue Collection grant established pursuant to the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (IIJA), Sec. 13001, with up to \$350,000.00 in Transportation Fund monies authorized for the nonfederal match in fiscal year 2024 and a to-be-determined amount for the nonfederal match in subsequent fiscal years.

(b) As permitted under federal regulations and grant terms, the Agency shall utilize grant monies to design a mileage-based user fee that is consistent with Secs. 23 and 25 of this act.

(c) Subject to State procurement requirements, the Agency may retain one or more contractors or consultants, or both, to assist with the design of a process to commence collecting a mileage-based user fee on July 1, 2025.

Sec. 25. MILEAGE-BASED USER FEE DESIGN

(a) Definitions. As used in Secs. 23–26 of this act:

(1) “Account manager” means a person under contract with the Agency of Transportation or Department of Motor Vehicles to administer and manage the mileage-based user fee.

(2) “Annual vehicle miles traveled” means the total number of miles that a BEV is driven between annual inspections as reported by an inspection mechanic to the Department of Motor Vehicles.

(3) “Mileage-based user fee” means the total amount that an owner or lessee of a BEV registered in Vermont owes the State and is calculated by multiplying the mileage-based user fee rate by the annual vehicle miles traveled or, in the case of a terminating event, by multiplying the mileage-based user fee rate by the vehicle miles traveled between the last Vermont annual inspection and the terminating event.

(4) “Mileage-based user fee rate” means the per-mile usage fee charged to the owner or lessee of a BEV registered in Vermont.

(5) “Mileage reporting period” means the time between annual inspections or the time between an annual inspection and a terminating event.

(6) “Pleasure car” has the same meaning as in 23 V.S.A. § 4(28).

(7) “Plug-in electric vehicle (PEV)” has the same meaning as in 23 V.S.A. § 4(85) and includes battery electric vehicles (BEVs) and plug-in hybrid electric vehicles (PHEVs), which have the same meaning as in 23 V.S.A. § 4(85)(A) and (B).

(8) “Terminating event” means either the registering of a BEV that had been registered in Vermont in a different state or a change in ownership or lesseeship of the BEV, or both.

(b) Commencement date. The Agency shall design a process to collect a mileage-based user fee for miles driven by a BEV registered in Vermont to commence collecting revenue on July 1, 2025.

(c) Covered vehicles. The Agency shall design a process to collect a mileage-based user fee based on the annual vehicle miles traveled by BEVs registered in the State.

(d) Imposition of a mileage-based user fee. The Agency shall design a process to collect a mileage-based user fee from the owner or lessee of a BEV registered in Vermont for each mileage reporting period within 60 days after the Vermont annual inspection or terminating event that closes the mileage reporting period.

## Sec. 26. REPORTS

The Secretary of Transportation and the Commissioner of Motor Vehicles shall file a written report not later than January 31, 2024 with the House and Senate Committees on Transportation, the House Committee on Ways and Means, and the Senate Committee on Finance that provides the following:

(1) a comprehensive implementation plan to commence collecting, on July 1, 2025, a mileage-based user fee for miles driven by a BEV registered in Vermont;

(2) a recommendation on what language should be codified in statute to enable the State to commence collecting, on July 1, 2025, a mileage-based user fee for miles driven by a BEV registered in Vermont, which shall include a recommendation for the mileage-based user fee rate and that includes, for that recommendation:

(A) an explanation for how the recommended mileage-based user fee rate was calculated;

(B) what the recommended mileage-based user fee rate is estimated to yield in revenue for the State in total per year; and

(C) how the anticipated mileage-based user fee for a pleasure car is expected to compare to the amount collected by the State in gas tax revenue from the use of a non-PEV pleasure car registered in Vermont and the amount collected by the State in gas tax revenue and increased registration fee from the use of a non-PHEV pleasure car registered in Vermont based on estimates of low, medium, and high annual vehicle miles traveled;

(3) a recommendation on what should be required in annual reporting on the mileage-based user fee starting in 2026 for fiscal year 2025, which shall, at a minimum, address whether the following should be reported on:

(A) the total amount of revenue collected in mileage-based user fees for the prior fiscal year and an estimate of the total amount of revenue anticipated to be collected in mileage-based user fees during the subsequent fiscal year;

(B) the average mileage-based user fee collected for a BEV with low, medium, and high annual vehicle miles traveled in the prior fiscal year;

(C) an estimate of the average amount in motor fuel revenue that was collected for a pleasure car that is not a plug-in electric vehicle with low, medium, and high annual vehicle miles traveled in the prior fiscal year;

(D) an estimate of the average amount in motor fuel revenue and increased registration fee that was collected for a pleasure car that is a plug-in hybrid electric vehicle with low, medium, and high annual vehicle miles traveled in the prior fiscal year;

(E) the total number of delinquent mileage-based user fees in the prior fiscal year;

(F) the total number of outstanding payment plans for delinquent mileage-based user fees; and

(G) the cost to collect the mileage-based user fees in the prior fiscal year;

(4) an outline of what the Agency intends to adopt, if authorized, as rule in order to commence collecting, on July 1, 2025, a mileage-based user fee for miles driven by a BEV registered in Vermont, which shall, at a minimum, establish:

(A) a process to calculate and report the annual vehicle miles traveled by a BEV registered in Vermont;

(B) payment periods and other payment methods and procedures for the payment of the mileage-based user fee, which shall include the option to prepay the anticipated mileage-based user fee in installments on a monthly, quarterly, or annual basis;

(C) standards for mileage reporting mechanisms for an owner or lessee of a BEV to report vehicle miles traveled throughout the year;

(D) procedures to provide security and protection of personal information and data connected to a mileage-based user fee;

(E) penalty and appeal procedures necessary for the collection of a mileage-based user fee, which, to the extent practicable, shall duplicate and build upon existing Department of Motor Vehicles processes; and

(F) Agency oversight of any account manager, including privacy protection of personal information and access and auditing capability of financial and other records related to administration of the process to collect a mileage-based user fee; and

(5) an update on what other states and the federal government are doing to address lost gas tax revenue from the adoption of PEVs along with any applicable suggestions for opportunities for regional collaboration and an explanation of the source of the information provided under this subdivision.

\* \* \* Transportation Programs; Federal Carbon Reduction Program;  
PROTECT Formula Program; Prioritization; Equity \* \* \*

Sec. 27. AGENCY OF TRANSPORTATION EFFORTS TO IMPLEMENT  
THE FEDERAL CARBON REDUCTION PROGRAM AND  
PROTECT FORMULA PROGRAM; PRIORITIZATION; EQUITY

(a) The Agency of Transportation, through its development of the State's Carbon Reduction Strategy, shall:

(1) develop a methodology to:

(A) quantify the emissions reductions the Agency will achieve from the State's Transportation Program;

(B) measure the gap between the emissions reductions calculated under subdivision (A) of this subdivision (a)(1) and the emissions reductions required under the Global Warming Solutions Act, as codified in 10 V.S.A. § 578; and

(C) evaluate what additional emissions reductions are possible through the implementation of additional policies and programs within the State's Transportation Program;

(2) articulate the ongoing investments, particularly under the Carbon Reduction Program, established through the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (IIJA) and codified as 23 U.S.C. § 175, that the Agency intends to implement through the State's annual Transportation Program in order to reduce emissions from activities within the control of the Agency;

(3) identify and evaluate the effectiveness of other policies and programs to reduce transportation sector greenhouse gas emissions as required by the Global Warming Solutions Act, as codified in 10 V.S.A. § 578, and as identified in the Vermont Climate Action Plan, as amended, which shall include:

(A) an analysis of the potential to generate revenue sources sufficient for ongoing greenhouse gas emissions reduction implementation; and

(B) recommendations regarding additional policy or revenue sources to close any implementation gaps identified in subdivision (a)(1)(B) of this section;

(4) engage in public outreach through the following:

(A) establishing an advisory committee with a broad group of stakeholders, including representatives of the Vermont Climate Council, to help guide the identification and evaluation of policies and programs to reduce transportation sector greenhouse gas emissions;

(B) working with stakeholders, including environmental groups; community-based organizations that represent equity and environmental justice interests; business community groups, including chambers of commerce; transportation industry associations, including those representing rail and trucking; municipalities; regional planning commissions; and elected officials on ways to reduce transportation sector greenhouse gas emissions; and

(C) hosting not less than two public meetings, with at least one to gather input on proposed policies and programs to reduce transportation sector greenhouse gas emissions and at least one to address the evaluation of the anticipated outcomes of the draft of the State's Carbon Reduction Strategy; and

(5) coordinate with the Climate Action Office within the Agency of Natural Resources to track and report progress towards achieving the State's greenhouse gas emissions as required by the Global Warming Solutions Act and codified in 10 V.S.A. § 578.

(b) The Agency shall develop the State's Resilience Improvement Plan to establish how it will use federal monies available under the Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Formula Program, established through the IJJA and codified as 23 U.S.C. § 176, and existing tools and processes to address transportation resilience, specifically for:

(1) resilience planning, predesign, design, or the development of data tools to simulate transportation disruption scenarios, including vulnerability assessments, community response strategies, or evacuation planning and preparation;

(2) resilience projects to improve the ability of an existing surface transportation asset to withstand one or more elements of a weather event or natural disaster; and

(3) community resilience and evacuation route activities that strengthen and protect routes that are essential for providing and supporting evacuations caused by emergency events.

(c) The Agency shall develop recommendations for the integration of carbon reduction, resilience, and equity factors into its project prioritization system through the Agency's existing prioritization process and the development of the Equity Framework Project.

#### Sec. 28. REPORT ON TRANSPORTATION POLICY STATUTES

The Agency of Transportation shall provide a written report summarizing the work completed pursuant to Sec. 27 of this act and written recommendations on how to amend statute, including 19 V.S.A. §§ 10b and 10i, to reflect the work completed pursuant to Sec. 27 of this act to the House and Senate Committees on Transportation on or before January 15, 2024.

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\* \* \* Complete Streets \* \* \*

Sec. 29. 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”, as defined in section 2401 of this title, 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.

(b) The Agency shall coordinate planning and, education, and training efforts with those of ~~the Vermont Climate Change Oversight Committee 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~~ develop or incorporate designs that provide integrated, safe, and efficient transportation and that are consistent with the recommendations of the CEP;

(2)(A) ~~Consider the safety and accommodation of all transportation system users, including motorists, bicyclists, public transportation users, and pedestrians of all ages and abilities, consider complete streets principles in all State- and municipally managed transportation projects and project phases,~~

including planning, development, construction, and maintenance, except in the case of projects or project components involving unpaved highways. ~~If, after the consideration required under this subdivision, a State-managed project does not incorporate complete streets principles, the project manager shall make a written determination, supported by documentation and available for public inspection at the Agency, that one or more of the following circumstances exist:~~

~~(i) Use of the transportation facility by pedestrians, bicyclists, or other users is prohibited by law.~~

~~(ii) The cost of incorporating complete streets principles is disproportionate to the need or probable use as determined by factors including land use, current and projected user volumes, population density, crash data, historic and natural resource constraints, and maintenance requirements. The Agency shall consult local and regional plans, as appropriate, in assessing these and any other relevant factors.~~

~~(iii) Incorporating complete streets principles is outside the scope of a project because of its very nature.~~

~~(B) The written determination required under subdivision (A) of this subdivision (2) shall be final and shall not be subject to appeal or further review.;~~

(3) ~~Promote~~ promote economic opportunities for Vermonters and the best use of the State's environmental and historic resources.;

(4) ~~Manage~~ manage available funding to:

\* \* \*

Sec. 30. REPEAL

19 V.S.A. § 309d (policy for municipally managed transportation projects) is repealed.

Sec. 31. 19 V.S.A. chapter 24 is added to read:

#### CHAPTER 24. COMPLETE STREETS

##### § 2401. DEFINITION

As used in this chapter, "complete streets" means streets that provide safe and accessible options for multiple travel modes for individuals of all ages and abilities, including walking, cycling, public transportation, and motor vehicles.



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§ 2402. STATE POLICY

(a) Agency of Transportation funded, designed, or funded and designed projects shall seek to increase and encourage more pedestrian, bicycle, and public transit trips, with the State goal to promote intermodal access to the maximum extent feasible, which will help the State meet the transportation-related recommendations outlined in the Comprehensive Energy Plan (CEP) issued under 30 V.S.A. § 202b and the recommendations of the Vermont Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

(b) Except in the case of projects or project components involving unpaved highways, for all transportation projects and project phases managed by the Agency or a municipality, including planning, development, construction, or maintenance, it is the policy of this State for the Agency and municipalities, as applicable, to incorporate complete streets principles that:

(1) serve individuals of all ages and abilities, including vulnerable users as defined in 23 V.S.A. § 4(81);

(2) follow state-of-the-practice design guidance; and

(3) are sensitive to the surrounding community, including current and planned buildings, parks, and trails and current and expected transportation needs.

§ 2403. PROJECTS NOT INCORPORATING COMPLETE STREETS PRINCIPLES

(a) State projects. A State-managed project shall incorporate complete streets principles unless the project manager makes a written determination, supported by documentation, that one or more of the following circumstances exist:

(1) Use of the transportation facility by pedestrians, bicyclists, or other users is prohibited by law.

(2) The cost of incorporating complete streets principles is disproportionate to the need or probable use as determined by factors including land use, current and projected user volumes, population density, crash data, historic and natural resource constraints, and maintenance requirements. The Agency shall consult local and regional plans, as appropriate, in assessing these and any other relevant factors. If the project manager bases the written determination required under this subsection in whole or in part on this subdivision then the project manager shall provide a supplemental written determination with specific details on costs, needs, and probable uses, as applicable.

(3) Incorporating complete streets principles is outside the limited scope

of a project as defined in the latest version of the Agency's Complete Streets Guidance.

(b) Municipal projects. A municipally managed project shall incorporate complete streets principles unless the municipality managing the project makes a written determination, supported by documentation, that one or more of the following circumstances exist:

(1) Use of the transportation facility by pedestrians, bicyclists, or other users is prohibited by law.

(2) The cost of incorporating complete streets principles is disproportionate to the need or probable use as determined by factors such as land use, current and projected user volumes, population density, crash data, historic and natural resource constraints, and maintenance requirements. The municipality shall consult local and regional plans, as appropriate, in assessing these and any other relevant factors. If the municipality managing the project bases the written determination required under this subsection in whole or in part on this subdivision then the project manager shall provide a supplemental written determination with specific details on costs, needs, and probable uses, as applicable.

(3) Incorporating complete streets principles is outside the limited scope of a project as defined in the latest version of the Agency's Complete Streets Guidance.

(c) Finality of determinations. The written determinations required by subsections (a) and (b) of this section shall be final and shall not be subject to appeal or further review.

(d) Posting and availability of determinations. The written determinations required by subsections (a) and (b) of this section shall be posted to a web page on the Agency of Transportation's website dedicated to complete streets, in the case of a State-managed project, and made available for public inspection at the office of the municipal clerk, in the case of a municipally managed project.

#### § 2404. ANNUAL REPORT; PUBLIC DATA SOURCE

(a) Annual report. Notwithstanding 2 V.S.A. § 20(d), the Agency shall annually, on or before September 1 starting in 2025, submit a report detailing the State's efforts in following the complete streets policy established in section 2402 of this chapter during the previous fiscal year to the House and Senate Committees on Transportation.

(b) Public data source.

(1) The Agency of Transportation shall maintain a web-accessible and web-searchable data source dedicated to complete streets on the Agency's website that shall contain information on all State-managed transportation projects that have been bid since January 1, 2023, including a description of the project, the location of the project, which complete streets principles were incorporated in the project, as applicable, and an explanation as to which circumstance or circumstances contained in subsection 2403(a) of this chapter existed in the case of projects not incorporating complete streets principles.

(2) The web-accessible and web-searchable data source required under this subsection shall be updated on at least an annual basis.

#### Sec. 32. IMPLEMENTATION; PUBLIC DATA SOURCE

The Agency shall create and make accessible to the general public the web-accessible and web-searchable data source required under 19 V.S.A. § 2404(b), as added by Sec. 31 of this act, on or before January 1, 2024.

#### Sec. 33. MUNICIPAL TRAINING ON COMPLETE STREETS

The Agency of Transportation, in consultation with the Vermont League of Cities and Towns and regional planning commissions, shall design and implement a program to provide training on complete streets to municipalities.

#### Sec. 34. REPLACEMENT OF THE CURRENT VERMONT STATE STANDARDS

(a) The Agency of Transportation will be preparing replacements to the current Vermont State Standards and related documents, standards, guidance, and procedures in accordance with the plan required pursuant to 2022 Acts and Resolves No. 184, Sec. 19.

(b) The Agency shall provide an oral update on the process to replace the current Vermont State Standards and related documents, standards, guidance, and procedures to the House and Senate Committees on Transportation on or before February 15, 2024.

\* \* \* Municipal and Regional Support for a Route 5 Bicycle Corridor \* \* \*

#### Sec. 35. SUPPORT FOR A ROUTE 5 BICYCLE CORRIDOR; SURVEY REPORT

(a) The Agency of Transportation, in partnership with regional planning commissions through the annual Transportation Planning Initiative, shall conduct a survey of municipal support for the creation of a bicycle corridor—consisting of one or more segments of bicycle lanes or bicycle paths, or both—to provide a safe means of travel via bicycle on or along a route that is roughly adjacent to U.S. Route 5 for the approximately 190 miles spanning between

the State border with Massachusetts and the State border with Quebec, Canada.

(b) The survey shall address the level of interest of municipalities and regional planning commissions in prioritizing the creation of a bicycle corridor along some or all of U.S. Route 5, including the consideration of the costs of creation and benefits to the tourism industry in Vermont in general and to the municipalities along U.S. Route 5 in particular.

(c) The Agency shall provide a report on outcome of the survey to the House and Senate Committees on Transportation on or before January 15, 2024.

\* \* \* Micromobility Safety Education Program; Report \* \* \*

Sec. 36. MICROMOBILITY SAFETY EDUCATION PROGRAM; REPORT

(a) The Agency, in consultation with stakeholders identified by the Agency, shall develop a comprehensive micromobility safety education program that enhances and expands on current efforts to increase safety for individuals who use roads, sidewalks, corridors, and paths in Vermont, with an emphasis on bicycle safety.

(b) The Agency shall provide an oral report on micromobility safety program design, recommended modifications to current efforts to increase micromobility safety throughout the State, and any recommendations for statutory changes needed to support expanded micromobility safety in the State to the House and Senate Committees on Transportation on or before January 31, 2024.

(c) As used in this section, “micromobility” includes the following, as defined in 23 V.S.A. § 4:

- (1) bicycles;
- (2) electric bicycles;
- (3) electric personal assistive mobility devices,
- (4) motor-driven cycles, which includes scooters; and
- (5) motor-assisted bicycles.

\* \* \* Sunset Extension \* \* \*

Sec. 37. 2018 Acts and Resolves No. 158, Sec. 21 is amended to read:

Sec. 21. REPEAL OF TRANSPORTATION P3 AUTHORITY

19 V.S.A. §§ 2613 (Agency of Transportation’s P3 authority) and 2614 (legislative approval of P3 proposals) chapter 26, subchapter 2 shall be repealed on July 1, 2023 2026.

