

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate  
3 Bill No. 281 entitled “An act relating to the Systemic Racism Mitigation  
4 Oversight and Equity Review Board” respectfully reports that it has considered  
5 the same and recommends that the bill be amended by striking out all after the  
6 enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 3 V.S.A. § 2102 is amended to read:

8 § 2102. POWERS AND DUTIES

9 (a) The Governor’s Cabinet shall adopt and implement a program of  
10 continuing coordination and improvement of the activities carried on at all  
11 levels of State and local government.

12 (b) The Cabinet shall work collaboratively with the Chief Civil Rights  
13 Officer and shall provide the Chief with access to all relevant records and  
14 information.

15 Sec. 3. 3 V.S.A. chapter 68 is added to read:

16 CHAPTER 68. CHIEF CIVIL RIGHTS OFFICER

17 § 5001. POSITION

18 (a) There is created within the Executive Branch an independent position  
19 named the Chief Civil Rights Officer to identify and work to eradicate  
20 systemic racism within State government.

1        (b) The Chief Civil Rights Officer shall have the powers and duties  
2        enumerated within section 2102 of this title, but shall operate independently of  
3        the Governor’s Cabinet.

4        (c) The Chief Civil Rights Officer shall not be attached to any State  
5        department or agency, but shall be housed within and have the administrative,  
6        legal, and technical support of the Agency of Administration.

7        § 5002. CIVIL RIGHTS ADVISORY PANEL

8        (a) The Civil Rights Advisory Panel is established. The Panel shall be  
9        organized and have the duties and responsibilities as provided in this section.  
10       The Panel may consult with the Governor’s Workforce Equity and Diversity  
11       Council, the Vermont Human Rights Commission, and others. The Panel shall  
12       have the administrative, legal, and technical support of the Agency of  
13       Administration.

14       (b)(1) The Panel shall consist of five members, as follows:

15           (A) one member appointed by the Senate Committee on Committees  
16        who shall not be a current senator;

17           (B) one member appointed by the Speaker of the House who shall not  
18        be a current representative;

19           (C) one member appointed by the Chief Justice of the Supreme Court  
20        who shall not be a current legislator;

1           (D) one member appointed by the Governor, who shall not be a  
2           current legislator; and

3           (E) one member appointed by the Human Rights Commission, who  
4           shall not be a current legislator.

5           (2) Members shall have experience working to implement racial justice  
6           reform and, to the extent possible, represent geographically diverse areas of the  
7           State. At least three members shall be people of color.

8           (3) The term of each member other than the Chair shall be three years,  
9           except that of the members first appointed, one each shall serve a term of two  
10           years, three years, four years, and five years. As terms of currently serving  
11           members expire, appointments of successors shall be in accord with the  
12           provisions of this subsection. Appointments of members to fill vacancies or  
13           expired terms shall be made by the authority that made the initial appointment  
14           to the vacated or expired term. Members shall serve until their successors are  
15           elected or appointed. Members shall serve not more than three consecutive  
16           terms in any capacity.

17           (4) Members of the Panel shall elect by majority vote the Chair of the  
18           Panel, who shall serve for a term of three years.

19           (c) The Panel shall have the following duties and responsibilities:

20           (1) work with the Agency of Administration on a request for proposal  
21           seeking competitive bids from qualified vendors to provide a comprehensive

1 organizational review to identify systemic racism in each of the three branches  
2 of State government;

3 (2) appoint the Chief Civil Rights Officer;

4 (3) work with the Chief Civil Rights Officer to implement the reforms  
5 identified as necessary in the comprehensive organizational review;

6 (4) oversee and advise the Chief to ensure ongoing compliance with the  
7 purpose of this chapter; and

8 (5) on or before January 15, 2021, and annually thereafter, report to the  
9 House and Senate Committees on Government Operations.

10 (d) Only the Panel may remove the Chief Civil Rights Officer. The Panel  
11 shall adopt rules pursuant to chapter 25 of this title to define the basis and  
12 process for removal.

13 (e) Each member of the Panel shall be entitled to per diem compensation  
14 and reimbursement of expenses pursuant to 32 V.S.A. § 1010.

15 § 5003. DUTIES OF CHIEF CIVIL RIGHTS OFFICER

16 (a) Using the comprehensive organizational review conducted by a vendor  
17 pursuant to section 5002(c)(1) of this title as a basis, the Chief Civil Rights  
18 Officer shall implement a program of continuing coordination and  
19 improvement of activities in State government in order to combat systemic  
20 racial disparities and measure progress toward fair and impartial governance.

1       (b) Pursuant to section 2102 of this title, work collaboratively with State  
2       agencies and departments to gather relevant existing data and records  
3       necessary to carry out the purpose of this chapter.

4       (c) In order to enforce the provisions of this chapter and empower the Chief  
5       to perform his or her duties, the Chief may issue subpoenas, administer oaths  
6       and take the testimony of any person under oath, and require production of  
7       data, papers, and records. Any subpoena or notice to produce may be served  
8       by registered or certified mail or in person by an agent of the Chief. Service by  
9       registered or certified mail shall be effective three business days after mailing.  
10       Any subpoena or notice to produce shall provide at least six business days'  
11       time from service within which to comply, except that the Chief may shorten  
12       the time for compliance for good cause shown. Any subpoena or notice to  
13       produce sent by registered or certified mail, postage prepaid, shall constitute  
14       service on the person to whom it is addressed. Each witness who appears  
15       before the Chief under subpoena shall receive a fee and mileage as provided  
16       for witnesses in civil cases in Superior Courts; provided, however, any person  
17       subject to the Chief's authority shall not be eligible to receive fees or mileage  
18       under this section.

19       (d) The Chief shall work with the agencies and departments and with the  
20       Chief Performance Officer to develop performance targets and performance  
21       measures for the General Assembly, the judiciary, and the agencies and

1 departments to evaluate respective results in improving systems. These  
2 performance measures shall be included in the agency's or department's  
3 quarterly reports to the Chief, and the Chief shall include each agency's or  
4 department's performance targets and performance measures in his or her  
5 annual reports to the General Assembly.

6 (e) The Chief shall, in consultation with the Department of Human  
7 Resources and the Governor's Workforce Equity and Diversity Council, and  
8 based on the report of the vendor pursuant to XXX, develop and conduct  
9 training for agencies and departments. Nothing in this subsection shall be  
10 construed to discharge the existing duty of the Department of Human  
11 Resources to conduct trainings.

12 Sec. 4. AUTHORIZATION FOR CHIEF CIVIL RIGHTS OFFICER  
13 POSITION

14 One new permanent, exempt position of Chief Civil Rights Officer is  
15 created within the Agency of Administration.

16 Sec. 5. APPROPRIATION (reserved)

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1       Sec. 6. SECRETARY OF ADMINISTRATION; CIVIL RIGHTS  
2                ADVISORY PANEL; CHIEF CIVIL RIGHTS OFFICER; REQUEST  
3                FOR PROPOSAL

4                (a) On or before September 1, 2018, the Civil Rights Advisory Panel shall  
5                be appointed.

6                (b) On or before November 1, 2018 the Civil Rights Advisory Panel shall,  
7                in consultation with the Secretary of Administration and the Department of  
8                Human Resources, have developed and posted a job description for the Chief  
9                Civil Rights Officer.

10              (c) On or before January 1, 2019, the Civil Rights Advisory Panel shall  
11              appoint the Chief Civil Rights Officer.

12              (d) On or before XXXX, the Chief Civil Rights Officer shall issue a  
13              request for proposal seeking competitive bids from qualified vendors to:

14                      (1) provide a comprehensive organizational review to identify systemic  
15                      racism in each of the three branches of State government and inventory  
16                      systems in place that engender racial disparities; and

17                      (2) manage and oversee the statewide collection of race-based data to  
18                      determine the nature and scope of racial discrimination within all systems of  
19                      State government.

20              (e) On or before January 1, 2020, the Chief shall contract with the qualified  
21              bidder offering the most favorable proposal. The vendor chosen to complete

1 the review shall provide its report to the Chief, the Secretary of  
2 Administration, the Civil Rights Advisory Panel, and the House and Senate  
3 Government Operations Committee on or before XXXXX.

4 Sec. 7. EFFECTIVE DATE

5 This act shall take effect on passage.

6 and that after passage the title of the bill be amended to read: “An act relating  
7 to creation of the position of Chief Civil Rights Officer”

8

9 (Committee vote: \_\_\_\_\_)

10

\_\_\_\_\_

11

Senator \_\_\_\_\_

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FOR THE COMMITTEE