

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. LEGISLATIVE INTENT

8 It is the intent of the General Assembly to promote racial justice reform  
9 throughout the State by mitigating systemic racism in all systems of State  
10 government and creating a culture of inclusiveness.

11 Sec. 2. 3 V.S.A. § 2102 is amended to read:

12 § 2102. POWERS AND DUTIES

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

16 (b) The Cabinet shall work collaboratively with the Chief Civil Rights  
17 Officer and shall provide the Chief with access to all relevant records and  
18 information.

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

2 CHAPTER 68. CHIEF CIVIL RIGHTS OFFICER

3 § 5001. POSITION

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

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

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

13 § 5002. CIVIL RIGHTS ADVISORY PANEL

14 (a) The Civil Rights Advisory Panel is established. The Panel shall be  
15 organized and have the duties and responsibilities as provided in this section.  
16 The Panel may consult with the Governor’s Workforce Equity and Diversity  
17 Council, the Vermont Human Rights Commission, and others. The Panel shall  
18 have administrative, legal, and technical support of the Agency of  
19 Administration.

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

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

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

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

7           (D) one member appointed by the Governor who shall not be a  
8           current legislator; and

9           (E) the chair shall be appointed by the Human Rights Commission  
10          who shall not be a current legislator.

11          (2) Members shall have experience working to implement racial justice  
12          reform and, to the extent possible, represent geographically diverse areas of the  
13          State. At least three members shall be persons of color.

14          (3) The term of each member shall be three years, except that of the  
15          members first appointed, one each shall serve a term of one year, two years,  
16          three years, four years, and five years, so that the term of one regular member  
17          expires in each ensuing year. As terms of currently serving members expire,  
18          appointments of successors shall be in accord with the provisions of this  
19          subsection. Appointments of members to fill vacancies or expired terms shall  
20          be made by the authority that made the initial appointment to the vacated or  
21          expired term. Members shall serve until their successors are elected or

1 appointed. Members shall serve not more than three consecutive terms in any  
2 capacity.

3 (4) Members of the Panel shall elect by majority vote the Chair of the  
4 Panel, who shall serve for a term of three years after the implementation  
5 period.

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

7 (1) appoint the Chief Civil Rights Officer;

8 (2) work with the Chief Civil Rights Officer to implement the reforms  
9 identified as necessary in the comprehensive organizational review as required  
10 by section 5003(a) of this title;

11 (3) oversee and advise the Chief to ensure ongoing compliance with the  
12 purpose of this chapter; and

13 (4) on or before January 15, 2020, and annually thereafter, report to the  
14 House and Senate Committees on Government Operations.

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

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

1     § 5003. DUTIES OF CHIEF CIVIL RIGHTS OFFICER

2           (a) The Chief Civil Rights Officer shall work with the agencies and  
3     departments to implement a program of continuing coordination and  
4     improvement of activities in State government in order to combat systemic  
5     racial disparities and measure progress toward fair and impartial governance,  
6     including:

7           (1) oversee a comprehensive organizational review to identify systemic  
8     racism in each of the three branches of State government and inventory  
9     systems in place that engender racial disparities, which may be completed by a  
10    consultant or outside vendor; and

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

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

17          (c) The Chief shall work with the agencies and departments and with the  
18    Chief Performance Officer to develop performance targets and performance  
19    measures for the General Assembly, the Judiciary, and the agencies and  
20    departments to evaluate respective results in improving systems. These  
21    performance measures shall be included in the agency's or department's

1 quarterly reports to the Chief, and the Chief shall include each agency's or  
2 department's performance targets and performance measures in his or her  
3 annual reports to the General Assembly.

4 (d) The Chief shall, in consultation with the Department of Human  
5 Resources and the agencies and departments, develop and conduct trainings for  
6 agencies and departments. Nothing in this subsection shall be construed to  
7 discharge the existing duty of the Department of Human Resources to conduct  
8 trainings.

9 (e) In order to enforce the provisions of this chapter and empower the Chief  
10 to perform his or her duties, the Chief may issue subpoenas, administer oaths  
11 and take the testimony of any person under oath, and require production of  
12 data, papers, and records. Any subpoena or notice to produce may be served  
13 by registered or certified mail or in person by an agent of the Chief. Service by  
14 registered or certified mail shall be effective three business days after mailing.  
15 Any subpoena or notice to produce shall provide at least six business days'  
16 time from service within which to comply, except that the Chief may shorten  
17 the time for compliance for good cause shown. Any subpoena or notice to  
18 produce sent by registered or certified mail, postage prepaid, shall constitute  
19 service on the person to whom it is addressed. Each witness who appears  
20 before the Chief under subpoena shall receive a fee and mileage as provided  
21 for witnesses in civil cases in Superior Courts; provided, however, any person

1 subject to the Chief's authority shall not be eligible to receive fees or mileage  
2 under this section.

3 Sec. 4. AUTHORIZATION FOR CHIEF CIVIL RIGHTS OFFICER  
4 POSITION

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

7 Sec. 5. APPROPRIATION

8 There is appropriated to the Agency of Administration from the General  
9 Fund for fiscal year 2020 the amount of \$67,848 for the position of Chief Civil  
10 Rights Officer.

11 Sec. 6. SECRETARY OF ADMINISTRATION; CIVIL RIGHTS

12 ADVISORY PANEL; CHIEF CIVIL RIGHTS OFFICER; REPORT

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

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

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

3        (d) On or before April 1, 2019, the Chief Civil Rights Officer shall update  
4        the House and Senate Committees on Government Operations regarding how  
5        best to complete a comprehensive organizational review to identify systemic  
6        racism pursuant to 3 V.S.A. § 5003, and potential private and public sources of  
7        funding to achieve the review.

8        Sec. 7. EFFECTIVE DATE

9        This act shall take effect on passage.

10       and that after passage the title of the bill be amended to read: “An act relating  
11       to the mitigation of systemic racism”

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13       (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

15

Senator \_\_\_\_\_

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FOR THE COMMITTEE