

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. § 2101 is amended to read:

8 § 2101. CREATION

9 A cabinet is created in the Executive Branch of government ~~which~~ that shall  
10 consist of the Chief Civil Rights Officer and the Secretaries of such agencies as  
11 are created by law.

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

13 § 2102. POWERS AND DUTIES

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

17 (b) The Cabinet shall work collaboratively with the Chief Civil Rights  
18 Officer and shall provide the Chief with access to all relevant records and  
19 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 the position of Chief Civil Rights Officer within the  
5 Executive Branch for the purpose of identifying and working 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 § 5002. CIVIL RIGHTS ADVISORY PANEL

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

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

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

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

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

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

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

7           (2) Appointees shall have experience working to implement racial  
8           justice reform.

9           (3) The members of the Panel shall serve staggered three-year terms. As  
10           terms of currently serving members expire, appointments of successors shall be  
11           in accord with the provisions of this subsection. Appointments of members to  
12           fill vacancies or expired terms shall be made by the authority that made the  
13           initial appointment to the vacated or expired term. Members shall serve until  
14           their successors are elected or appointed. Members shall serve not more than  
15           three consecutive terms in any capacity.

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

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

19           (1) work with the Agency of Administration on a request for proposal  
20           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 (d) Except as provided in subsection (e) of this section, proceedings of the  
7 Panel, including the names of candidates considered by the Panel and  
8 information about any candidate, shall be confidential.

9 (e) The following shall be public:

10 (1) the operating procedures of the Panel;

11 (2) the standard application forms and any other forms used by the  
12 Panel, provided they do not contain personal information about a candidate or  
13 confidential proceedings;

14 (3) all proceedings of the Panel prior to the Panel's receipt of the first  
15 candidate's completed application; and

16 (4) the total number of applicants for the vacancy and the total number  
17 of candidates.

18 (f) The Panel may remove the Chief Civil Rights Officer only for cause.

19 The Panel shall adopt rules pursuant to chapter 25 of this title to define the  
20 basis and process for removal.

1        § 5003. DUTIES OF CHIEF CIVIL RIGHTS OFFICER

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

7            (b) Pursuant to section 2102 of this title, State agencies and departments  
8 shall work collaboratively with the Chief Civil Rights Officer and shall provide  
9 the Chief with access to all relevant records from the agencies and departments  
10 necessary to conduct the mission of the office.

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

1 before the Chief under subpoena shall receive a fee and mileage as provided  
2 for witnesses in civil cases in Superior Courts; provided, however, any person  
3 subject to the Chief's authority shall not be eligible to receive fees or mileage  
4 under this section.

5 (d) A person who fails or refuses to appear, to testify, or to produce papers  
6 or records for examination before the Chief upon properly being ordered to do  
7 so may be assessed an administrative penalty by the Chief of not more than  
8 \$2,000.00 for each day of noncompliance and proceeded against as provided in  
9 the Administrative Procedure Act, and the Chief may recommend to the  
10 appropriate licensing entity that the person's authority to do business be  
11 suspended for up to six months.

12 (e) The Chief shall establish for the General Assembly, the judiciary, and  
13 the agencies and departments performance targets and performance measures  
14 to evaluate respective results in improving systems. These performance  
15 measures shall be included in the agency's or department's quarterly reports to  
16 the Chief, and the Chief shall include each agency's or department's  
17 performance targets and performance measures in his or her annual reports to  
18 the General Assembly.

19 (f) In addition to conducting its regular trainings, the Department of Human  
20 Resources shall work with the Governor's Workforce Equity and Diversity  
21 Council to conduct training for agencies and departments based on

1 recommendations of the Chief. Nothing in this subsection shall be construed  
2 to discharge the existing duty of the Department of Human Resources to  
3 conduct trainings.

4 (g) On or before January 15, 2021, and annually thereafter, the Chief shall  
5 report to the House and Senate Committees on Government Operations.

6 Sec. 4. AUTHORIZATION FOR CHIEF CIVIL RIGHTS OFFICER  
7 POSITION

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

10 Sec. 5. APPROPRIATION (reserved)

11 \* \* \*

12 **Sec. 6. SECRETARY OF ADMINISTRATION; CIVIL RIGHTS**

13 **ADVISORY PANEL; CHIEF CIVIL RIGHTS OFFICER; REQUEST**

14 **FOR PROPOSAL**

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

17 (b) On or before November 1, 2018, the Secretary of Administration, in  
18 consultation with the Civil Rights Advisory Panel, shall issue a request for  
19 proposal seeking competitive bids from qualified vendors to provide a  
20 comprehensive organizational review to identify systemic racism in each of the  
21 three branches of State government. The vendor chosen to complete the

1 review shall provide its report to the Secretary, the Panel, and the House and  
2 Senate Government Operations Committee on or before March 1, 2020.

3 (c) On or before January 15, 2019, the Department of Human Resources  
4 shall report to the House and Senate Committees on Government Operations  
5 regarding its work with the Governor’s Workforce Equity and Diversity  
6 Council [?].

7 (d) On or before February 1, 2019, the Panel shall contract with the  
8 qualified bidder offering the most favorable proposal.

9 (e) On or before July 1, 2020, the Panel shall appoint the Chief Civil Rights  
10 Officer.

11 Sec. 7. EFFECTIVE DATE

12 This act shall take effect on passage.

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

15

16 (Committee vote: \_\_\_\_\_)

17

\_\_\_\_\_

18

Senator \_\_\_\_\_

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FOR THE COMMITTEE