

House Calendar

Tuesday, March 16, 2021

70th DAY OF THE BIENNIAL SESSION

House Convenes at 10:00 A.M.

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ACTION CALENDAR

Action Postponed Until March 16, 2021

Favorable with Amendment

H. 227

An act relating to approval of amendments to the charter of the City of Winooski

Rep. Colston of Winooski, for the Committee on Government Operations, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendment to the charter of the City of Winooski as set forth in this act. Voters approved the proposal of amendment on November 3, 2020.

Sec. 2. 24 App. V.S.A. chapter 19 is amended to read:

CHAPTER 19. CITY OF WINOOSKI

* * *

§ 105. POWER OVER WATER RESOURCES

(a) No ~~citizen person~~, association of ~~citizens persons~~, ~~domestic corporation~~ ~~corporate entity~~, or municipality, or any combination thereof, may develop, conserve, or use in whole or in part the water resources of the Winooski River as it flows through the City of Winooski for a water power project located in whole or in part in the City of Winooski without obtaining the approval of the City Council of the City of Winooski in addition to any other necessary State or federal agency approvals.

* * *

§ 201. CITY MEETINGS

The annual City meeting shall occur on the first Tuesday in March, and shall be warned in the manner provided by general law. Special City meetings shall be called and warned as provided by general law. All elections, voter registration and qualifications, absentee voting, and the conduct of ~~such~~ City meetings shall be controlled by general law section 202 of this charter. All matters shall be considered by Australian ballot.

§ 202. QUALIFIED VOTERS

(a) Voter registration, qualification, absentee voting, and conduct of elections at all annual and special meetings shall be as provided by general law. The qualifications of voters in State and federal elections shall be as provided by general law. The qualifications of voters in the City meetings shall be the same as those prescribed by law for voters in town meetings and all municipal elections shall be as set forth in subsection (b) of this section.

(b) Notwithstanding 17 V.S.A. § 2121(a)(1), any person, including persons who are non-U.S. citizens, may register to vote in any City meeting or municipal election who, on election day:

- (1) is a legal resident of the City;
- (2) has taken the Voter's Oath; and
- (3) is 18 years of age or older.

(c) As used in subdivision (b)(1) of this section, "legal resident of the City" means any person who is a resident of the City and is a United States citizen or resides in the United States on a permanent or indefinite basis in compliance with federal immigration laws.

(d) The City Clerk shall maintain a voter checklist for City meetings and municipal elections, in accordance with subsection (b) of this section, and shall keep the City checklist separate and apart from the voter checklist maintained for State and federal elections.

(e) The voter checklists maintained by the City Clerk for municipal, State, and federal elections shall be subject to the protections given to the Statewide voter checklists pursuant to 17 V.S.A. § 2154.

* * *

§ 205. NOMINATIONS IN GENERAL

~~Nominations for the office of Mayor and Councilor shall be made by petitions which shall be filed with the City Clerk not less than 30 days nor more than 40 days before an annual City election or a special City election called for that purpose. The petition shall state the name of the candidate, the candidate's residence, and the office sought, and shall be signed by at least 50 legal voters of the City qualified to vote at the time the petition is filed petition, prepared and filed in accordance with the provisions of 17 V.S.A. §§ 2681 and 2681a. The petitions shall contain no party designations. A person shall not sign more than one petition for each individual office to be filled. The City Clerk shall cause the names of the persons so nominated to be printed on a ballot in alphabetical arrangement according to surname, and~~

sample ballots shall be posted in at least three public places at least ten days before election.

* * *

§ 304. GENERAL POWERS AND DUTIES

* * *

(b) Additional powers. In addition to powers otherwise conferred upon it by law, the City, by the action of the Council or, if specifically required by law or this charter, by the action of its voters, has the following powers and rights, including:

* * *

(7) To provide for ~~citizen~~ resident participation in appropriate departments.

* * *

§ 305. PROHIBITIONS; CONFLICT OF INTEREST

(a) Holding other office. Except where authorized by law, no councilor shall hold any other City office or City employment during the term of election to the Council. ~~Notwithstanding any charter provision to the contrary, a paid or unpaid volunteer member of the Fire Department, other than an officer or member of the Department appointed directly by the City Manager, may serve as a member of the City Council.~~

* * *

§ 506. CITY OFFICERS; APPOINTMENT OF

* * *

(c) Officers. In accordance with the provisions of this section, the City Manager shall appoint the following, who shall hold office at the will of the City Manager:

* * *

- (10) an Emergency Management Coordinator; ~~and~~
- (11) a Human Resources Director; and
- ~~(11)~~(12) other officers required by law.

* * *

§ 602. ~~CITIZEN~~ RESIDENT ENGAGEMENT

* * *

(d) All unpaid appointments of ~~citizens~~ residents to the boards, committees, commissions, and agencies shall be for a term certain. ~~Citizens Residents~~ once appointed to a term may only be removed for cause or after unanimous vote by the City Council. If ad hoc committees are created, the appointment will cease upon completion of the Committee's task.

§ 603. PERSONNEL SYSTEM

* * *

~~(b) Personnel Director. There shall be a Personnel Director who shall administer the personnel system of the City. The Personnel Director shall be the City Manager. The Personnel Director shall be responsible for collective bargaining and administration of negotiated contracts subject to approval by the City Council. [Repealed.]~~

(c) [Repealed.]

(d) Personnel policies. The ~~Personnel Director~~ City Manager shall prepare personnel policies. The personnel rules shall be proposed to the Council, and the Council may adopt them with or without amendment. These rules shall provide for:

* * *

§ 717. TAX CLASSIFICATION

(a) Except for the property of utilities subject to regulation by the Vermont Public Utility Commission, all personal and real property set out in the grand list that is not used as residential property, farmland, and ~~vacant land zoned "recreation, conservation, and open space (RCO)"~~ public recreation, conservation, or open space lands shall be classified as nonresidential property and shall be ~~assessed at~~ taxed by applying the tax rate on 120 percent of ~~fair market~~ the assessed value of the property; and further provided that inventories shall no longer be set out in the grand list of the City as taxable personal estate. Properties upon which in-lieu-of-tax payments are made shall be likewise classified and assessed for the purposes of such payments.

* * *

§ 903. OATH OF OFFICE

All elective officials of the City shall, before assuming office, take, subscribe, and file with the City Clerk the following oath:

"I _____ solemnly swear or affirm, under penalty of law, that I will faithfully execute the Office of _____ of the City of Winooski to the best

of my judgment and abilities, according to law, ~~so help me God or I so affirm.~~”

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(**Committee Vote: 8-3-0**)

H. 366

An act relating to 2021 technical corrections

Rep. Hooper of Burlington, for the Committee on Government Operations, recommends the bill be amended as follows:

First: By striking out Secs. 136 through 145 in their entirety and inserting in lieu thereof the following:

Sec. 136. [Deleted.]

Sec. 137. [Deleted.]

Sec. 138. [Deleted.]

Sec. 139. [Deleted.]

Sec. 140. [Deleted.]

Sec. 141. [Deleted.]

Sec. 142. [Deleted.]

Sec. 143. [Deleted.]

Sec. 144. [Deleted.]

Sec. 145. [Deleted.]

Second: In Sec. 146, 20 V.S.A. § 1543, by striking out subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) ~~the spouses of such service-connected disabled ex-servicemen or women as ex-service personnel who~~ have themselves been unable to qualify for any civil service appointment by reason of their disability;

Third: By striking out Sec. 177, 20 V.S.A. § 2861, in its entirety and inserting in lieu thereof a new Sec. 177 to read as follows:

§ 2861. GENERALLY

When it may seem to be for the public good, the ~~fire-marshal~~ Fire Marshal shall personally visit and investigate any fire in accordance with the provisions of this chapter and ~~he shall be repaid all~~ for any related expenses ~~incident thereto~~ out of the funds ~~provided for in section 2687 of this title~~ appropriated to the Division of Fire Safety.

Fourth: In Sec. 193, 20 V.S.A. § 3349, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) A person who owns or keeps a stallion over one year of age, between April 1 and December 1, in a private enclosure in ~~such a manner as to disturb and annoy~~ that disturbs and annoys the owner or occupant of adjoining premises shall be fined \$5.00 for each week ~~he so keeps such~~ that the owner or keeper keeps the stallion after he the owner or keeper has received three days' notice from an adjoining owner or occupant to remove ~~such~~ the stallion.

(Committee Vote: 11-0-0)

Favorable

H. 10

An act relating to permitted candidate expenditures

Rep. Gannon of Wilmington, for the Committee on Government Operations, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

H. 337

An act relating to the printing and distribution of State publications.

(Rep. Lefebvre of Orange will speak for the Committee on Government Operations.)

Rep. Townsend of South Burlington, for the Committee on Appropriations, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

Action Postponed Until March 17, 2021

Favorable with Amendment

H. 87

An act relating to establishing a classification system for criminal offenses

Rep. LaLonde of South Burlington, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. chapter 2 is added to read:

CHAPTER 2. CLASSIFICATION OF CRIMINAL OFFENSES

§ 51. CLASSIFICATION OF OFFENSES

(a) All felonies shall be classified as follows: Class A, Class B, Class C, Class D, and Class E.

(b) All misdemeanors shall be classified as follows: Class A, Class B, Class C, Class D, and Class E.

(c) Except as otherwise provided by law, for all offenses the court may impose a sentence of imprisonment or a fine, or both.

§ 52. SENTENCES OF IMPRISONMENT

(a) The maximum term of imprisonment for a felony shall be as follows:

- (1) Class A: life imprisonment.
- (2) Class B: imprisonment for 20 years.
- (3) Class C: imprisonment for 10 years.
- (4) Class D: imprisonment for five years.
- (5) Class E: imprisonment for three years.

(b) The maximum term of imprisonment for a misdemeanor shall be as follows:

- (1) Class A: imprisonment for two years.
- (2) Class B: imprisonment for one year.
- (3) Class C: imprisonment for six months.
- (4) Class D: imprisonment for 30 days.
- (5) Class E: no term of imprisonment.

(c) The minimum term of imprisonment for a felony or a misdemeanor shall be as provided by law.

(d) Any statutory or mandatory minimum or maximum term of imprisonment for a felony or a misdemeanor shall be as provided by law.

§ 53. FINES

(a) Unless otherwise provided by law, the maximum fine for a felony shall be as follows:

- (1) Class A: \$100,000.00.

(2) Class B: \$50,000.00.

(3) Class C: \$25,000.00.

(4) Class D: \$10,000.00.

(5) Class E: \$7,500.00.

(b) Unless otherwise provided by law, the maximum fine for a misdemeanor shall be as follows:

(1) Class A: \$5,000.00.

(2) Class B: \$2,500.00.

(3) Class C: \$1,000.00.

(4) Class D: \$500.00.

(5) Class E: \$250.00.

(c) When determining the amount of a fine and the method of payment, the court shall consider, based on all financial information available to the court, including information provided by the offender:

(1) the defendant's present and future financial ability to pay the fine; and

(2) the nature of the financial burden that payment of the fine will impose on the defendant and any dependents of the defendant.

§ 54. TRANSITIONAL PROVISIONS

Unless otherwise provided by law, criminal offenses shall be classified according to each offense's statutory maximum penalty. Criminal offenses shall be classified as follows:

(1) Felonies.

(A) All felonies punishable by a maximum term of life imprisonment shall be Class A felonies.

(B) All felonies punishable by a maximum term of 20 years or more but less than life shall be Class B felonies.

(C) All felonies punishable by a maximum term of 10 years or more but less than 20 years shall be Class C felonies.

(D) All felonies punishable by a maximum term of five years or more but less than ten years shall be Class D felonies.

(E) All felonies punishable by a maximum term of less than five years shall be Class E felonies.

(2) Misdemeanors.

(A) All misdemeanors punishable by a maximum term of imprisonment of two years shall be Class A misdemeanors.

(B) All misdemeanors punishable by a maximum term of imprisonment of one year or more but less than two years shall be Class B misdemeanors.

(C) All misdemeanors punishable by a maximum term of imprisonment of six months or more but less than one year shall be Class C misdemeanors.

(D) All misdemeanors punishable by a maximum term of imprisonment of 30 days or more but less than six months shall be Class D misdemeanors.

(E) All misdemeanors punishable by a fine and no term of imprisonment or a maximum term of imprisonment of less than 30 days shall be Class E misdemeanors.

§ 55. CLASSIFICATION OF PROPERTY OFFENSES

All criminal property offenses to which this section applies shall be classified as follows:

(1) If the value of the property that is at issue in the offense is less than \$100.00, the offense shall be a Class D misdemeanor.

(2) If the value of the property that is at issue in the offense is less than \$1,000.00 and equal to or greater than \$100.00, the offense shall be a Class C misdemeanor.

(3) If the value of the property that is at issue in the offense is less than \$3,000.00 and equal to or greater than \$1,000.00, the offense shall be a Class A misdemeanor.

(4) If the value of the property that is at issue in the offense is less than \$100,000.00 and equal to or greater than \$3,000.00, the offense shall be a Class E felony.

(5) If the value of the property that is at issue in the offense is equal to or greater than \$100,000.00, the offense shall be a Class D felony.

Sec. 2. 13 V.S.A. § 9 is amended to read:

§ 9. ATTEMPTS

(a) A person who attempts to commit an offense and does an act toward the commission thereof, but by reason of being interrupted or prevented fails in

the execution of the same, shall be punished as herein provided unless other express provision is made by law for the punishment of the attempt. If the offense attempted to be committed is murder, aggravated murder, kidnapping, arson causing death, human trafficking, aggravated human trafficking, aggravated sexual assault, or sexual assault, a person shall be punished as the offense attempted to be committed is by law punishable.

(b) If the offense attempted to be committed is a felony other than those set forth in subsection (a) of this section, a person shall be punished by the less severe of the following punishments:

(1) ~~imprisonment for not more than 10 years or fined not more than \$10,000.00, or both~~ as a Class C felony; or

(2) as the offense attempted to be committed is by law punishable.

(c) If the offense attempted to be committed is a misdemeanor, a person shall be ~~imprisoned or fined, or both, in an amount not to exceed one half the maximum penalty for which~~ subject to the punishment applicable to the misdemeanor that is one class level lower than the offense so attempted to be committed is by law punishable.

Sec. 3. 9 V.S.A. § 4043 is amended to read:

§ 4043. FRAUDULENT USE

(a) A person shall not with intent to defraud, obtain, or attempt to obtain money, property, services, or any other thing of value, by the use of a credit card which he or she knows, or reasonably shall have known, to have been stolen, forged, revoked, cancelled, unauthorized, or invalid for use by him or her for such purpose.

(b) A person who violates this section shall be sentenced pursuant to 13 V.S.A. §§ 52, 53, and 55.

Sec. 4. 9 V.S.A. § 4044 is amended to read:

§ 4044. PENALTY

~~(a) A person who violates section 4043 of this title shall be fined not more than \$500.00 or be imprisoned not more than six months, or both, if the aggregate value of the money, property, services, or other things of value so obtained is \$50.00 or less.~~

~~(b) A person who violates section 4043 of this title shall be fined not more than \$1,000.00 or be imprisoned not more than one year, or both, if the aggregate value of the money, property, services, or other things of value so obtained exceeds \$50.00. [Repealed.]~~

Sec. 5. 13 V.S.A. § 1801 is amended to read:

§ 1801. FORGERY AND COUNTERFEITING OF PAPERS,
DOCUMENTS, ETC.

A person who wittingly, falsely, and deceitfully makes, alters, forges, or counterfeits, or wittingly, falsely, or deceitfully causes to be made, altered, forged, or counterfeited, or procures, aids, or counsels the making, altering, forging, or counterfeiting, of a writ, process, public record, or any certificate, return, or attestation of a clerk of a court, public register, notary public, justice, or other public officer, in relation to a matter wherein such certificate, return, or attestation may be received as legal proof, or a charter, deed, or any evidence or muniment of title to property, will, terminal care document, testament, bond, or writing obligatory, letter of attorney, policy of insurance, bill of lading, bill of exchange, promissory note, or an order drawn on a person or corporation, or on a State, county, or town or school district treasurer, for money or other property, or an acquittance or discharge for money or other property, or an acceptance of a bill of exchange, or indorsement or assignment of a bill of exchange or promissory note, for the payment of money, or any accountable receipt for money, goods, or other property, or certificate of stock, with intent to injure, or defraud a person, shall be ~~imprisoned not more than 10 years and fined not more than \$1,000.00, or both~~ sentenced pursuant to sections 52, 53, and 55 of this title.

Sec. 6. 13 V.S.A. § 1802 is amended to read:

§ 1802. UTTERING FORGED OR COUNTERFEITED INSTRUMENT

A person who utters and publishes as true a forged, altered, or counterfeited record, deed, instrument, or other writing mentioned in section 1801 of this title, knowing the same to be false, altered, forged, or counterfeited, with intent to injure or defraud a person, shall be ~~imprisoned not more than 10 years and fined not more than \$1,000.00, or both~~ sentenced pursuant to sections 52, 53, and 55 of this title.

Sec. 7. 13 V.S.A. § 1804 is amended to read:

§ 1804. COUNTERFEITING PAPER MONEY

A person who falsely makes, alters, forges, or counterfeits, or procures to be made, altered, forged, or counterfeited, or aids or assists in making, altering, forging, or counterfeiting, a note, or imitation of, or purporting to be a note issued by the United States, used as currency, or a bank bill or promissory note, or imitation of, or purporting to be a bank bill or promissory note, issued by a banking company incorporated by the Congress of the United States or by the legislature of a state of the United States or of another country,

with intent to injure or defraud a person; and a person who utters, passes, or gives in payment, or offers to pass or give in payment, or procures to be offered, passed, or given in payment, or has in his or her possession with intent to offer, pass, or give in payment, such altered, forged, counterfeited, or imitated note, bank bill, or promissory note, knowing the same to be altered, forged, counterfeited, or imitated, ~~shall be imprisoned not more than 14 years and fined not more than \$1,000.00, or both~~ commits a Class D felony.

Sec. 8. 13 V.S.A. § 1816 is amended to read:

§ 1816. POSSESSION OR USE OF CREDIT CARD SKIMMING DEVICES
AND RE-ENCODERS

(a) A person who knowingly, wittingly, and with the intent to defraud possesses a scanning device, or who knowingly, wittingly, and with intent to defraud uses a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the computer chip or magnetic strip of a payment card without the permission of the authorized user of the payment card ~~shall be imprisoned not more than 10 years or fined not more than \$10,000.00, or both~~ commits a Class C felony.

(b) A person who knowingly, wittingly, and with the intent to defraud possesses a re-encoder, or who knowingly, wittingly, and with the intent to defraud uses a re-encoder to place encoded information on the computer chip or magnetic strip or stripe of a payment card or any electronic medium that allows an authorized transaction to occur without the permission of the authorized user of the payment card from which the information is being re-encoded ~~shall be imprisoned not more than 10 years or fined not more than \$10,000.00, or both~~ commits a Class C felony.

* * *

Sec. 9. 13 V.S.A. § 2001 is amended to read:

§ 2001. FALSE PERSONATION

A person who falsely personates or represents another, and in such assumed character receives money or other property intended to be delivered to the party so personated, with intent to convert the same to the person's own use, ~~shall be imprisoned not more than 10 years or fined not more than \$2,000.00, or both~~ sentenced pursuant to sections 52, 53, and 55 of this title.

Sec. 10. 13 V.S.A. § 2002 is amended to read:

§ 2002. FALSE PRETENSES OR TOKENS

A person who designedly by false pretenses or by privy or false token and with intent to defraud, obtains from another person money or other property, or a release or discharge of a debt or obligation, or the signature of a person to a written instrument, the false making whereof would be punishable as forgery, shall be ~~imprisoned not more than 10 years or fined not more than \$2,000.00, or both, if the money or property so obtained exceeds \$900.00 in value. A person who violates this section shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both, if the money or property obtained in violation of this section is valued at \$900.00 or less~~ sentenced pursuant to sections 52, 53, and 55 of this title.

Sec. 11. 13 V.S.A. § 2029 is amended to read:

§ 2029. HOME IMPROVEMENT FRAUD

* * *

(d)(1) A person who violates subsection (b) of this section shall ~~be imprisoned not more than two years or fined not more than \$1,000.00, or both, if the loss to a single consumer is less than \$1,000.00~~ commit a Class A misdemeanor.

(2) A person who is convicted of a second or subsequent violation of subdivision (1) of this subsection shall ~~be imprisoned not more than three years or fined not more than \$5,000.00, or both~~ commit a Class E felony.

(3) A person who violates subsection (b) of this section shall ~~be imprisoned not more than three years or fined not more than \$5,000.00, or both,~~ commit a Class E felony if:

(A) the loss to a single consumer is \$1,000.00 or more; or

(B) the loss to more than one consumer is \$2,500.00 or more in the aggregate.

(4) A person who is convicted of a second or subsequent violation of subdivision (3) of this subsection shall ~~be imprisoned not more than five years or fined not more than \$10,000.00, or both~~ commit a Class D felony.

(5) A person who violates subsection (c) or (e) of this section shall ~~be imprisoned for not more than two years or fined not more than \$1,000.00, or both~~ commit a Class A misdemeanor.

* * *

Sec. 12. 13 V.S.A. § 2030 is amended to read:

§ 2030. IDENTITY THEFT

* * *

(f) A person who violates this section shall be imprisoned for not more than three years or fined not more than \$5,000.00, or both commits a Class E felony. A person who is convicted of a second or subsequent violation of this section involving a separate scheme shall be imprisoned for not more than 10 years or fined not more than \$10,000.00, or both commits a Class C felony.

Sec. 13. 13 V.S.A. § 2031 is amended to read:

* * *

(c) Penalties. A person who violates subsection (b) of this section shall:

(1) ~~if the benefit wrongfully obtained or the loss suffered by any person as a result of the violation has a value of less than \$900.00, be imprisoned for not more than six months or fined not more than \$5,000.00, or both; or~~

(2) ~~if the benefit wrongfully obtained or the loss suffered by any person as a result of the violation has a value of more than \$900.00, be imprisoned for not more than five years or fined not more than \$10,000.00, or both; or~~

(3) ~~for a second or subsequent offense, regardless of the value of the benefit wrongfully obtained, be imprisoned not more than five years or fined not more than \$20,000.00, or both be sentenced pursuant to sections 52, 53, and 55 of this title.~~

* * *

Sec. 14. 13 V.S.A. § 2501 is amended to read:

§ 2501. GRAND AND PETIT LARCENY

A person who steals from the actual or constructive possession of another, other than from his or her person, money, goods, chattels, bank notes, bonds, promissory notes, bills of exchange or other bills, orders, or certificates, or a book of accounts for or concerning money, or goods due or to become due or to be delivered, or a deed or writing containing a conveyance of land, or any other valuable contract in force, or a receipt, release or defeasance, writ, process, or public record, shall be imprisoned not more than 10 years or fined not more than \$5,000.00, or both, if the money or other property stolen exceeds \$900.00 in value sentenced pursuant to sections 52, 53, and 55 of this title.

Sec. 15. 13 V.S.A. § 2502 is amended to read:

§ 2502. PETIT LARCENY

~~For offenses mentioned in section 2501 of this title where the money or other property stolen does not exceed \$900.00 in value, the court may sentence the person convicted to imprisonment for not more than one year or to pay a fine of not more than \$1,000.00, or both. [Repealed.]~~

Sec. 16. 13 V.S.A. § 2503 is amended to read:

§ 2503. LARCENY FROM THE PERSON

A person who steals or attempts to steal from the person and custody of another, property, the subject of larceny, ~~shall be imprisoned not more than 10 years or fined not more than \$500.00, or both~~ commits a Class C felony.

Sec. 17. 13 V.S.A. § 2531 is amended to read:

§ 2531. EMBEZZLEMENT GENERALLY

(a) An officer, agent, bailee for hire, clerk, or servant of a banking association or an incorporated company, or a clerk, agent, bailee for hire, officer, or servant of a private person, partnership, trades union, joint stock company, unincorporated association, fraternal or benevolent association, except apprentices and other persons under ~~the age of~~ 16 years of age, who embezzles or fraudulently converts to his or her own use, or takes or secretes with intent to embezzle or fraudulently convert to his or her own use, money or other property that comes into his or her possession or is under his or her care by virtue of such employment, notwithstanding he or she may have an interest in such money or property, shall be guilty of embezzlement and sentenced pursuant to sections 52, 53, and 55 of this title.

~~(b) If the money or property embezzled does not exceed \$100.00 in value, the person shall be imprisoned not more than one year or fined not more than \$1,000.00, or both. If the money or property embezzled exceeds \$100.00 in value, the person shall be imprisoned not more than 10 years or fined not more than \$10,000.00, or both.~~

Sec. 18. 13 V.S.A. § 2532 is amended to read:

§ 2532. OFFICER OR SERVANT OF INCORPORATED BANK

A cashier or other officer, agent, or servant of an incorporated bank who embezzles or fraudulently converts to his or her own use bullion, money, notes, bills, obligations, or securities or other effects or property belonging to and in the possession of such bank or belonging to any person and deposited therein, shall be guilty of larceny and ~~shall be imprisoned not more than 10 years or fined not more than \$1,000.00, or both~~ commits a Class D felony.

Sec. 19. 13 V.S.A. § 2533 is amended to read:

§ 2533. RECEIVER OR TRUSTEE

A receiver or trustee appointed by the court in any litigation in this State, who embezzles or fraudulently converts to his or her own use any money or other property in his or her hands as such receiver or trustee, shall be guilty of larceny and ~~shall be imprisoned not more than 10 years or fined not more than \$1,000.00, or both~~ commits a Class D felony.

Sec. 20. 13 V.S.A. § 2537 is amended to read:

§ 2537. PERSON HOLDING PROPERTY IN OFFICIAL CAPACITY OR
BELONGING TO THE STATE OR A MUNICIPALITY

A State, county, town, or municipal officer or other person who in his or her official capacity receives, collects, controls, or holds money, obligations, securities, or other property, who embezzles or fraudulently converts to his or her own use any of such money, obligations, securities, or other property, or a person who embezzles or fraudulently converts to his or her own use money or other property belonging to the State or to a county or municipality, or a municipal corporation, or a special purpose district, shall be guilty of larceny and shall be ~~imprisoned not more than 10 years or fined not more than \$1,000.00, or both~~ sentenced pursuant to sections 52, 53, and 55 of this title.

Sec. 21. 13 V.S.A. § 2561 is amended to read:

§ 2561. PENALTY FOR RECEIVING STOLEN PROPERTY; VENUE

(a) A person who is a dealer in property who buys, receives, sells, possesses unless with the intent to restore to the owner, or aids in the concealment of property, knowing or believing the property to be stolen, shall be ~~punished the same as for the stealing of such property~~ sentenced pursuant to sections 52, 53, and 55 of this title.

(b) A person who buys, receives, sells, possesses unless with the intent to restore to the owner, or aids in the concealment of stolen property, knowing the same to be stolen, shall be ~~punished the same as for the stealing of such property~~ sentenced pursuant to sections 52, 53, and 55 of this title.

* * *

Sec. 22. 13 V.S.A. § 2575a is added to read:

§ 2575a. ORGANIZED RETAIL THEFT

(a) A person commits the offense of organized retail theft when he or she commits the offense of retail theft pursuant to section 2575 of this title and

acts in concert with one or more persons on one or more occasions within a period of 180 days.

(b) A person who violates subsection (a) of this section shall be sentenced pursuant to sections 52, 53, and 55 of this title. The aggregate retail value of the merchandise obtained shall be used to determine the classification of the offense under section 55 of this title.

Sec. 23. 13 V.S.A. § 2577 is amended to read:

§ 2577. PENALTY

~~(a) A person convicted of the offense of retail theft of merchandise having a retail value not in excess of \$900.00 shall be punished by a fine of not more than \$500.00 or imprisonment for not more than six months, or both.~~

~~(b) A person convicted of the offense of retail theft of merchandise having a retail value in excess of \$900.00 shall be punished by a fine of not more than \$1,000.00 or imprisonment for not more than 10 years, or both.~~

~~(c) Notwithstanding the provisions of subsections (a) and (b) of this section, a person convicted of retail theft pursuant to:~~

~~(1) Subdivision 2575(4) of this title shall be imprisoned not more than two years or fined not more than \$1,000.00, or both.~~

~~(2) Subdivision 2575(5), (6), or (7) of this title shall be imprisoned for not more than 10 years or fined not more than \$5,000.00, or both shall be sentenced pursuant to sections 52, 53, and 55 of this title.~~

Sec. 24. 13 V.S.A. § 2582 is amended to read:

§ 2582. THEFT OF SERVICES

(a) A person who purposely obtains services that he or she knows are available only for compensation, by deception or threat, or by false token or other means to avoid payment for the service shall ~~if the services exceed \$900.00 in value be imprisoned for not more than 10 years or fined not more than \$5,000.00, or both. Otherwise, a person who violates a provision of this subsection shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both~~ be sentenced pursuant to sections 52, 53, and 55 of this title. Where compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels, restaurants, and transportation, refusal to pay or absconding without payment or offer to pay gives rise to a rebuttable presumption that the service was obtained by deception as to intention to pay.

(b) A person who, having control over the disposition of services of others, to which he or she is not entitled, knowingly diverts such services to the person's own benefit or to the benefit of another not entitled thereto shall ~~if the services exceed \$900.00 in value be imprisoned for not more than 10 years or fined not more than \$5,000.00, or both. Otherwise a person who violates a provision of this subsection shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both~~ be sentenced pursuant to sections 52, 53, and 55 of this title.

Sec. 25. 13 V.S.A. § 2591 is amended to read:

§ 2591. THEFT OF RENTED PROPERTY

(a) A person who converts to his or her own use any personal property, other than a motor vehicle leased or rented pursuant to a written agreement that has been entrusted to the person under an agreement in writing that provides for the delivery of that personal property to a particular person or place or at a particular time, abandons it, or refuses or neglects to deliver it to the person or place and at the time specified in the written agreement, or who destroys, secretes, appropriates, converts, sells, or attempts to sell all or any part of it, or who removes or permits or causes it to be removed from this State, without the consent of its owner, shall be:

(1) ~~if the value of the property involved is \$900.00 or less, imprisoned not more than six months or fined not more than \$500.00, or both; for a first offense, sentenced pursuant to sections 52, 53, and 55 of this title, provided that the sentence shall not exceed the penalty for a Class C misdemeanor; or~~

(2) ~~if the property involved exceeds \$900.00 in value:~~

(A) ~~imprisoned for not more than two years or fined not more than \$1,000.00, or both; or~~

(B) ~~imprisoned for not more than five years or fined not more than \$5,000.00 if the person has been previously convicted of a violation of this subdivision (a)(2) of this section for a second or subsequent offense, sentenced pursuant to sections 52, 53, and 55 of this title, provided that the sentence shall not exceed the penalty for a Class D felony.~~

* * *

Sec. 26. 13 V.S.A. § 2592 is amended to read:

§ 2592. FAILURE TO RETURN A RENTED OR LEASED MOTOR
VEHICLE

* * *

(b) A person who violates this section ~~shall be imprisoned for not more than three years or fined not more than \$3,000.00, or both~~ commits a Class E felony. If the person has been previously convicted of a violation of this section, the person ~~shall be imprisoned not more than five years or fined not more than \$5,000.00, or both~~ commits a Class D felony.

Sec. 27. 13 V.S.A. § 3016 is amended to read:

§ 3016. FALSE CLAIM

* * *

(b) A person who violates this section ~~shall, if the prohibited act results in no loss to a governmental entity or benefit to the person or results in a loss to a governmental entity or benefit to the person of less than \$500.00 in value, be imprisoned not more than two years or fined not more than \$5,000.00, or both. A person who violates this section shall, if the prohibited act results in a loss to any governmental entity or a benefit to the person of \$500.00 or more in value, whether by a single act or by a common scheme or course of conduct involving one or more transactions, be imprisoned not more than five years or fined not more than \$10,000.00, or both~~ be sentenced pursuant to sections 52, 53, and 55 of this title.

* * *

Sec. 28. 13 V.S.A. § 3606a is amended to read:

§ 3606a. TRESPASS; CRIMINAL PENALTY

(a) No person shall knowingly or recklessly:

(1) cut down, fell, destroy, remove, injure, damage, or carry away any timber or forest product placed or growing for any use or purpose whatsoever, or timber or forest product lying or growing belonging to another person, without permission from the owner of the timber or forest product; or

(2) deface the mark of a log, forest product, or other valuable timber in a river or other place.

(b) Any person who violates subsection (a) of this section ~~shall~~:

(1) ~~for a first offense, be imprisoned not more than one year or fined not more than \$20,000.00, or both~~ commits a Class B misdemeanor; or

(2) ~~for a second or subsequent offense, be imprisoned not more than two years or fined not more than \$50,000.00, or both~~ commits a Class A misdemeanor.

Sec. 29. 13 V.S.A. § 3701 is amended to read:

§ 3701. UNLAWFUL MISCHIEF

~~(a) A person who, with intent to damage property, and having no right to do so or any reasonable ground to believe that he or she has such a right, does any damage to any property which is valued in an amount exceeding \$1,000.00 shall be imprisoned for not more than five years or fined not more than \$5,000.00, or both shall be sentenced pursuant to sections 52, 53, and 55 of this title.~~

~~(b) A person who, with intent to damage property, and having no right to do so or any reasonable ground to believe that he or she has such a right, does any damage to any property which is valued in an amount exceeding \$250.00 shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both.~~

~~(c) A person who, having no right to do so or any reasonable ground to believe that he or she has such a right, intentionally does any damage to property of any value not exceeding \$250.00 shall be imprisoned for not more than six months or fined not more than \$500.00, or both.~~

~~(d) A person who, with intent to damage property, and having no right to do so or any reasonable ground to believe that he or she has such a right, does any damage to any property by means of an explosive shall be imprisoned for not more than five years or fined not more than \$5,000.00, or both commits a Class D felony.~~

~~(e)(c) For the purposes of As used in this section “property” means real or personal property.~~

~~(f)(d) A person who suffers damages as a result of a violation of this section may recover those damages together with reasonable attorney’s fees in a civil action under this section.~~

Sec. 30. 13 V.S.A. § 3705 is amended to read:

§ 3705. UNLAWFUL TRESPASS

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

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

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

(C) in the case of abandoned property:

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

(ii) actual communication by a law enforcement officer.

* * *

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

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

* * *

Sec. 31. 13 V.S.A. § 3732 is amended to read:

§ 3732. UNAUTHORIZED REMOVAL OF BOOKS FROM LIBRARY

A person who removes from a free public library, or a free town, village, or traveling library, a book, paper, magazine, document, or other reading matter, or an art book, picture, print, plate, or other art work, kept in such library for public use or circulation, without the consent of the librarian or other person in charge of such library, ~~shall be fined not more than \$50.00 for each offense, half to the use of~~ commits a Class E misdemeanor. One-half of the criminal fine shall be paid to the library from which the same was so removed, and the other half to the use of one-half shall be paid to the treasury liable for the costs of prosecution.

Sec. 32. 13 V.S.A. § 3733 is amended to read:

§ 3733. MILLS, DAMS OR BRIDGES

A person who willfully and maliciously injures, removes, or opens a dam, reservoir, gate, or flume; or injures or removes the wheels, mill gear, or machinery of a water mill; or injures, removes, or destroys a public or toll bridge, ~~shall be imprisoned not more than five years or fined not more than \$500.00, or both~~ commits a Class D felony.

Sec. 33. 13 V.S.A. § 3738 is amended to read:

§ 3738. OBSTRUCTION AND USE OF PRIVATE ROADS AND LANDS
BY MOTOR VEHICLE

(a) A person ~~who~~ shall not, without the permission of the owner or occupant and by use of a motor vehicle as defined in 23 V.S.A. § 4:

(1) ~~obstructs~~ obstruct a private driveway, barway, or gateway; ~~or~~

(2) ~~travels~~ travel over a private road that is so marked, ~~or travels~~ travel over other private lands; or

(3) ~~enters~~ enter on private lands for the purpose of camping; ~~without the permission of the owner or occupant shall be fined not more than \$500.00.~~

(b) A person who violates this section commits a Class E misdemeanor.

Sec. 34. 13 V.S.A. § 3739 is amended to read:

§ 3739. OPERATION OF VEHICLES ON STATE OWNED LAND

(a) A person ~~who operates~~ shall not operate a motor vehicle, as defined in 23 V.S.A. § 4, on any land that is owned or held by the State:

(1) ~~except in places or on trails specifically designated and marked by the Secretary of Natural Resources; or~~

(2) ~~contrary to any rule governing the use of the place or trail shall be fined not more than \$500.00.~~

(3) For the purposes of this section “land owned or held by the State” does not include a highway as defined in 23 V.S.A. § 4.

* * *

(c) A person who violates this section commits a Class E misdemeanor.

Sec. 35. 13 V.S.A. § 3740 is amended to read:

§ 3740. DAMAGE TO STATE LAND

A person who operates a motor vehicle, as defined in 23 V.S.A. § 4, on any land, that is owned or held by the State, in such a manner as to purposely and maliciously cause injury, damage, erosion, or waste to the land ~~shall be fined not more than \$500.00~~ commits a Class E misdemeanor. For the purposes of this section “land” does not include a highway as defined in 23 V.S.A. § 4.

Sec. 36. 13 V.S.A. § 3761 is amended to read:

§ 3761. UNAUTHORIZED REMOVAL OF HUMAN REMAINS

A person who, not being authorized by law, intentionally excavates, disinters, removes, or carries away a human body, or the remains thereof, interred or entombed in this State or intentionally excavates, disinters, removes, or carries away an object interred or entombed with a human body in this State, or knowingly aids in such excavation, disinterment, removal, or carrying away, or is accessory thereto, ~~shall be imprisoned not more than 15 years or fined not more than \$10,000.00, or both~~ commits a Class C felony.

Sec. 37. 13 V.S.A. § 3767 is amended to read:

§ 3767. PENALTIES

(a) A person who violates a provision of sections 3764–3766 of this title ~~shall, except as provided in subsection (b) of this section, be imprisoned not more than five years or fined not more than \$5,000.00, or both~~ commits a Class D felony.

(b) A person who violates subsection 3766(c) of this title ~~shall be imprisoned not more than one year or fined not more than \$500.00, or both~~ commits a Class B misdemeanor.

Sec. 38. 13 V.S.A. § 3771 is amended to read:

§ 3771. DISTURBING A FUNERAL SERVICE

* * *

(b) No person shall disturb or attempt to disturb a funeral service by engaging in picketing within 100 feet of the service within one hour prior to and two hours following the publicly announced time of the commencement of the service.

(c) A person who violates this section ~~shall be imprisoned not more than 30 days or fined not more than \$500.00, or both~~ commits a Class D misdemeanor.

Sec. 39. 13 V.S.A. § 3781 is amended to read:

§ 3781. TAPPING GAS PIPES WITH INTENT TO DEFRAUD

A person who taps gas pipes with intent to take gas therefrom, or who connects pipes with such gas pipes so that gas may be used without passing through the meters for measurement, or who knowingly burns gas without measurement by gas meters, without the consent of the owner, ~~shall be imprisoned not more than one year or fined not more than \$100.00, or both~~ commits a Class B misdemeanor. The owner of the gas may recover of the

person so unlawfully tapping or connecting such pipes or using gas, the actual damages, with costs, in a civil action on this statute.

Sec. 40. 13 V.S.A. § 3782 is amended to read:

§ 3782. TAPPING ELECTRIC LINES; INJURIES TO ELECTRIC PLANTS

A person who willfully commits or causes to be committed an act with intent to injure a machine, apparatus, or structure appertaining to the works of a person, firm, association, or corporation engaged in manufacturing, selling, or distributing electrical energy in this State, or whereby such works may be stopped, obstructed, or injured, or who taps an electrical line of a person, firm, association, or corporation so that electricity can be taken therefrom, or knowingly uses electricity taken from such line without the consent of such person, firm, association, or corporation, ~~shall be imprisoned not more than two years or fined not more than \$300.00, or both~~ commits a Class A misdemeanor. Such person shall also be liable to such person, firm, association, or corporation or to anyone injured for actual damages, with full costs, in a civil action on this statute.

Sec. 41. 13 V.S.A. § 3784 is amended to read:

§ 3784. INTERFERING WITH METERS

A person, other than an authorized agent or employee acting for the owner, manufacturer, or operator thereof, who maliciously opens, closes, breaks into, or in any manner adjusts or interferes with a meter, or other regulating or measuring device or appliance attached to or connected with wires, pipe lines, mains, service pipes, or house pipes owned or used by a manufacturer or furnisher of electricity, gas, or water ~~shall be imprisoned not more than three months or fined not more than \$100.00, or both~~ commits a Class D misdemeanor.

Sec. 42. 13 V.S.A. § 3785 is amended to read:

§ 3785. INJURING LIGHTS IN STREETS AND PUBLIC BUILDINGS

A person who willfully and maliciously breaks the glass about a street lamp or gaslight, or a lamp or gaslight in the grounds about a public building, or, without authority, lights such a lamp or gaslight or extinguishes the same when lighted, or in any manner interferes therewith, or injures any part of the fixtures supporting such lamp or gaslight, or defaces the same by painting or posting notices thereon, or fastens a horse or animal thereto, ~~shall be imprisoned not more than three months or fined not more than \$50.00, or both~~ commits a Class D misdemeanor.

Sec. 43. 13 V.S.A. § 3786 is amended to read:

§ 3786. TAPPING CABLE TELEVISION SYSTEMS; DAMAGE TO
EQUIPMENT

A person who willfully or maliciously damages, or causes to be damaged, any wire, cable, conduit, apparatus, or equipment of a company operating a cable television system, as defined in 30 V.S.A. § 501, or who commits any act with intent to cause damage to any wire, cable, conduit, apparatus, or equipment of a company operating such a system, or who taps, tampers with, or connects any wire or device to the equipment of the cable television company that would degrade the service rendered without authorization of the company ~~may be fined not more than \$100.00~~ commits a Class E misdemeanor and shall be liable in a civil action for three times the actual amount of damages sustained thereby.

Sec. 44. 13 V.S.A. § 3831 is amended to read:

§ 3831. CUTTING ICE AND NOT FENCING HOLE

A person who takes ice from water over which people are accustomed to pass and does not place around the opening thereby made in the ice suitable guards to prevent a person, team, or vehicle from falling into such hole or opening ~~shall be fined not more than \$50.00~~ commits a Class E misdemeanor.

Sec. 45. 13 V.S.A. § 3833 is amended to read:

§ 3833. UNLAWFUL TAKING OF TANGIBLE PERSONAL PROPERTY;
PENALTY

A person who, without the consent of the owner, takes and carries away or causes to be taken and carried away any tangible personal property with the intent of depriving the owner temporarily of the lawful possession of his or her property ~~shall be fined not more than \$100.00~~ commits a Class E misdemeanor. This section shall not be construed to limit or restrict prosecutions for larceny or theft.

Sec. 46. 13 V.S.A. § 3834 is amended to read:

§ 3834. REMOVAL OF SURVEYING MONUMENTS

A person who knowingly removes or alters monuments marking the boundary of lands or knowingly defaces, alters, or removes marks upon any tree, post, or stake that is a monument designating a point, course, or line in the boundary of a parcel of land ~~shall be fined \$100.00~~ commits a Class E misdemeanor and shall be civilly liable for the replacement cost and any consequential damages. However, land surveyors in their professional practice may perpetuate such monumentation by adding additional marks, or by

remonumenting nonsubstantial monuments or by the placing of new monuments to preserve monuments to be destroyed or made inaccessible.

Sec. 47. 13 V.S.A. § 4102 is amended to read:

§ 4102. UNAUTHORIZED ACCESS

A person who knowingly and intentionally and without lawful authority, accesses any computer, computer system, computer network, computer software, computer program, or data contained in such computer, computer system, computer program, or computer network ~~shall be imprisoned not more than six months or fined not more than \$500.00, or both~~ commits a Class C misdemeanor.

Sec. 48. 13 V.S.A. § 4103 is amended to read:

§ 4103. ACCESS TO COMPUTER FOR FRAUDULENT PURPOSES

* * *

(b) Penalties. A person convicted of the crime of access to computer for fraudulent purposes shall be:

~~(1) if the value of the matter involved does not exceed \$500.00, imprisoned not more than one year or fined not more than \$500.00, or both;~~

~~(2) if the value of the matter involved does not exceed \$500.00, for a second or subsequent offense, imprisoned not more than two years or fined not more than \$1,000.00, or both; or~~

~~(3) if the value of the matter involved exceeds \$500.00, imprisoned not more than 10 years or fined not more than \$10,000.00, or both~~ sentenced pursuant to sections 52, 53, and 55 of this title.

Sec. 49. 13 V.S.A. § 4104 is amended to read:

§ 4104. ALTERATION, DAMAGE, OR INTERFERENCE

(a) A person shall not intentionally and without lawful authority, alter, damage, or interfere with the operation of any computer, computer system, computer network, computer software, computer program, or data contained in such computer, computer system, computer program, or computer network.

(b) Penalties. A person convicted of violating this section shall be:

~~(1) if the damage or loss does not exceed \$500.00 for a first offense, imprisoned not more than one year or fined not more than \$5,000.00, or both;~~

~~(2) if the damage or loss does not exceed \$500.00 for a second or subsequent offense, imprisoned not more than two years or fined not more than \$10,000.00, or both; or~~

~~(3) if the damage or loss exceeds \$500.00, imprisoned not more than 10 years or fined not more than \$25,000.00, or both sentenced pursuant to sections 52, 53, and 55 of this title.~~

Sec. 50. 13 V.S.A. § 4105 is amended to read:

§ 4105. THEFT OR DESTRUCTION

(a)(1) A person shall not intentionally and without claim of right deprive the owner of possession, take, transfer, copy, conceal, or retain possession of, or intentionally and without lawful authority, destroy any computer system, computer network, computer software, computer program, or data contained in such computer, computer system, computer program, or computer network.

(2) Copying a commercially available computer program or computer software is not a crime under this section, provided that the computer program and computer software has a retail value of \$500.00 or less and is not copied for resale.

(b) Penalties. A person convicted of violating this section shall be:

~~(1) if the damage or loss does not exceed \$500.00 for a first offense, imprisoned not more than one year or fined not more than \$5,000.00, or both;~~

~~(2) if the damage or loss does not exceed \$500.00 for a second or subsequent offense, imprisoned not more than two years or fined not more than \$10,000.00, or both; or~~

~~(3) if the damage or loss exceeds \$500.00, imprisoned not more than 10 years or fined not more than \$25,000.00, or both sentenced pursuant to sections 52, 53, and 55 of this title.~~

Sec. 51. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

(Committee Vote: 11-0-0)

ACTION CALENDAR

Favorable with Amendment

H. 46

An act relating to miscellaneous provisions of mental health law

Rep. Donahue of Northfield, for the Committee on Health Care, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 7503 is amended to read:

§ 7503. APPLICATION FOR VOLUNTARY ADMISSION

* * *

(b) Before the person may be admitted as a voluntary patient, he or she shall give his or her consent in writing on a form adopted by the Department. The consent shall include a representation that:

(1) the person understands that his or her treatment will involve inpatient status;

(2) ~~that he or she~~ the person desires to be admitted to the hospital, ~~and;~~

(3) ~~that he or she~~ the person consents to admission voluntarily, without any coercion or duress; ~~and~~

(4) the person understands that inpatient treatment may be on a locked unit and a requested discharge may be deferred if the treating physician determines that the person is a person in need of treatment pursuant to section 7101 of this title.

* * *

Sec. 2. 18 V.S.A. § 7701 is amended to read:

§ 7701. NOTICE OF RIGHTS

The head of a hospital shall provide reasonable means and arrangements, including the posting of excerpts from relevant statutes, for informing patients of their right to discharge and other rights and for assisting them in making and presenting requests for discharge or for application to have the patient's status changed from involuntary to voluntary.

Sec. 3. 18 V.S.A. § 7703 is amended to read:

§ 7703. TREATMENT

* * *

(b) The Department shall establish minimum standards for adequate treatment as provided in this section, including requirements that, when possible, psychiatric unit staff be used as the primary source to implement emergency involuntary procedures such as seclusion and restraint. The Department shall oversee and collect information and report on data regarding the use of emergency involuntary procedures for patients admitted to a psychiatric unit regardless of whether the patient is under the care and custody of the Commissioner.

Sec. 4. 2018 Acts and Resolves No. 200, § 7 is amended to read:

Sec. 7. DATA COLLECTION AND REPORT; PATIENTS SEEKING
MENTAL HEALTH CARE IN HOSPITAL SETTINGS

(a) Pursuant to the authority granted to the Commissioner of Mental Health under 18 V.S.A. § 7401, the Commissioner shall collect the following information from hospitals in the State that have either an inpatient psychiatric unit or emergency department receiving patients with psychiatric health needs:

(1) the number of individuals seeking psychiatric care voluntarily and the number of individuals in the custody or temporary custody of the Commissioner who are admitted to inpatient psychiatric units and the corresponding lengths of stay on the unit; and

(2) the lengths of stay in emergency departments for individuals seeking psychiatric care voluntarily and for individuals in the custody or temporary custody of the Commissioner; ~~and~~

~~(3) data regarding emergency involuntary procedures performed in an emergency department on individuals seeking psychiatric care.~~

(b) On or before January 15 of each year between ~~2019 and 2021~~ 2021 and 2023, the Commissioner of Mental Health shall submit a written report to the House Committee on Health Care and to the Senate Committee on Health and Welfare containing the data collected pursuant to subsection (a) of this section during the previous calendar year.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

(Committee Vote: 10-0-1)

H. 104

An act relating to allowing certain licensed out-of-state mental health professionals to treat Vermont patients using telemedicine

Rep. Peterson of Clarendon, for the Committee on Health Care, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FACILITATION OF INTERSTATE PRACTICE USING
TELEHEALTH WORKING GROUP; REPORT

(a) Creation. There is created the Facilitation of Interstate Practice Using Telehealth Working Group to compile and evaluate methods for facilitating

the practice of health care professionals throughout the United States using telehealth modalities.

(b) Membership. The Working Group shall be composed of the following members:

(1) the Director of the Office of Professional Regulation;

(2) representatives of the health care professions associated with the Office of Professional Regulation, selected by their respective licensing board or by the Director;

(3) the Executive Director of the Board of Medical Practice;

(4) representatives of the health care professions licensed by the Board of Medical Practice, selected by the Commissioner of Health;

(5) representatives of health care professional organizations;

(6) representatives of health insurers; and

(7) other interested stakeholders.

(c) Powers and duties. The Working Group shall compile and evaluate methods for facilitating the interstate practice of health care professionals using telehealth modalities, including through the creation of telehealth licenses, waiver of licensure, national licensure compacts, and regional reciprocity agreements. In evaluating potential options for implementation in Vermont, the Working Group shall consider the following issues:

(1) impacts and ethical considerations related to patient care and continuity of care;

(2) whether to limit to health care professionals with preexisting patient relationships;

(3) impacts on State regulatory oversight and enforcement, including the fiscal impacts;

(4) effects on prescribing;

(5) differences between the various states and U.S. territories in scopes of practice, qualifications, regulation, and enforcement;

(6) different policy options for facilitating interstate practice, including the potential for reciprocity with health care professionals licensed in Vermont;

(7) whether to explore the international practice of health care professionals using telehealth; and

(8) other issues relevant to facilitating the interstate practice of health care professionals.

(d) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Office of Professional Regulation.

(e) Report. On or before December 15, 2021, the Director of the Office of Professional Regulation shall provide the Working Group's findings and recommendations to the House Committees on Health Care and on Government Operations and the Senate Committees on Health and Welfare and on Government Operations.

(f) Meetings. The Director of the Office of Professional Regulation shall convene and serve as the chair of the Working Group and shall call the first meeting to occur on or before July 1, 2021.

Sec. 2. 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 considerations in facilitating the interstate practice of health care professionals using telehealth"

(Committee Vote: 10-0-1)

H. 149

An act relating to modernizing statutes related to the Vermont National Guard

Rep. Murphy of Fairfax, for the Committee on General; Housing; and Military Affairs, recommends the bill be amended as follows:

By striking out Sec. 72, effective date, in its entirety and inserting in lieu thereof Secs. 72 and 73 to read as follows:

Sec. 72. 21 V.S.A. § 491 is amended to read:

§ 491. ABSENCE ON MILITARY SERVICE AND TRAINING;

EMPLOYMENT AND REEMPLOYMENT RIGHTS

(a)(1) Any duly qualified member of the Reserve Components of the U.S. Armed Forces, of the Ready Reserve, or an organized unit of the Vermont National Guard or the National Guard of another state shall ~~upon~~, when called to state or federal service, receive the same benefits, privileges, and protections in employment regardless of the activation authority or location of service.

(2)(A) Upon request, a duly qualified member of the Reserve Components of the U.S. Armed Forces, of the Ready Reserve, or the Vermont

~~National Guard or the National Guard of another state shall be entitled to leaves of absence for a total of 15 days in any calendar year for the purpose of engaging a leave of absence to engage in military drill, training, or other temporary duty under military authority pursuant to state or federal military orders.~~

~~(B) A member of the Vermont National Guard or the National Guard of any state or territory who is ordered to state active duty shall be subject to the requirements of and entitled to the rights, privileges, benefits, and protections provided by the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4301-4335.~~

~~(C) A leave of absence shall be with or without pay as determined by the employer. Upon completion of the military drill, training, or other temporary duty under military authority, a permanent employee shall be reinstated in that position with the same status, pay, and seniority, including seniority that accrued during the period of absence.~~

(b) A member of or an applicant for membership in the National Guard in either federal or state status as defined in 20 V.S.A. §§ 366, and 601, ~~or 602~~, shall not be denied initial employment, reemployment, retention of employment, promotion, or any benefit of employment by an employer on the basis of membership, application for membership, performance of service, application for service, or obligation to serve.

* * *

Sec. 73. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

(Committee Vote: 11-0-0)

NOTICE CALENDAR

Committee Bill for Second Reading

H. 428

An act relating to hate-motivated crimes and misconduct.

(Rep. Christie of Hartford will speak for the Committee on Judiciary.)

Favorable with Amendment

H. 145

An act relating to amending the standards for law enforcement use of force

Rep. LaLonde of South Burlington, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 20 V.S.A. § 2368 is added to read:

§ 2368. STANDARDS FOR LAW ENFORCEMENT USE OF FORCE

(a) Definitions. As used in this section:

(1) “Chokehold” means the use of any maneuver on a person that employs a lateral vascular neck restraint, carotid restraint, or other action that applies any pressure to the throat, windpipe, or neck in a manner that limits the person’s breathing or blood flow.

(2) “Deadly force” means any use of force that creates a substantial risk of causing death or serious bodily injury.

(3) “Force” means the physical coercion employed by a law enforcement officer to compel a person’s compliance with the officer’s instructions.

(4) “Imminent threat of death or serious bodily injury” means when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the law enforcement officer or another person. An imminent threat is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be immediately addressed and confronted.

(5) “Law enforcement officer” has the same meaning as in 20 V.S.A. § 2351a.

(6) “Totality of the circumstances” means the conduct and decisions of the law enforcement officer leading up to the use of force and all facts known to the law enforcement officer at the time, including the conduct of the person or persons involved.

(b) Use of force.

(1) Whether the decision by a law enforcement officer to use force was objectively reasonable shall be evaluated from the perspective of a reasonable

officer in the same situation, based on the totality of the circumstances. A law enforcement officer's failure to use feasible and reasonable alternatives to force shall be a consideration for whether its use was objectively reasonable.

(2) A law enforcement officer shall use only the force objectively reasonable, necessary, and proportional to effect an arrest, to prevent escape, or to overcome resistance of a person the officer has reasonable cause to believe has committed a crime or to achieve any other lawful law enforcement objective.

(3) The authority of law enforcement to use physical force is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. Every person has a right to be free from excessive use of force by officers acting under authority of the State.

(4) The decision by a law enforcement officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by law enforcement officers, in order to ensure that officers use force consistent with law and with agency policies.

(5) When a law enforcement officer knows that a subject's conduct is the result of a medical condition, mental impairment, developmental disability, physical limitation, language barrier, drug or alcohol impairment, or other factor beyond the subject's control, the officer shall take that information into account in determining the amount of force appropriate to use on the subject, if any.

(6) A law enforcement officer who makes or attempts to make an arrest need not retreat or desist from his or her efforts by reason of the resistance or threatened resistance of the person being arrested. A law enforcement officer shall not be deemed an aggressor or lose the right to self-defense by the use of proportional force if necessary in compliance with subdivision (2) of this subsection to effect the arrest or to prevent escape or to overcome resistance. For the purposes of this subdivision, "retreat" does not mean tactical repositioning or other de-escalation tactics.

(7) A law enforcement officer has a duty to intervene when the officer observes another officer using a chokehold on a person.

(c) Use of deadly force.

(1) A law enforcement officer is justified in using deadly force upon another person only when, based on the totality of the circumstances, such force is objectively reasonable and necessary to:

(A) defend against an imminent threat of death or serious bodily injury to the officer or to another person; or

(B) apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

(2) The use of deadly force is necessary when, given the totality of the circumstances, an objectively reasonable law enforcement officer in the same situation would conclude that there was no reasonable alternative to the use of deadly force that would prevent death or serious bodily injury to the officer or to another person.

(3) A law enforcement officer shall cease the use of deadly force as soon as the subject is under the officer's control or no longer poses an imminent threat of death or serious bodily injury to the officer or to another person.

(4) A law enforcement officer shall not use deadly force against a person based on the danger that person poses to himself or herself if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the law enforcement officer or to another person.

(5) When feasible, a law enforcement officer shall, prior to the use of force, make reasonable efforts to identify himself or herself as a law enforcement officer and to warn that deadly force may be used.

(6) A law enforcement officer shall not use a chokehold on a person unless deadly force is justified pursuant to subdivisions (1)–(4) of this subsection.

Sec. 2. 13 V.S.A. § 1032 is amended to read:

§ 1032. LAW ENFORCEMENT USE OF PROHIBITED RESTRAINT

CHOKEHOLDS

(a) As used in this section:

(1) “Law enforcement officer” ~~shall have~~ has the same meaning as in 20 V.S.A. § 2351a.

(2) ~~“Prohibited restraint” means the use of any maneuver on a person that applies pressure to the neck, throat, windpipe, or carotid artery that may prevent or hinder breathing, reduce intake of air, or impede the flow of blood or oxygen to the brain~~ “Chokehold” means the use of any maneuver on a

person that employs a lateral vascular neck restraint, carotid restraint, or other action that applies any pressure to the throat, windpipe, or neck in a manner that limits the person's breathing or blood flow.

(3) "Serious bodily injury" shall ~~have~~ has the same meaning as in section 1021 of this title.

(b) A law enforcement officer acting in the officer's capacity as law enforcement who employs a ~~prohibited restraint~~ chokehold on a person that causes serious bodily injury to or death of the person shall be imprisoned for not more than 20 years or fined not more than \$50,000.00, or both.

Sec. 3. 20 V.S.A. § 2358(g) is amended to read:

(g) The Council shall not offer or approve any training on the use of a ~~prohibited restraint~~ chokehold as defined in section 2401 of this chapter, except for training designed to identify and prevent the use of ~~prohibited restraints~~ chokeholds.

Sec. 4. 13 V.S.A. § 2305 is amended to read:

§ 2305. JUSTIFIABLE HOMICIDE

If a person kills or wounds another under any of the circumstances enumerated below, he or she shall be guiltless:

(1) in the just and necessary defense of ~~his or her~~ the person's own life or the life of ~~his or her husband, wife~~ the person's spouse, parent, child, ~~brother, sister, master, mistress, servant~~ sibling, guardian, or ward; or

(2) in the forceful or violent suppression of a person attempting to commit murder, sexual assault, aggravated sexual assault, burglary, or robbery; ~~with force or violence~~; or

(3) in the case of a ~~civil officer; or a military officer or private soldier~~ when lawfully called out to suppress riot or rebellion, or to prevent or suppress invasion, or to assist in serving legal process, in suppressing opposition against him or her in the just and necessary discharge of his or her duty law enforcement officer as defined in 20 V.S.A. § 2351(a) using force in compliance with 20 V.S.A. § 2368(b)(1), (2), and (5) or deadly force in compliance with 20 V.S.A. § 2368(c)(1)–(4) and (6).

Sec. 5. 20 V.S.A. § 2401 is amended to read:

§ 2401. DEFINITIONS

As used in this subchapter:

* * *

(2) “Category B conduct” means gross professional misconduct amounting to actions on duty or under authority of the State, or both, that involve willful failure to comply with a State-required policy or substantial deviation from professional conduct as defined by the law enforcement agency’s policy or if not defined by the agency’s policy, then as defined by Council policy, and shall include:

(A) sexual harassment involving physical contact or misuse of position;

(B) misuse of official position for personal or economic gain;

(C) excessive use of force under authority of the State, first offense;

(D) biased enforcement;

(E) use of electronic criminal records database for personal, political, or economic gain;

(F) placing a person in a ~~prohibited restraint~~ chokehold;

(G) failing to intervene and report to a supervisor when the officer observes another officer placing a person in a ~~prohibited restraint~~ chokehold or using excessive force.

* * *

(7) ~~“Prohibited restraint” means the use of any maneuver on a person that applies pressure to the neck, throat, windpipe, or carotid artery that may prevent or hinder breathing, reduce intake of air, or impede the flow of blood or oxygen to the brain~~ “Chokehold” means the use of any maneuver on a person that employs a lateral vascular neck restraint, carotid restraint, or other action that applies any pressure to the throat, windpipe, or neck in a manner that limits the person’s breathing or blood flow.

Sec. 6. 20 V.S.A. § 2407 is amended to read:

§ 2407. LIMITATION ON COUNCIL SANCTIONS; FIRST OFFENSE OF
CATEGORY B CONDUCT

(a) Category B conduct; first offense. If a law enforcement agency conducts a valid investigation of a complaint alleging that a law enforcement officer committed a first offense of Category B conduct, the Council shall take no action, except that the Council may take action for a first offense under subdivision 2401(2)(C) (excessive use of force under authority of the State), 2401(2)(F) (placing a person in a ~~prohibited restraint~~ chokehold), or 2401(2)(G) (failing to intervene and report to a supervisor when an officer

observes another officer placing a person in a ~~prohibited restraint~~ chokehold or using excessive force) of this chapter.

* * *

Sec. 7. 2020 Acts and Resolves No. 165, Sec. 5 is amended to read:

Sec. 5. EFFECTIVE DATES

(a) Sec. 1 (standards for law enforcement use of force) ~~and Sec. 2 (justifiable homicide)~~ shall take effect on July 1, 2021.

(b) Sec. 2 (justifiable homicide) shall take effect on September 1, 2021.

(c) The remainder of this act shall take effect on passage.

Sec. 8. REPEAL

2020 Acts and Resolves No. 165, Sec. 1 (standards for law enforcement use of force) is repealed.

Sec. 9. EFFECTIVE DATES

(a) This section and Sec. 8 (repeal) shall take effect on July 1, 2021.

(b) The remainder of this act shall take effect on September 1, 2021.

(Committee Vote: 11-0-0)

H. 153

An act relating to Medicaid reimbursement rates for home- and community-based service providers

Rep. Wood of Waterbury, for the Committee on Human Services, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 900 is amended to read:

§ 900. DEFINITIONS

~~Unless otherwise required by the context, the words and phrases in this chapter shall be defined as follows~~ As used in this chapter:

* * *

(7) “Home- and community-based services” means long-term services and supports provided to older adults and adults with physical disabilities in a home or community setting other than a nursing home, including enhanced residential care services, pursuant to the Choices for Care component of Vermont’s Global Commitment to Health Section 1115 Medicaid demonstration or a successor program. “Home- and community-based

services” also includes non-Choices for Care home health and hospice services, adult day rehabilitation services, assistive community care services, and services for individuals with traumatic brain injury.

Sec. 2. 33 V.S.A. § 911 is added to read:

§ 911. PAYMENT RATES FOR PROVIDERS OF HOME- AND
COMMUNITY-BASED SERVICES

(a) The Secretary of Human Services shall establish payment rates for providers of home- and community-based services that are reasonable and adequate to achieve the required outcomes for the populations they serve. When establishing payment rates for home- and community-based service providers, the Secretary shall adjust the rates to take into account factors that include:

(1) the reasonable cost of any governmental mandate that has been enacted, adopted, or imposed by any State or federal authority; and

(2) a cost adjustment factor to reflect changes in reasonable costs of goods to and services of providers of home- and community-based services, including those attributed to inflation and labor market dynamics.

(b) When establishing rates of payment for providers of home- and community-based services, the Secretary may consider geographic differences in wages, benefits, housing, and real estate costs in each region of the State.

(c) The Secretary shall adopt rules setting forth the methodology for establishing payment rates for providers of home- and community-based services in accordance with this section. The rules shall include a process for determining an annual inflationary rate adjustment, shall set forth a predictable timeline for redetermination of base rates, and shall use Vermont labor market rates and Vermont costs of operation.

Sec. 3. 18 V.S.A. § 8914 is amended to read:

§ 8914. RATES OF PAYMENTS TO DESIGNATED AND SPECIALIZED
SERVICE AGENCIES

* * *

(c) The Secretary shall adopt rules setting forth the methodology for establishing payment rates for services provided by designated and specialized service agencies to individuals with mental conditions, individuals with substance use disorders, and individuals with developmental or intellectual disabilities in accordance with this section. The rules shall include a process for determining an annual inflationary rate adjustment, shall set forth a

predictable timeline for redetermination of base rates, and shall use Vermont labor market rates and Vermont costs of operation.

Sec. 4. HOME- AND COMMUNITY-BASED SERVICE PROVIDER
RATE STUDY; REPORT

(a) The Department of Vermont Health Access, in collaboration with the Departments of Disabilities, Aging, and Independent Living, of Health, and of Mental Health, shall conduct a rate study of the Medicaid reimbursement rates paid to providers of home- and community-based services, as defined in 33 V.S.A. § 900, and providers of substance use disorder treatment services, including their adequacy and the methodologies underlying the rates. As part of the rate study, the Department of Vermont Health Access shall:

(1) delineate a reasonable and predictable schedule for Medicaid rates and rate updates;

(2) identify ways to align Medicaid reimbursement methodologies and rates for providers of home- and community-based services with those of other payers, to the extent such other methodologies and rates exist; and

(3) determine ways to limit the number of methodological exceptions.

(b) On or before January 15, 2022, the Department of Vermont Health Access, in collaboration with the Departments of Disabilities, Aging, and Independent Living, of Health, and of Mental Health, shall report the results of the rate study conducted pursuant to this section and their findings and recommendations to the House Committees on Human Services and on Appropriations, the Senate Committees on Health and Welfare and on Appropriations, and the Secretary of Human Services.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage, with the rules adopted by the Secretary of Human Services pursuant to Secs. 2 (33 V.S.A. § 911) and 3 (18 V.S.A. § 8914) taking effect on July 1, 2022 for rates effective beginning in fiscal year 2023.

(Committee Vote: 11-0-0)

H. 154

An act relating to the failure of municipal officers to accept office

Rep. Vyhovsky of Essex, for the Committee on Government Operations, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 24 V.S.A. § 961 is amended to read:

§ 961. VACANCY OR SUSPENSION OF OFFICER'S DUTIES

(a) When a ~~town~~ municipal officer resigns ~~his or her~~ the officer's office, or has been removed ~~therefrom~~ from the office, or dies, or becomes unable to perform ~~his or her~~ the officer's duties due to a mental condition or psychiatric disability, or removes from town, ~~such~~ the office shall become vacant. Notice of this vacancy shall be posted by the legislative body in at least two public places in the ~~town~~ municipality, and in and near the ~~town~~ municipal clerk's office, within 10 days of the creation of the vacancy.

(b) In the event there are so many vacancies on the ~~selectboard~~ legislative body that a quorum cannot be achieved, the remaining ~~selectperson~~ member or ~~selectpersons~~ members of the legislative body shall be authorized to draw orders for payment of continuing obligations and necessary expenses until the vacancies are filled pursuant to section 963 of this title.

* * *

(d) When a municipal officer refuses or neglects within 30 days of election or appointment to take an oath of office pursuant to section 831 of this title, the office shall become vacant. However, the office shall not be deemed vacant until the legislative body of the municipality has warned a regular meeting for that purpose and affords the municipal officer the opportunity to take the oath of office at the meeting.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

(Committee Vote: 11-0-0)

H. 157

An act relating to registration of construction contractors

Rep. Troiano of Stannard, for the Committee on General, Housing, and Military Affairs, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds that:

(1) There is currently no master list of residential construction contractors operating in the State.

(2) There is no standard process for determining or adjudicating construction contract fraud complaints either on the part of contractors or consumers.

(3) Public authorities have no mechanism to contact all contractors when necessary to provide updates to public health requirements, safe working protocols, codes and standards, and available trainings and certifications.

(4) Wide dissemination of information on codes, standards, and trainings is vital to improving construction techniques throughout the State's construction industry. Since building thermal conditioning represents over one-quarter of the State's greenhouse gas emissions, improving energy performance is a key strategy for meeting the requirements of the Global Warming Solutions Act, 2020 Acts and Resolves No. 153.

(5) While registration is not licensure and confers no assurance of competence, consumers have no way of knowing whether a contractor is operating legally or has been subject to civil claims or disciplinary actions.

(6) A noncommercial, standardized public listing will provide contractors an opportunity to include in their record optional third-party, State-sanctioned certifications.

Sec. 2. 3 V.S.A. § 122 is amended to read:

§ 122. OFFICE OF PROFESSIONAL REGULATION

The Office of Professional Regulation is created within the Office of the Secretary of State. The Office of Professional Regulation shall have a director who ~~shall be~~ is an exempt employee appointed by the Secretary of State ~~and shall be an exempt employee.~~ The following boards or professions are attached to the Office of Professional Regulation:

* * *

(50) Residential Contractors

Sec. 3. 26 V.S.A. chapter 107 is added to read:

CHAPTER 107. RESIDENTIAL CONTRACTORS

Subchapter 1. General Provisions

§ 5501. REGISTRATION REQUIRED

(a) A person shall register with the Office of Professional Regulation prior to contracting with a homeowner to perform residential construction in exchange for consideration of more than \$2,500.00, including labor and materials.

(b) Unless otherwise exempt under section 5502 of this title, as used in this chapter, “residential construction” means to build, demolish, or alter a residential dwelling unit, or a building or premises with four or fewer residential dwelling units, in this State, and includes interior and exterior construction, renovation, and repair; painting; paving; roofing; weatherization; installation or repair of heating, plumbing, electrical, water, or wastewater systems; and other activities the Office specifies by rule consistent with this chapter.

§ 5502. EXEMPTIONS

This chapter does not apply to:

(1) an employee acting within the scope of his or her employment for a business organization registered under this chapter;

(2) a professional engineer, licensed architect, or a tradesperson licensed by the Department of Public Safety acting within the scope of his or her license;

(3) delivery or installation of consumer appliances, audio-visual equipment, telephone equipment, or computer network equipment;

(4) landscaping;

(5) work on a structure that is not attached to a residential building; or

(6) work that would otherwise require registration that a person performs in response to an emergency, provided the person applies for registration within a reasonable time after performing the work.

§ 5503. MANDATORY REGISTRATION AND VOLUNTARY

CERTIFICATION DISTINGUISHED

(a)(1) The system of mandatory registration established by this chapter is intended to protect against fraud, deception, breach of contract, and violations of law, but is not intended to establish standards for professional qualifications or workmanship that is otherwise lawful.

(2) The provisions of 3 V.S.A. § 129a, with respect to a registration, shall be construed in a manner consistent with the limitations of this subsection.

(b) The system of voluntary certification established in this chapter is intended to provide consumers and contractors with a publicly available, noncommercial venue for contractors to list optional approved certifications. The Director of Professional Regulation, in consultation with public safety

officials and recognized associations or boards of builders, remodelers, architects, and engineers, may:

(1) adopt rules providing for the issuance of voluntary certifications, as defined in subdivision 3101a(1) of this title, that signify demonstrated competence in particular subfields and specialties related to residential construction;

(2) establish minimum qualifications, and standards for performance and conduct, necessary for certification; and

(3) discipline a certificant for violating adopted standards or other law, with or without affecting the underlying registration.

Subchapter 2. Administration

§ 5505. DUTIES OF THE DIRECTOR

(a) The Director of Professional Regulation shall:

(1) provide information to the public concerning registration, certification, appeal procedures, and complaint procedures;

(2) administer fees established under this chapter;

(3) receive applications for registration or certification, issue registrations and certifications to applicants qualified under this chapter, deny or renew registrations or certifications, and issue, revoke, suspend, condition, and reinstate registrations and certifications as ordered by an administrative law officer; and

(4) prepare and maintain a registry of registrants and certificants.

(b) The Director, after consultation with an advisor appointed pursuant to section 5506 of this title, may adopt rules to implement this chapter.

§ 5506. ADVISORS

(a) The Secretary of State shall appoint two persons pursuant to 3 V.S.A. § 129b to serve as advisors in matters relating to residential contractors and construction.

(b) To be eligible to serve, an advisor shall:

(1) register under this chapter;

(2) have at least three years' experience in residential construction immediately preceding appointment; and

(3) remain active in the profession during his or her service.

(c) The Director of Professional Regulation shall seek the advice of the advisors in implementing this chapter.

§ 5507. FEES

A person regulated under this chapter shall pay the following fees at initial application and biennial renewal:

(1) Registration, individual: \$75.00.

(2) Registration, business organization: \$250.00.

(3) State certifications: \$75.00 for a first certification and \$25.00 for each additional certification.

Subchapter 3. Registrations

§ 5508. ELIGIBILITY

To be eligible for registration, the Director of Professional Regulation shall find that the applicant is in compliance with the provisions of this chapter and applicable State law and has satisfied any judgment order related to the provision of professional services to a homeowner.

§ 5509. REQUIREMENTS OF REGISTRANTS

(a) Insurance. A person registered under this chapter shall maintain minimum liability insurance coverage in the amount of \$300,000.00 per claim and \$1,000,000.00 aggregate, evidence of which may be required as a precondition to issuance or renewal of a registration.

(b) Writing.

(1) A person registered under this chapter shall execute a written contract prior to receiving a deposit or commencing residential construction work if the estimated value of the labor and materials exceeds \$2,500.00.

(2) A contract shall specify:

(A) Price. One of the following provisions for the price of the contract:

(i) a maximum price for all work and materials;

(ii) a statement that billing and payment will be made on a time and materials basis, not to exceed a maximum price; or

(iii) a statement that billing and payment will be made on a time and materials basis and that there is no maximum price.

(B) Work dates. Estimated start and completion dates.

(C) Scope of work. A description of the services to be performed and a description of the materials to be used.

(D) Change order provision. A description of how and when amendments to the contract may be approved and recorded.

(3) The parties shall record an amendment to the contract in a signed writing.

(c) Down payment. Unless a contract specifies that billing and payment will be made on a time and materials basis and that there is no maximum price, the contract may require a down payment of up to one-half of the contract price, or of the price of materials, whichever is greater.

§ 5510. PROHIBITIONS AND REMEDIES

(a) A person who does not register pursuant to this chapter when required engages in unauthorized practice pursuant to 3 V.S.A. § 127.

(b) The Office of Professional Regulation may discipline a registrant or certificant for unprofessional conduct as provided in 3 V.S.A. § 129a, except that 3 V.S.A. § 129a(b) does not apply to a registrant.

(c) The following conduct by a registrant, certificant, applicant, or person who later becomes an applicant constitutes unprofessional conduct:

(1) failure to enter into a written contract when required by this chapter;

(2) failure to maintain liability or workers' compensation insurance as required by law;

(3) committing a deceptive act in commerce in violation of 9 V.S.A. § 2453;

(4) falsely claiming certification under this chapter, provided that this subdivision does not prevent accurate and nonmisleading advertising or statements related to credentials that are not offered by this State; and

(5) selling or fraudulently obtaining or furnishing a certificate of registration, certification, license, or any other related document or record, or assisting another person in doing so, including by reincorporating or altering a trade name for the purpose or with the effect of evading or masking revocation, suspension, or discipline against a registration issued under this chapter.

Sec. 4. IMPLEMENTATION

(a) Notwithstanding any contrary provision of 26 V.S.A. chapter 107:

(1) The initial biennial registration term for residential contractors pursuant to 26 V.S.A. chapter 107 shall begin on April 1, 2022.

(2) The Secretary of State may begin receiving applications for the initial registration term on December 1, 2021.

(3)(A) The registration fee for individuals who submit complete registration requests between December 1, 2021 and March 31, 2022 is \$25.00 and between April 1, 2022 and March 31, 2023, the fee is \$50.00.

(B) The registration fee for business organizations that submit complete registration requests between December 1, 2021 and March 31, 2022 is \$175.00 and between April 1, 2022 and March 31, 2023, the fee is \$200.00.

(4) Prior to April 1, 2023, the Office of Professional Regulation shall not take any enforcement action for unauthorized practice under 26 V.S.A. § 5510(a) against a residential contractor who fails to register as required by this act.

(b) On or before July 1, 2022, the Director of Professional Regulation shall establish an initial set of voluntary certifications, to include at minimum OSHA standards on construction projects and components of energy-efficient “green” building for insulators, carpenters, and heating and ventilation installers.

Sec. 5. CREATION OF POSITIONS WITHIN THE OFFICE OF PROFESSIONAL REGULATION; LICENSING.

(a) There are created within the Secretary of State’s Office of Professional Regulation one new position in licensing and one position in enforcement.

(b) Any funding necessary to support the positions created in subsection (a) of this section and the implementation of 26 V.S.A. chapter 107 created in Sec. 2 of this act shall be derived from the Office’s Professional Regulatory Fee Fund and not from the General Fund.

Sec. 6. SECRETARY OF STATE; STATUS REPORT

On or before January 15, 2023, the Office of Professional Regulation shall report to the House Committee on General, Housing and Military Affairs and on Government Operations and to the Senate Committees on Economic Development, Housing and General Affairs and on Government Operations concerning the implementation of 26 V.S.A. chapter 107, including:

(1) the number of registrations and certifications;

(2) the resources necessary to implement the chapter;

(3) the number and nature of any complaints or enforcement actions;
and

(4) any other issues the Office deems appropriate.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

(Committee Vote: 9-2-0)

H. 159

An act relating to creating the Better Places Program

Rep. Marcotte of Coventry, for the Committee on Commerce and Economic Development, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Tourism and Marketing * * *

Sec. 1. TOURISM AND MARKETING; APPROPRIATION

(a) The tourism and hospitality sector has suffered widespread disruption from the COVID-19 pandemic, with restaurant, lodging, entertainment, specialty retail and related businesses, as well as cultural attractions, suffering job losses and an uncertain ability to remain operational due to the travel restrictions imposed and the revenue losses that have been experienced.

(b) When travel is safe again, Vermont will have a strategic opportunity coming out of the pandemic to encourage visitation due our abundance of open space, strong cultural and outdoor recreation assets, and careful management of the virus.

(c) In fiscal year 2022, the amount of \$1,000,000.00 is appropriated from the General Fund to the Department of Tourism and Marketing to promote Vermont's travel, recreation, culinary, arts, culture, agritourism, and heritage experiences to attract visitors, and stimulate visitor spending with local attractions and small businesses in rural communities and throughout the State.

* * * Technology-Based Economic Development * * *

Sec. 2. TECHNOLOGY-BASED ECONOMIC DEVELOPMENT
PROGRAM; APPROPRIATION

(a) In fiscal year 2022, the amount of \$1,000,000.00 is appropriated from the General Fund to the Agency of Commerce and Community Development to design and implement a technology-based economic development program, consistent with the following:

(1) Small business innovation research; small business technical transfer; technical assistance. A total of \$200,000.00 to provide technical assistance to first-time applicants pursuing a federal SBIR or STTR grant.

(2) SBIR; STTR; Phase I and Phase II matching grants. A total of \$400,000.00 to provide a 50 percent State matching grant, up to \$50,000.00, to businesses that receive a federal SBIR/STTR Phase I or Phase II grant.

(3) Industry research partnership program. A total of \$200,000.00 to provide a 100 percent matching grant to Vermont small businesses:

(A) to purchase services and technical assistance from universities and research institutions, including research and development assistance, technology assessments, product prototyping, lab validation, and overcoming development hurdles; and

(B) to establish better relationships among Vermont businesses and higher education researchers, speed time-to-market for new technologies, and help keep Vermont companies relevant in the marketplace.

(4) University of Vermont Office of Engagement. A total of \$200,000.00 for a pass-through grant to the University of Vermont Office of Engagement to leverage the research services and data science capabilities of the University.

* * * Postsecondary CTE System * * *

Sec. 3. 2019 Acts and Resolves No. 80, Sec. 6 is amended to read:

Sec. 6. POSTSECONDARY CAREER AND TECHNICAL EDUCATION
SYSTEM

(a) Findings; purpose.

(1) Findings. The General Assembly finds:

(A) Like many rural states, Vermont faces demographic realities that have resulted in an historically low unemployment rate and created obstacles for employers that seek to hire and retain enough fully trained employees.

(B) Notwithstanding this high employer demand, due to rapidly changing technology and evolving business needs, potential employees may lack the particular skills and training necessary to qualify for available jobs.

(C) In order to assist employers and employees in matching demand to requisite skills, Vermont has a broad diversity of postsecondary workforce education and training programs offered by multiple providers, including programs administered or funded by State government, educational

institutions, and business-lead groups ~~such as the Vermont Talent Pipeline Management Project~~. The State should continue to work closely with these providers to identify and meet the needs of employers and employees.

* * *

(b) Postsecondary CTE System.

(1) The Department of Labor, in collaboration with the Agency of Education, the Vermont State Colleges, and the Vermont Adult Technical Education Association, ~~and any~~ shall:

~~(A) consultant the Department hires for that purpose,~~ issue a request for proposals and hire a consultant on or before September 1, 2021; and

~~(B) shall consider and~~ report to the General Assembly on the design, implementation, and costs of an integrated postsecondary career and technical education system that achieves the results specified in subdivision (a)(2) of this section.

(2) In performing their work, the Department, stakeholders, and ~~any~~ the consultant shall conduct a broad-based stakeholder engagement process to solicit input from interested parties, and State agencies and departments shall provide necessary information and assistance within their relative areas of expertise.

(c) Report. On or before January 15, ~~2020~~ 2022, the Department of Labor shall submit a preliminary report on the status of its work and a final report on or before December 15, 2022 with any recommendations for legislative action to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs.

(d) In performing its work to create an integrated postsecondary career and technical education system, the Department shall recognize issues faced by persons with historical barriers to employment or who are underrepresented in the workforce, including persons who have faced discrimination based on race, sex, sexual orientation, gender identity, age, refugee status, and national origin; persons in recovery; persons with a history of incarceration; and persons with disabilities.

Sec. 4. APPROPRIATION

In fiscal year 2022, the amount of \$75,000.00 is appropriated from the General Fund to the Department of Labor to implement Sec. 3 of this act.

* * * Group Insurance; Northern Borders Regional Commission * * *

Sec. 5. 3 V.S.A. § 631 is amended to read:

§ 631. GROUP INSURANCE FOR STATE EMPLOYEES; SALARY
DEDUCTIONS FOR INSURANCE, SAVINGS PLANS, AND
CREDIT UNIONS

(a)(1) The Secretary of Administration may contract on behalf of the State with any insurance company or nonprofit association doing business in this State to secure the benefits of franchise or group insurance. Beginning July 1, 1978, the terms of coverage under the policy shall be determined under section 904 of this title, but it may include:

(A) life, disability, health, and accident insurance and benefits for any class or classes of State employees; and

(B) hospital, surgical, and medical benefits for any class or classes of State employees or for those employees and any class or classes of their dependents.

(2)(A)(i) As used in this section, the term “employees” includes any class or classes of elected or appointed officials, State’s Attorneys, sheriffs, employees of State’s Attorneys’ offices whose compensation is administered through the State of Vermont payroll system, except contractual and temporary employees, and deputy sheriffs paid by the State of Vermont pursuant to 24 V.S.A. § 290(b). The term “employees” shall not include members of the General Assembly as such, any person rendering service on a retainer or fee basis, members of boards or commissions, or persons other than employees of the Vermont Historical Society, ~~the Vermont Film Corporation~~, the Vermont State Employees’ Credit Union, Vermont State Employees’ Association, ~~and the Vermont Council on the Arts, and the Northern Border Regional Commission~~, whose compensation for service is not paid from the State Treasury, or any elected or appointed official unless the official is actively engaged in and devoting substantially full-time to the conduct of the business of his or her public office.

(ii) For purposes of group hospital-surgical-medical expense insurance, the term “employees” shall include employees as defined in subdivision (i) of this subdivision (2)(A) and former employees as defined in this subdivision who are retired and are receiving a retirement allowance from the Vermont State Retirement System or the State Teachers’ Retirement System of Vermont and, for the purposes of group life insurance only, are retired on or after July 1, 1961, and have completed 20 creditable years of

service with the State before their retirement dates and are insured for group life insurance on their retirement dates.

(iii) For purposes of group hospital-surgical-medical expense insurance only, the term “employees” shall include employees as defined in subdivision (i) of this subdivision (2)(A) and employees who are receiving a retirement allowance based upon their employment with the Vermont State Employees’ Association, the Vermont State Employees’ Credit Union, the Vermont Council on the Arts, as long as they are covered as active employees on their retirement date, and:

- (I) they have at least 20 years of service with that employer; or
- (II) have attained 62 years of age, and have at least 15 years of service with that employer.

(B) The premiums for extending insurance coverage to employees shall be paid in full by the Vermont Historical Society, ~~the Vermont Film Corporation,~~ the Vermont State Employees’ Association, the Vermont State Employees’ Credit Union, the Vermont Council on the Arts, and the Northern Border Regional Commission, or their respective retirees. Nothing herein creates a legal obligation on the part of the State of Vermont to pay any portion of the premiums required to extend insurance coverage to this group of employees.

* * *

* * * Better Places Program * * *

Sec. 6. FINDINGS; INTENT AND PURPOSE

(a) The General Assembly finds:

(1) The COVID-19 pandemic has devastated our economy through business closures and job losses, and physical distancing requirements have exacerbated social isolation and impacted Vermonters’ quality of life and sense of community.

(2) Public spaces are essential for supporting economic activity and health and well-being throughout the pandemic and for building engaged, equitable, and resilient communities in the future.

(3) Vermont’s downtowns and villages increasingly depend on inviting public spaces that are robustly programmed to restore our distinct sense of place; strengthen community pride and identity; and attract businesses, jobs, and talent.

(4) Placemaking projects intentionally leverage the power of the arts and cultural assets to strengthen the economic and social fabric of communities and allow for growth and transformation that builds upon local and regional character, culture, and quality of place.

(5) Research shows that community-driven placemaking projects increase economic and civic vitality and create spaces where commerce thrives, social connections flourish, civic participation increases, and residents are empowered to take ownership of their future to build healthier and equitable local economies.

(b) It is the intent of the General Assembly to:

(1) enhance the livability and unique sense of place in Vermont's downtowns and villages by providing funding, training, and resources to support investments in public spaces and local placemaking projects that build prosperous, equitable, healthy, and resilient communities;

(2) promote healthy, safe, equitable, and vibrant downtowns, villages, and neighborhoods for people of all ages, abilities, backgrounds, and incomes by increasing public space and placemaking investments in local communities;

(3) strategically coordinate and simplify the funding process from multiple community development funders, streamline the grantmaking and distribution process, democratize community access to grant funds, and provide communities a nimble, flexible source to quickly fund and launch community-driven placemaking projects to make positive and enduring change locally; and

(4) help local leaders identify, develop, and implement placemaking projects by creating the Better Places Program to advance local recovery efforts, rebuild local economies, boost local capacity, and reconnect Vermonters to one another—critical elements that help communities recover quickly and build prosperous and resilient communities in the future.

Sec. 7. 24 V.S.A. § 2799 is added 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 per calendar year within a municipality.

(4) The minimum amount of a grant award is \$5,000.00 and the maximum amount of a grant award is \$50,000.00.

(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 \$10,000.00 or 35 percent of the campaign goal, whichever is less.

(D) An applicant shall provide matching funds raised through crowdfunding of not less than 25 percent and not more than 50 percent of the grant award, provided that the Department may adjust the matching

requirements within this range if necessary due to demand and availability of funds.

(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.

(g) Beginning on January 15, 2022 and annually thereafter, the Department of Housing and Community Development shall submit to the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on Commerce and Economic Development an annual report regarding the activities and progress of the Program. The report shall:

(1) summarize the Program activities in the preceding year and report on the number of awarded grants and the total grant funds allocated;

(2) report on partner resources and contributions to the Program; and

(3) report on any measurable economic activity, which may include the number of jobs created, the number of visitors, the approximate number of square feet to be activated or redeveloped, and the number of volunteers engaged in the project.

* * * Downtown Tax Credit Program * * *

Sec. 8. 32 V.S.A. § 5930aa is amended to read:

§ 5930aa. DEFINITIONS

As used in this subchapter:

(1) “Qualified applicant” means an owner or lessee of a qualified building involving a qualified project, but does not include a State or federal agency or a political subdivision of either; or an instrumentality of the United States.

(2) “Qualified building” means a building built at least 30 years before the date of application, located within a designated downtown or village center, or neighborhood development area, which, upon completion of the project supported by the tax credit, will be an income-producing building not used solely as a single-family residence. Churches and other buildings owned

by religious organization may be qualified buildings, but in no event shall tax credits be used for religious worship.

(3) “Qualified code improvement project” means a project:

(A) to install or improve platform lifts suitable for transporting personal mobility devices, limited use or limited application elevators, elevators, sprinkler systems, and capital improvements in a qualified building, and the installations or improvements are required to bring the building into compliance with the statutory requirements and rules regarding fire prevention, life safety, and electrical, plumbing, and accessibility codes as determined by the Department of Public Safety;

(B) to abate lead paint conditions or other substances hazardous to human health or safety in a qualified building; or

(C) to redevelop a contaminated property in a designated downtown ~~or~~, village center, or neighborhood development area under a plan approved by the Secretary of Natural Resources pursuant to 10 V.S.A. § 6615a.

(4) “Qualified expenditures” means construction-related expenses of the taxpayer directly related to the project for which the tax credit is sought but excluding any expenses related to a private residence.

(5) “Qualified façade improvement project” means the rehabilitation of the façade of a qualified building that contributes to the integrity of the designated downtown ~~or~~, designated village center, or neighborhood development area. Façade improvements to qualified buildings listed, or eligible for listing, in the State or National Register of Historic Places must be consistent with Secretary of the Interior Standards, as determined by the Vermont Division for Historic Preservation.

* * *

Sec. 9. 32 V.S.A. § 5930ee is amended to read:

§ 5930ee. LIMITATIONS

Beginning in fiscal year 2010 and thereafter, the State Board may award tax credits to all qualified applicants under this subchapter, provided that:

(1) the total amount of tax credits awarded annually, together with sales tax reallocated under section 9819 of this title, does not exceed ~~\$3,000,000.00~~ \$4,750,000.00.

* * *

(5) credit under any one subsection of 5930cc of this subchapter may not be allocated more often than once every two years with respect to the same building; and

(6) credit awarded under section 5930cc of this subchapter that is rescinded or recaptured by the State Board shall be available for the State Board to award to applicants in any subsequent year, in addition to the total amount of tax credits authorized under this section;

(7) the total amount of tax credits awarded annually to qualified projects located within neighborhood development areas does not exceed \$750,000.00; and

(8) no credit shall be awarded to a qualified project located within a neighborhood development area after July 1, 2026.

Sec. 10. 24 V.S.A. § 2793a is amended to read:

§ 2793a. DESIGNATION OF VILLAGE CENTERS BY STATE BOARD

* * *

(c) A village center designated by the State Board pursuant to subsection (a) of this section is eligible for the following development incentives and benefits:

* * *

~~(4) The following State tax credits for projects located in a designated village center:~~

~~(A) A State historic rehabilitation tax credit of ten percent under 32 V.S.A. § 5930cc(a) that meets the requirements for the federal rehabilitation tax credit.~~

~~(B) A State façade improvement tax credit of 25 percent under 32 V.S.A. § 5930cc(b).~~

~~(C) A State code improvement tax credit of 50 percent under 32 V.S.A. § 5930cc(e) The Downtown and Village Center Tax Credit Program described in 32 V.S.A. § 5930aa et seq.~~

* * *

Sec. 11. 24 V.S.A. § 2793e is amended to read:

§ 2793e. NEIGHBORHOOD PLANNING AREAS; DESIGNATION OF
NEIGHBORHOOD DEVELOPMENT AREAS

* * *

(f) Neighborhood development area incentives for developers. Once a municipality has a designated neighborhood development area or has a Vermont neighborhood designation pursuant to section 2793d of this title, any proposed development within that area shall be eligible for each of the benefits listed in this subsection. These benefits shall accrue upon approval by the district coordinator, who shall review the density requirements set forth in subdivision (c)(7) of this section to determine benefit eligibility and issue a jurisdictional opinion under 10 V.S.A. chapter 151 on whether the density requirements are met. These benefits are:

(1) ~~The~~ the application fee limit for wastewater applications stated in 3 V.S.A. § 2822(j)(4)(D);

(2) ~~The~~ the application fee reduction for residential development stated in 10 V.S.A. § 6083a(d);

(3) ~~The~~ the exclusion from the land gains tax provided by 32 V.S.A. § 10002(p); and

(4) eligibility for the Downtown and Village Center Tax Credit Program described in 32 V.S.A. § 5930aa et seq.

* * *

Sec. 12. 24 V.S.A. § 2794 is amended to read:

§ 2794. INCENTIVES FOR PROGRAM DESIGNEES

(a) Upon designation by the Vermont Downtown Development Board under section 2793 of this title, a downtown development district and projects in a downtown development district shall be eligible for the following:

(1) Priority consideration by any agency of the State administering any State or federal assistance program providing funding or other aid to a municipal downtown area with consideration given to such factors as the costs and benefits provided and the immediacy of those benefits, provided the project is eligible for the assistance program.

(2) ~~The following State tax credits:~~

~~(A) A State historic rehabilitation tax credit of 10 percent under 32 V.S.A. § 5930cc(a) that meets the requirements for the federal rehabilitation tax credit.~~

~~(B) A State façade improvement tax credit of 25 percent under 32 V.S.A. § 5930cc(b).~~

~~(C) A State code improvement tax credit of 50 percent under 32 V.S.A. § 5930ee(e) The Downtown and Village Center Tax Credit Program described in 32 V.S.A. § 5930aa et seq.~~

* * *

Sec. 13. REPORT

On or before January 15, 2026, the Department of Housing and Community Development shall report to the House Committees on Commerce and Economic Development, on General, Housing, and Military Affairs, and on Ways and Means and the Senate Committees on Economic Development, Housing and General Affairs and on Finance on:

(1) the number and location of new neighborhood development areas designated after the passage of this act;

(2) the amount of tax credits allocated annually to projects located within neighborhood development areas under 32 V.S.A. § 5930aa et seq. and the location of those projects;

(3) for any housing produced within neighborhood development areas using tax credits under 32 V.S.A. § 5930aa et seq., the number of housing units produced, the development cost per unit, and the average rent per unit;

(4) whether to extend the sunset in 32 V.S.A. § 5930ee(8); and

(5) any recommended changes to the programs.

* * * International Business Attraction and Investment Program * * *

Sec. 14. FINDINGS

(a) The General Assembly finds:

(1) Business investment by Canada-based businesses provides the opportunity to generate increased employment, increase the range of job opportunities for Vermonters, and increase the dynamism of our communities.

(2) From the past work of the Department of Economic Development, we know that small- and mid-sized businesses in Quebec, Ontario, and other provinces in the region have a natural inclination to explore Vermont as the site for expansion in the U.S. market.

(3) Developing a program to attract businesses and investment from Canada-based businesses and engaging the services of a foreign trade representative to provide local recruitment support can allow the State and its businesses to tap resources of institutions, enterprises, and people to a greater degree and to develop lead generation services, expansion monitoring, in-

market representation, market intelligence, and the ability to engage and nurture high-growth companies primed for expansion.

(4) It is the intent of the General Assembly to fund the services of a foreign trade representative for two years in order to begin the work of cultivating relationships with Canada-based partners and developing prospects for attracting business relocation and investment in Vermont.

Sec. 15. APPROPRIATION; REPORT

(a) In fiscal year 2022, the amount of \$300,000.00 is appropriated from the General Fund to the Agency of Commerce and Community Development to provide funding for up to two years to contract with a foreign trade representative consistent with Sec. 14 of this act.

(b) On or before January 15, 2022, the Agency of Commerce and Community Development shall report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs concerning:

(1) the terms of the contract; and

(2) metrics to evaluate success of the contract and the representative.

(b) On or before January 15, 2023, the Agency of Commerce and Community Development shall report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs concerning:

(1) the type and number of business contacts and engagement;

(2) the type of businesses, jobs, and wages brought to the State; and

(3) recommendations concerning the continuation or expansion of the program.

* * * Workforce Development and Education * * *

Sec. 16. WORKFORCE DEVELOPMENT AND EDUCATION

(a) Findings.

(1) Due to the COVID-19 the public health emergency, the Vermont State Colleges have experienced a significant decrease in applications, and the board of directors has voted to freeze tuition for the 2021–2022 academic year both to keep students costs low and to mitigate the economic impact of COVID-19 on enrollment.

(2) Deposit activity, a signal of anticipated enrollment for the fall 2021 semester, has declined between five and 20 percent at two of the four VSC

institutions, and FAFSA filing for Vermont is down seven percent year over year.

(3) While the enrollment gap is narrowing from earlier in the fall, it is still significantly wider than normal due to the complexities of how the pandemic is affecting Vermont's high schools and high school students, for example, due to remote learning and the necessity for guidance counselors to broaden the reach of their services to struggling students.

(4)(A) The federal Pell Grant eligibility for first time, full-time Vermont students is high, signifying that families are financially distressed.

(B) In the fall of 2019, the percentage of first-time, full-time students who were Pell eligible were as follow: CCV (57 percent); CU (39 percent); NVU (49 percent); and VTC (41 percent).

(C) These students, already economically disadvantaged, are disproportionately impacted by the pandemic and related economic crisis.

(5) In addition to increasing the needs of Vermont's secondary and post-secondary students, the COVID-19 pandemic has also placed significant burden on the Vermont workforce, which can benefit from expanded opportunities available at the Vermont State Colleges.

(b) Purpose. The purpose of this act is to provide funding for Vermonters:

(A) who have been impacted by the COVID-19 pandemic through layoffs, furloughs, or reduced hours or due to being employed in an industry that has been severely affected; and

(B) who are pursuing education and training and require educational assistance and other support due to economic harm and lost opportunities arising from the COVID-19 public health emergency.

(b) Appropriation. In fiscal year 2022, the amount of \$20,500,000.00 is appropriated from the General Fund to the Vermont State Colleges, in coordination with the Department of Labor, for workforce development and education to Vermonters, as follows:

(1) Welcome home scholarships. \$4,000,000.00 to provide scholarships of \$5,000.00 per year or \$2,500.00 per semester for full-time students enrolled for 12 or more credits, or \$3,000.00 per year or \$1,500.00 per semester for part-time students, to Vermonters transferring from out-of-state institutions or returning to school after exiting in 2020–2021. This program's mission is to incentivize students to come home to Vermont by transferring to VSCS institutions and to complete their degree if they left school without finishing in 2020–2021.

(2) Degree completion program. \$3,000,000.00 to provide scholarships for up to 30 credits towards a credential of value for adult learners who have earned at least 40 credits towards an undergraduate degree and have a gap in attendance of at least two years.

(3) Critical occupations; graduate internship scholarships. \$2,000,000.00 to provide scholarships for up to 12 credits and incentive payments of \$15.00 per hour for up to 240 hours per semester for graduate students who are required to fulfill an internship, practicum, or clinical requirement for a graduate degree in education or mental health counseling.

(4) Critical occupations; undergraduate internship scholarships. \$1,000,000.00 to provide incentive payments of \$15.00 per hour for up to 240 hours per semester for undergraduate students who are required to fulfill an internship, practicum, or clinical requirement for an undergraduate degree in education or allied health.

(5) Free tuition for critical occupation careers. \$5,500,000.00 to provide free last dollar tuition for one year of undergraduate studies for critical occupation careers, including bookkeeping certificate, IT service desk specialist certificate, certified production technician, graphic design certificate, software and web development program, practical nursing program, electrical and plumbing apprenticeships, child care, nursing programs, mental health counseling, paramedicine, dental hygiene, certificate in accounting, small business management, radiologic science, and respiratory therapy.

(6) Workforce development 2.0. \$3,000,000.00 to provide funding for up to six credits or two courses, including wraparound services, for Vermonters whose employment was impacted by the COVID-19 public health emergency since March 13, 2020.

(7) Long-term care facility LPN program. \$2,000,000.00 to provide funding for tuition and wraparound services for students to pursue a practical nursing certificate program.

(d) Report. On or before January 15, 2022, the Vermont State Colleges shall submit to the General Assembly a progress report concerning the implementation of this section.

Sec. 17. MICROBUSINESS DEVELOPMENT PROGRAM; EMBRACE

(a) The General Assembly finds that the Microbusiness Development Program has demonstrated the capability to help individuals lift themselves out of poverty by providing the technical support and financial assistance necessary to start and sustain entrepreneurial enterprises.

(b) In fiscal year 2022, the amount of \$200,000.00 is appropriated from the General Fund to the Department for Children and Families, Office of Economic Opportunity for pass-through grants to the Community Action Agencies to provide funding for the regional Microbusiness Development Programs pursuant to 3 V.S.A. § 3722.

(c) In fiscal year 2022, the amount \$2,000,000.00 is appropriated to the Department for Children and Families, Office of Economic Opportunity, to be granted to the Community Action Agencies for the Statewide Community Action Network's Economic Micro Business Recovery Assistance for the COVID-19 Epidemic (EMBRACE) to assist the most disadvantaged Vermont microbusiness owners impacted by COVID-19 business closure orders with access to grants and technical assistance.

Sec. 18. STATE BIPOC BUSINESS NETWORK DEVELOPMENT

(a) Intent.

(1) Racial wealth disparities are a function of not only access to income, but also the ability to start and sustain a business, access land, and own property.

(2) Vermont embraces its responsibility to course correct the historical impact of economic exploitation and exclusion from opportunity due to race and ethnicity for American descendants of slavery and the broader Black, Indigenous, and Persons of Color community.

(3) In order to rectify this history of inequity, it is the intent of this General Assembly to acknowledge and address wealth disparity and cultural disempowerment by creating economic opportunity and cultural empowerment, using new systems that empower Vermonters who have historically suffered from discrimination and lacked equal access to public or private economic benefits due to race, ethnicity, geography, language preference, and immigrant or citizen status.

(b) Findings.

(1) The Vermont Partnership for Fairness and Diversity conducted a survey of BIPOC businesses after the Emergency Recovery Grant programs closed. The survey analysis included three core recommendations: form a state BIPOC Commission, create a BIPOC business association, and improve data collection and the State's understanding of BIPOC business needs.

(2) The Committee sought information from over a dozen BIPOC business and community and State leaders to learn what BIPOC businesses need to be economically successful in Vermont. Core findings included:

(A) allow BIPOC businesses to lead and define the formation of a BIPOC business network;

(B) offer more support to BIPOC businesses by assisting them in procuring State contracts, securing capital investment and customer cultivation, and finding technical support;

(C) improve language access and cultural competency practices within State economic development programs and strengthen connections to BIPOC businesses; and

(D) improve State data collection to better serve the variety of identities represented within the BIPOC community.

(c) BIPOC business network.

(1) In fiscal year 2022, the amount of \$100,000.00 is appropriated from the General Fund to the Agency of Commerce and Community Development to provide funding for a contractor of not more than \$100,000.00 to convene BIPOC businesses, organizations, and community leaders and other business organizations, and representatives from State government to create a set of recommendations on how to launch a State BIPOC business network.

(2) On or before January 15, 2022, the contractor shall deliver to the Agency and to legislative committees of jurisdiction a report summarizing its process, deliberations, and a set of recommendations on how the State can support the formation of a BIPOC business network, including financial resources needed and policy changes.

(3) Applications for the contract shall be reviewed and selected by the Executive Director of Racial Equity, the Racial Equity Advisory Panel, and the Secretary of Commerce and Community Development.

Sec. 19. 10 V.S.A. § 2 is added to read:

§ 2. BIPOC BUSINESS DEVELOPMENT

The Agency of Commerce and Community Development shall design and implement the Economic Advancement Program and dedicate at least one full-time equivalent employee to oversee the following responsibilities:

(1) cultivate and support BIPOC businesses, including:

(A) technical assistance;

(B) grants and loans;

(C) business-to-business mentorship program;

(D) business procurement contract assistance;

(E) financial management, digital growth, and marketing;

(F) start-up support;

(G) capital investment opportunities; and

(H) networking;

(2) provide training to business technical assistance providers to reduce bias in service delivery;

(3) create a data collection system to allow the Department to analyze trends, sectors, and outcomes for BIPOC businesses to better inform economic development policy that benefits BIPOC businesses; and

(4) create an outreach program that includes language access for the not fewer than three of the most commonly used languages within Vermont other than English on all the programs offered to Vermont businesses within the Agency.

Sec. 20. ENTREPRENEURS' SEED CAPITAL FUND

(a) Entrepreneurs' Seed Capital Fund. The Entrepreneurs' Seed Capital Fund, created by the Vermont Economic Development Authority pursuant to 10 V.S.A. § 291, is a \$5.1 million revolving "evergreen" capital fund in operation since 2010 serving Vermont's entrepreneurs and early-stage technology-enabled companies for job growth, income potential, and wealth creation. Since inception, the Fund's portfolio companies have now raised in excess of \$182 million. The Fund is professionally managed by the Vermont Center for Emerging Technologies (VCET).

(b) Appropriation. The amount of \$1,000,000.00 is appropriated from the General Fund to the Entrepreneurs' Seed Capital Fund to provide risk stage seed capital to Vermont businesses that have experienced economic disruption either through reduced business, new business formation, or through an unmanageable increase in new business due to the COVID-19 crisis.

(c) Fast Capital Investment Program; categories. Notwithstanding any provision of 10 V.S.A. § 290 to the contrary, the Fund shall invest in businesses consistent with the following:

(1) The Fund shall invest in rapid seed and early growth stage employers that have a viable plan for recovery and growth.

(2) The Fund shall make expedited investments using simplified investment terms and instruments, including stock, convertible notes, forgivable loans, royalty financing, or grants with equity warrants.

(3) The expected range per new investment is \$20,000.00 to \$100,000.00 from this appropriation.

(4) The Fund shall prioritize sourcing and funding on BIPOC-, veteran-, and women-owned businesses.

(5) In continuing to serve the Vermont innovation ecosystem and notwithstanding the expedited program timeline, the Fund shall pursue co-investment participation from local and regional investors, including Vermont venture funds, family offices, community foundations, accredited individual “angel” investors, lending institutions, and other relevant sources.

(d) Eligibility. For-profit Vermont businesses are eligible under the Fast Capital Investment Program except where other significant State appropriated Coronavirus Relief Fund program resources have been directed. These excluded sectors include:

(A) traditional in-person retail operations;

(B) lodging, hospitality, and real estate operations; and

(C) restaurants and food service operations.

Sec. 21. 10 V.S.A. § 291(b)(3) is amended to read:

(3)(A) Before the Fund makes any investments, the Fund shall have and maintain a board of five advisors who shall be appointed as follows: two shall be appointed by the Authority, two shall be appointed by the Fund manager, and one shall be appointed jointly by the Authority and the Fund manager.

(B) The appointing authorities shall coordinate their appointments to ensure that the Board comprises advisors with diverse professional and personal backgrounds and experiences, including representation of women and BIPOC identified individuals.

(C) The Board of Advisors shall represent solely the economic interest of the State with respect to the management of the Fund and shall have no civil liability for the financial performance of the Fund.

(D) The Board of Advisors shall be advised of investments made by the Fund and shall have access to all information held by the Fund with respect to investments made by the Fund.

* * * Effective Date * * *

Sec. 22. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

and that after passage the title of the bill be amended to read: “An act relating to community and economic development and workforce revitalization”

(Committee Vote: 9-0-2)

H. 183

An act relating to sexual violence

Rep. Colburn of Burlington, for the Committee on Judiciary, recommends the bill be amended by striking 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:

* * *

(3) “Consent” means words or actions by a person indicating a knowing or voluntary agreement to engage in a sexual act.

* * *

(10) “Incapable of consenting” means the person is:

(A) incapable of appraising the nature of the conduct at issue; or

(B) physically incapable of declining participation in, or communicating unwillingness to engage in, the conduct at issue.

(11) “Developmental disability” has the same meaning as in 18 V.S.A. § 9302.

(12) “Psychiatric disability” has the same meaning as in 1 V.S.A. § 147.

Sec. 2. 13 V.S.A. § 3252 is amended to read:

§ 3252. SEXUAL ASSAULT

(a) No person shall engage in a sexual act with another person ~~and compel the other person to participate in a sexual act:~~

(1) without the consent of the other person; ~~or~~

(2) by threatening or coercing the other person; ~~or~~

(3) by placing the other person in fear that any person will suffer imminent bodily injury; or

(4) when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring.

~~(b)(1) No person shall engage in a sexual act with another person and impair substantially the ability of the other person to appraise or control conduct by administering or employing drugs or intoxicants without the knowledge or against the will of the other person administer any alcohol, drugs, or other intoxicants to another person without the person's knowledge or against the person's will and, while the person is impaired by the alcohol, drugs, or intoxicants, engage in a sexual act with that person.~~

(2) No person shall engage in a sexual act with another person when the other person is incapable of consenting to the sexual act due to substantial impairment by alcohol, drugs, or other intoxicants and that condition is known or reasonably should be known by the person.

* * *

(f)(1) A person who violates subsection (a), (b), (d), or (e) of this section shall be imprisoned not less than three years and for a maximum term of life; and, in addition, may be fined not more than \$25,000.00.

* * *

(g) A person convicted of violating subsection (a), (b), (d), or (e) of this section shall be sentenced under section 3271 of this title.

Sec. 3. 13 V.S.A. § 3254 is amended to read:

§ 3254. TRIAL PROCEDURE; CONSENT

In a prosecution for a crime defined in this chapter or section 2601 of this title:

~~(1) lack of consent may be shown without proof of resistance; Lack of verbal or physical resistance does not constitute consent.~~

(2) An expression of lack of consent through words or conduct means there is no consent.

(3) Submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent.

(4) Consent shall not be demonstrated by evidence prohibited under section 3255 of this title.

(5) A sleeping or unconscious person cannot consent.

(6) a A person shall be deemed to have acted without the consent of the other person where the actor:

(A) ~~knows~~ knew or reasonably should have known that the other person is ~~was~~ mentally incapable of understanding the nature of the sexual act or lewd and lascivious conduct; ~~or~~

(B) ~~knows~~ knew or reasonably should have known that the other person is was not physically capable of resisting, or declining consent to, the sexual act or lewd and lascivious conduct; ~~or~~

(C) ~~knows~~ knew or reasonably should have known that the other person is was unaware that a sexual act or lewd and lascivious conduct is was being committed; ~~or~~

(D) ~~knows~~ knew or reasonably should have known that the other person is was mentally incapable of ~~resisting, or declining consent to, consenting to~~ the sexual act or lewd and lascivious conduct; due to a ~~mental condition or a~~ psychiatric or developmental disability as defined in 14 V.S.A. § 3061; or

(E) knew or reasonably should have known that the other person was incapable of consenting to the sexual act or lewd and lascivious conduct with the actor because the person was substantially impaired by alcohol, drugs, or other intoxicants.

Sec. 4. DATA COLLECTION AND REPORTING

(a)(1) On or before September 1, 2024 and bi-annually thereafter, the Department of Public Safety shall provide a statistical report to the General Assembly based on data from the National Incident Based Reporting System and the Vermont Judiciary on the following:

(A) the number of sexual violence cases reported to State, county, and municipal law enforcement agencies and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with 5 20 V.S.A. § 2358;

(B) the number of civil sexual assault or stalking orders granted;

(C) the number of sexual violence cases referred by law enforcement to a State's Attorney or the Attorney General for potential charges; and

(D) the number of sexual violence cases charged, the nature of the charge, and the disposition of the charges.

(2) The data identified in subdivision (a)(1) of this section shall be organized and reported to the General Assembly by county.

(b) The Department of Public Safety shall make a reasonable effort to protect victim confidentiality when statistical information may be identifying.

(c) The Department of Public Safety shall post the data collected pursuant to subsection (a) of this section on its website in a manner that is clear, understandable, and accessible to the public.

Sec. 5. 16 V.S.A. § 2187 is added to read:

§ 2187. INTERCOLLEGIATE SEXUAL VIOLENCE PREVENTION

COUNCIL

(a) Creation. There is created the Intercollegiate Sexual Violence Prevention Council to create a coordinated response to campus sexual harm, including across institutions of higher learning in Vermont.

(b) Membership. The Council shall be composed of the following members:

(1) a Title IX coordinator and a campus-based prevention/education coordinator from an institution of higher learning appointed by the chancellor of the Vermont State Colleges;

(2) a Title IX coordinator and a campus-based prevention/education coordinator from an institution of higher learning appointed by the President of the University of Vermont;

(3) a Title IX coordinator and a campus-based prevention/education coordinator from an institution of higher learning appointed by the President of the Association of Vermont Independent Colleges;

(4) two community-based sexual violence advocates appointed by the Network Against Domestic and Sexual Violence;

(5) two law enforcement or public safety representatives with experience responding to and investigating campus sexual violence appointed by the Commissioner of Public Safety;

(6) two college students, at least one of whom has lived experience as a sexual violence survivor and one who represents a campus-based racial justice organization, appointed by the Center for Crime Victim Services;

(7) a person with expertise in sexual violence responses within the lesbian, gay, bisexual, transgender, queer community appointed by the Vermont Center for Crime Victim Services;

(8) a sexual assault nurse examiner appointed by the Network Against Domestic and Sexual Violence;

(9) a prosecutor with experience in prosecuting sexual violence cases from either the Department of State's Attorneys and Sheriffs or the Office of the Attorney General appointed by the Attorney General; and

(10) an attorney with experience in sexual violence cases appointed by the Defender General.

(c) Duties. The Council shall be responsible for the following:

(1) interdisciplinary planning and information sharing to support sexual violence prevention programs on every college campus in Vermont;

(2) annual review of trends in aggregate data collected by institutions of higher learning regarding sexual violence on college campuses in Vermont; and

(3) development and distribution of best practices and recommendations on violence prevention, sexual health education, and strategies for mitigating sexual violence and tertiary violence on college campuses in Vermont.

(d) Assistance. The Council shall have the administrative and technical assistance of the Network Against Domestic and Sexual Violence.

(e) Report. On or before December 2022 and annually thereafter, the Council shall submit a written report to the General Assembly with a summary of activities and any recommendations for legislative action.

(f) Meetings.

(1) The Network Against Domestic and Sexual Violence shall call the first meeting of the Council to occur on or before September 15, 2021.

(2) The Council shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Council shall meet quarterly.

(5) Members 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. These payments shall be made from monies appropriated to the Network Against Domestic and Sexual Violence for such purposes.

Sec. 6. REPEAL

16 V.S.A. § 2187 (Intercollegiate Sexual Violence Prevention Council) is repealed on July 1, 2028.

Sec. 7. APPROPRIATIONS

(a) In fiscal year 2022, \$13,000.00 is appropriated to the Network Against Domestic and Sexual Violence for the purpose of staffing the Intercollegiate Sexual Violence Prevention Council and per diem compensation and reimbursement of expenses for members who are not otherwise compensated by the member's employer for attendance at meetings.

(b) In fiscal year 2022, \$40,000.00 is appropriated to the Vermont Center for Crime Victim Services for use in the Vermont Forensic Nursing Program for the purpose of providing forensic medical care for sexual assault patients within primary care and reproductive health care settings.

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

(Committee Vote: 11-0-0)

H. 210

An act relating to addressing disparities and promoting equity in the health care system

Rep. Lippert of Hinesburg, for the Committee on Health Care, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds that:

(1) The Department of Health's 2018 State Health Assessment indicates that Vermont residents experience barriers to the equal enjoyment of good health based on race and ethnicity, sexual orientation, gender identity, and disability status.

(2) According to the 2018 Department of Health's Behavioral Risk Factor Surveillance System report, non-White Vermonters are:

(A) statistically less likely to have a personal doctor;

(B) statistically more likely to report poor mental health;

(C) more than twice as likely to report rarely or never getting the necessary emotional support;

(D) significantly more likely to have depression;

(E) significantly more likely to have been worried about having enough food in the past year; and

(F) significantly more likely to report no physical activity during leisure time.

(3) According to the Department of Mental Health’s analysis entitled “Race Data VPCCH Admissions,” which reviewed patients admitted from May 1, 2019 to April 30, 2020, Non-White Vermonters are disproportionately represented in the highest level of involuntary hospitalization. At the Vermont Psychiatric Care Hospital, 15 percent of the patients are non-White.

(4)(A) Non-White Vermonters have also been disproportionately affected by COVID-19. According to a data brief published on the Department of Health’s website in December 2020, entitled “COVID-19 among Vermonters who are Black, Indigenous, and People of Color (BIPOC),” nearly one in every five COVID-19 cases in Vermont are among Black, Indigenous, and Persons of Color even though these Vermonters make up approximately six percent of Vermont’s population. According to that same data brief, the incidence rate for non-White Vermonters is 74.2 versus 26.2 for White Vermonters. The incidence rate for Black Vermonters is 225.7; the incidence rate for Asian Vermonters is 61; the incidence rate for Hispanic Vermonters is 41.7; and the incidence rate for other races is 20.5. Non-White Vermonters are also at a higher risk for more serious outcomes, such as hospitalization.

(B) According to the Department of Health’s December 2020 data brief, COVID-19 cases among non-White Vermonters tend to be younger than for White Vermonters. The average age of persons testing positive for COVID-19 is 33 among non-White Vermonters, whereas the average age is 46 among White Vermonters.

(C) While, according to the Department of Health’s 2018 Behavior Risk Factor Surveillance System, there are not statistically significant differences in the rates of preexisting conditions, such as diabetes, lung disease, and cardiovascular disease, among White and non-White Vermonters, the Vermont Department of Health’s December 2020 data brief indicates that there are disparities in the rates of preexisting conditions among Vermonters testing positive for COVID-19. As stated in that data brief, the preexisting conditions rate among COVID-19 cases is 19.4 percent for non-White Vermonters and 12.1 percent for White Vermonters. According to the same December 2020 data brief, this suggests that non-White Vermonters are at higher risk of exposure to COVID-19 due to their type of employment and

living arrangements. Thirty-six percent of non-White Vermonters had household contact with a confirmed case of COVID-19, as compared to only 20 percent of White Vermonters as stated in the Department of Health's December 2020 data brief.

(5) According to the 2018 Vermont Behavioral Risk Factor Surveillance System Report, adults with a disability are:

(A) five times as likely to consider suicide than adults with no disability;

(B) eight times more likely to report fair or poor health than adults with no disability;

(C) statistically more likely to delay care due to cost than adults with no disability;

(D) seven times more likely to report poor physical health than adults with no disability;

(E) statistically more likely to report poor mental health in the past month than adults with no disability;

(F) more than twice as likely to report rarely or never getting the necessary emotional support as compared to White adults with no disability;

(G) statistically more likely to report having arthritis than adults with no disability;

(H) statistically more likely to have asthma than adults with no disability;

(I) nearly twice as likely to have ever had cancer than adults without a disability;

(J) statistically more likely to have had skin cancer than adults with no disability;

(K) three times more likely to report having cardiovascular disease than adults with no disability;

(L) five times more likely to report having chronic obstructive pulmonary disease than Vermonters with no disability;

(M) significantly more likely to have depression than adults with no disability;

(N) three times as likely to report having diabetes than those with no disability;

(O) significantly more likely to report having hypertension than those with no disability;

(P) statistically more likely to report having kidney disease than adults with no disability;

(Q) significantly more likely to have been worried about having enough food in the past year when compared to adults with no disability;

(R) more than three times as likely to report housing insecurity in the past year than adults with no disability; and

(S) significantly more likely to report no physical activity during leisure time than adults with no disability.

(6) According to the 2018 Vermont Behavior Risk Factor Surveillance System Report, adults who are LGBTQ are:

(A) three times as likely to report seriously considering suicide compared to non-LGBTQ adults;

(B) statistically more likely to delay care due to cost than non-LGBTQ adults;

(C) statistically more likely to report poor mental health in the past month than non-LGBTQ adults;

(D) statistically more likely to report a disability than non-LGBTQ adults;

(E) statistically more likely to have asthma than non-LGBTQ adults;

(F) significantly more likely to have depression than non-LGBTQ adults; and

(G) significantly more likely to have been worried about having enough food in the past year when compared to non-LGBTQ adults.

(7) LGBTQ youths, according to Vermont's 2019 Youth Risk Behavior Survey, are:

(A) four times more likely to purposefully hurt themselves in the preceding 12 months and four times more likely to make a suicide plan in the preceding 12 months than cisgender, heterosexual peers;

(B) five times more likely to have attempted suicide in the preceding 12 months than cisgender, heterosexual peers;

(C) over three times more likely to experience unwanted sexual contact as compared to cisgender, heterosexual peers;

(D) twice as likely to experience bullying during the preceding month and significantly more likely to skip school due to safety concerns at or on their way to or from school as compared to cisgender, heterosexual peers;

(E) nearly three times more likely to experience housing insecurity as compared to cisgender, heterosexual peers;

(F) twice as likely to face food insecurity as compared to cisgender, heterosexual peers; and

(G) twice as likely to report having a physical disability, long-term health problem, emotional problem, or learning disability as compared to cisgender, heterosexual peers.

(8) According to Preliminary Data from the 2018 State Health Assessment presented to the House Committee on Health Care by the Department of Health in January 2018, Vermonters who experience health inequities report that they:

(A) face discrimination, prejudice, and racism that is often invisible to others;

(B) do not trust and feel misunderstood by “the system”;

(C) do not feel valued, included, or safe;

(D) feel like services are not designed to support them;

(E) feel a lack of agency over their health and their own lives; and

(F) believe this takes place because our society has been structured to maintain a status quo that provides them with unequal opportunities.

(9) Vermont’s 2018 State Health Assessment indicates that social determinants of health are underlying, contributing factors of the foregoing health inequities. That is, disparities in social determinants of health contribute to health inequities. Disparities in the social determinants of health exist in Vermont. For example:

(A) According to the Vermont Housing Finance Agency, just 21 percent of Black Vermonters own their own homes, whereas 72 percent of White Vermonters own their own home. Nationally, 41 percent of Black Americans own their own home.

(B) According to the Vermont Housing Finance Agency, the median household income of Black Vermonters is \$41,533.00, while the median household income of White Vermonters is \$58,244.00.

(C) According to the U.S. Census Bureau, in 2018, 23.8 percent of Black Vermonters were living in poverty, while 10.7 percent of White Vermonters lived in poverty. In addition, according to the Vermont Housing Finance Agency, 57 percent of Black Vermonters earned less than 80 percent of Vermont’s median income, while 43 percent of White Vermonters earned less than 80 percent of Vermont’s median income.

(D) According to the Vermont Housing Finance Agency, about one in two non-White Vermonters experience “housing problems,” which is defined by the U.S. Department of Housing and Urban Development as homes that lack complete kitchen facilities or plumbing; overcrowded homes; or households paying more than 30 percent of income towards rent, mortgage payments, and utilities. One in three Vermonters experience “housing problems.”

(E) According to the Vermont Coalition to End Homelessness and Chittenden County Homeless Alliance’s 2020 Point-in-Time Count, Black Vermonters are overrepresented among Vermonters experiencing homelessness. While Black Vermonters make up about one percent of Vermont’s population, they make up six percent of Vermonters experiencing homelessness.

(10) Vermont’s role in the eugenics movement, including the State’s 1931 sterilization law, and its impacts on individuals who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities is an example of past injustice in the health care system that continues to impact members of these communities in the present day.

Sec. 2. LEGISLATIVE INTENT AND PURPOSE

(a) It is the intent of the General Assembly to promote health and achieve health equity by eliminating avoidable and unjust disparities in health through a systemic and comprehensive approach that addresses social, economic, and environmental factors that influence health. To this end, the General Assembly believes that:

(1) Equal opportunity is a fundamental principle of American democracy.

(2) Equal enjoyment of the highest attainable standard of health is a human right and a priority of the State.

(3) Structural racism, defined as the laws, policies, institutional practices, cultural representations, and other societal norms that often work together to deny equal opportunity, has resulted in health disparities among

Vermonters. Great social costs arise from these inequities, including threats to economic development, democracy, and the social health of the State of Vermont.

(4) Health disparities are a function of not only access to health care, but also social determinants of health, including the environment, the physical structure of communities, nutrition and food options, educational attainment, employment, race, ethnicity, sex, geography, language preferences, immigrant or citizen status, sexual orientation, gender identity, and socioeconomic status, that directly and indirectly affect the health, health care, and wellness of individuals and communities.

(5) Efforts to improve health in the United States have traditionally looked to the health care system as the key driver of health and health outcomes. However, there has been increased recognition that improving health and achieving health equity will require broader approaches that address factors that influence health.

(6) Health equity is the attainment of the highest level of health for all people. Health equity can be achieved only by eliminating the preventable differences in the health of one group over another as the result of factors such as race, sexual orientation, gender, disability, age, socioeconomic status, or geographic location.

(b) The purpose of this act is to eliminate disparities in health status based on race, ethnicity, disability, and LGBTQ status by:

(1) establishing better and more consistent collection and access to data;

(2) enhancing the full range of available and accessible culturally appropriate health care and public services across Vermont;

(3) ensuring the early and equitable inclusion of Vermonters who experience health inequities because of race, ethnicity, disability, and LGBTQ status in efforts to eliminate such inequities; and

(4) addressing social determinants of health, particularly social, economic, and environmental factors that influence health.

Sec. 3. 18 V.S.A. chapter 6 is added to read:

CHAPTER 6. HEALTH EQUITY

§ 251. DEFINITIONS

As used in this chapter:

(1) “Cultural competency” means a set of integrated attitudes, knowledge, and skills that enables a health care professional to care effectively

for patients from cultures, groups, and communities other than that of the health care professional. At a minimum, cultural competency should include the following:

(A) awareness and acknowledgement of the health care professional's own culture;

(B) utilization of cultural information to establish therapeutic relationships;

(C) eliciting and incorporating pertinent cultural data in diagnosis and treatment; and

(D) understanding and applying cultural and ethnic data to the process of clinical care.

(2) "Health disparity" means differences that exist among specific population groups in the United States in attaining individuals' full health potential that can be measured by differences in incidence, prevalence, mortality, burden of disease, and other adverse health conditions.

(3) "Health equity" means all people have a fair and just opportunity to be healthy, especially those who have experienced socioeconomic disadvantage, historical injustice, and other avoidable systemic inequalities that are often associated with the social categories of race, gender, ethnicity, social position, sexual orientation, and disability.

(4) "Health equity data" means demographic data, including, but not limited to, race, ethnicity, primary language, age, gender, socioeconomic position, sexual orientation, disability, homelessness, or geographic data that can be used to track health equity.

(5) "LGBTQ" means Vermonters who identify as lesbian, gay, bisexual, transgender, queer, or questioning.

(6) "Non-White" means Black, Indigenous, and Persons of Color. It is not intended to reflect self-identity, but rather how people are categorized in the racial system on which discrimination has been historically based in the United States and how Vermont typically disaggregates data solely by White and non-White.

(7) "Race and ethnicity" mean the categories for classifying individuals that have been created by prevailing social perceptions, historical policies, and practices. Race and ethnicity include how individuals perceive themselves and how individuals are perceived by others.

(8) "Social determinants of health" are the conditions in the environments where people are born, live, learn, work, play, worship, and age,

such as poverty, income and wealth inequality, racism, and sex discrimination, that affect a wide range of health, functioning, and quality-of-life outcomes and risks. They can be grouped into five domains: economic stability; education access and quality; health care access and quality; neighborhood and built environment; and social and community context. Social determinants of health are systematic, interconnected, cumulative, and intergenerational conditions that are associated with lower capacity to fully participate in society.

§ 252. HEALTH EQUITY ADVISORY COMMISSION

(a) Creation. There is created the Health Equity Advisory Commission to promote health equity and eradicate health disparities among Vermonters, including particularly those who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities. The Advisory Commission shall amplify the voices of impacted communities regarding decisions made by the State that impact health equity, whether in the provision of health care services or as the result of social determinants of health. The Advisory Commission shall also provide strategic guidance on the development of an Office of Health Equity, including recommendations on the structure, responsibilities, and jurisdiction of such an office.

(b)(1) Membership. The Advisory Commission shall be composed of the following members:

(A) the Executive Director of Racial Equity established pursuant to 3 V.S.A. § 5001 or designee, who shall serve as chair;

(B) the Commissioner of Health or designee;

(C) the Commissioner of Mental Health or designee;

(D) the Commissioner of Disabilities, Aging, and Independent Living or designee;

(E) the Commissioner of Vermont Health Access or designee;

(F) the Commissioner for Children and Families or designee;

(G) the Commissioner of Housing and Community Development or designee;

(H) the Commissioner of Economic Development or designee;

(I) the Chief Performance Officer or designee;

(J) a member, appointed by the Racial Justice Alliance;

(K) a member, appointed by the Rutland Area NAACP;

(L) a member, appointed by the Association of Africans Living in Vermont;

(M) a member, appointed by the Windham County Vermont NAACP;

(N) a member, appointed by the Pride Center of Vermont;

(O) a member, appointed by Outright Vermont;

(P) a member, appointed by Migrant Justice;

(Q) a member, appointed by Out in the Open;

(R) a member, appointed by Another Way Community Center;

(S) a member, appointed by Vermont Psychiatric Survivors;

(T) a member, appointed by the Vermont Center for Independent Living;

(U) a member, appointed by the Elnu Abenaki Tribe;

(V) a member, appointed by the Nulhegan Abenaki Tribe;

(W) a member, appointed by the Koasek Traditional Nation of Missiquoi;

(X) a member, appointed by the Abenaki Nation of Missiquoi;

(Y) a member, appointed by the Vermont Commission on Native American Affairs;

(Z) a member, appointed by Green Mountain Self-Advocates;

(AA) a member, appointed by Vermont Federation of Families for Children's Mental Health; and

(BB) any other members at large that the Advisory Commission deems necessary to appoint to carry out the functions of this section, including ensuring equitable representation and a balance between impacted communities, and that health care provider perspectives are represented, based on a majority vote of the members.

(2) The term of office of each appointed member shall be three years, with the exception that members at large shall each have a term of one year. Of the members first appointed, who are not designated as at-large members, four shall be appointed for a term of one year, four shall be appointed for a term of two years, and 10 shall be appointed for a term of three years. Members shall hold office for the term of their appointments and until their successors have been appointed. All vacancies shall be filled for the balance of the unexpired

term in the same manner as the original appointment. Members are eligible for reappointment.

(c) Powers and duties. The Advisory Commission shall:

(1) provide preliminary guidance on the development of an Office of Health Equity and make recommendations on the structure, responsibilities, and jurisdiction of such an office, including:

(A) whether the Office shall be independent, and if not, in which State agency or department is shall be situated;

(B) how the Office shall be staffed;

(C) the populations served and specific issues addressed by the Office;

(D) the duties of the Office, including how grant funds shall be managed and distributed; and

(E) the time frame and necessary steps to establish the Office;

(2) provide advice and make recommendations to the Office of Health Equity once established, including input on:

(A) any rules or policies proposed by the Office;

(B) the awarding of grants and the development of programs and services;

(C) the needs, priorities, programs, and policies relating to the health of individuals who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities; and

(D) any other issue on which the Office of Health Equity requests assistance from the Advisory Commission;

(3) review, monitor, and advise all State agencies regarding the impact of current and emerging State policies, procedures, practices, laws, and rules on the health of individuals who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities; and

(4) identify and examine the limitations and problems associated with existing laws, rules, programs, and services related to the health status of individuals who are Black, Indigenous, and Persons of Color; individuals who are LGBTQ; and individuals with disabilities; and

(5) advise the General Assembly on efforts to improve cultural competency and antiracism in the health care system through training and

continuing education requirements for health care providers and other clinical professionals.

(d) Assistance. The Advisory Commission shall have the administrative, legal, and technical assistance of the Agency of Administration at the request of the Executive Director of Racial Equity.

(e) Report. Annually, on or before January 15, the Advisory Commission shall submit a written report to the Senate Committee on Health and Welfare and to the House Committees on Health Care and on Human Services with its findings and any recommendations for legislative action. The Advisory Commission is encouraged to base recommendations on the data collected and analysis completed pursuant to section 253 of this title.

(f) Meetings.

(1) The Executive Director of Racial Equity or designee shall call the first meeting of the Advisory Commission to occur on or before September 1, 2021.

(2) The Advisory Commission shall meet at least bimonthly and when requested by either the Chair or by any eight appointed members.

(3) Nine public members of the Advisory Commission shall constitute a quorum for the transaction of business.

(4) All meetings of the Advisory Commission and any subcommittees of the Advisory Commission shall be open to the public with opportunities for public comment provided on a regular basis.

(g) Acceptance of grants and other contributions. The Advisory Commission may accept from any governmental department or agency, public or private body, or any other source grants or contributions to be used in carrying out its responsibilities under this chapter.

(h) Compensation and reimbursement. Appointed members of the Advisory Commission shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for meetings as deemed appropriate by the Advisory Commission within the appropriation provided. These payments shall be made from monies appropriated to the Agency of Administration.

§ 253. DATA RESPONSIVE TO HEALTH EQUITY INQUIRIES

(a) Each State agency, department, board, or commission that collects health-related, individual data shall include in its data collection health equity data disaggregated by race, ethnicity, gender identity, age, primary language, socioeconomic status, disability, and sexual orientation. Data related to race

and ethnicity shall use separate collection categories and tabulations, disaggregated beyond non-White and White, in accordance with the recommendation made by the Executive Director of Racial Equity, in consultation with the Advisory Commission.

(b)(1) The Department of Health shall systematically analyze such health equity data using the smallest appropriate units of analysis feasible to detect racial and ethnic disparities, as well as disparities along the lines of primary language, sex, disability status, sexual orientation, gender identity, socioeconomic status, and report the results of such analysis on the Department's website periodically, but not less than biannually. The Department's analysis shall be used to measure over time the impact of actions taken to reduce health disparities in Vermont. The data informing the Department's analysis shall be made available to the public in accordance with State and federal law.

(2) Annually, on or before January 15, the Department shall submit a report containing the results of the analysis conducted pursuant to subdivision (1) of this subsection to the Senate Committee on Health and Welfare and to the House Committees on Health Care and on Human Services.

Sec. 4. 3 V.S.A. § 5003 is amended to read:

§ 5003. DUTIES OF EXECUTIVE DIRECTOR OF RACIAL EQUITY

(a) The Executive Director of Racial Equity (Director) shall work with the agencies and departments to implement a program of continuing coordination and improvement of activities in State government in order to combat systemic racial disparities and measure progress toward fair and impartial governance, including:

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

(2) managing and overseeing the statewide collection of race-based data to determine the nature and scope of racial discrimination within all systems of State government; ~~and~~

(3) developing a model fairness and diversity policy and reviewing and making recommendations regarding the fairness and diversity policies held by all State government systems; ~~and~~

(4) temporarily overseeing and chairing the Health Equity Advisory Commission established pursuant to 18 V.S.A. § 252 until an Office of Health Equity is established.

* * *

Sec. 5. REPORT; CONTINUING EDUCATION

On or before October 1, 2022, the Health Equity Advisory Commission established pursuant to 18 V.S.A. § 252, in consultation with licensing boards, professional organizations, and providers of all health care and clinical professions, shall submit a written report to the House Committee on Health Care and to the Senate Committee on Health and Welfare with its recommendations for improving cultural competency and antiracism in Vermont's health care system through initial training, continuing education requirements, and investments.

Sec. 6. APPROPRIATION

(a) In fiscal year 2022, \$180,000.00 is appropriated to the Agency of Administration from the General Fund for use by the Executive Director of Racial Equity in carrying out the provisions of this act.

(b) It is the intent of the General Assembly that similar appropriations be made in future fiscal years until an Office of Healthy Equity is established.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

(Committee Vote: 9-1-1)

H. 218

An act relating to the sale of unpasteurized raw milk

Rep. Surprenant of Barnard, for the Committee on Agriculture and Forestry, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 6 V.S.A. chapter 152 is amended to read:

CHAPTER 152: SALE OF UNPASTEURIZED (RAW) MILK

§ 2775. LIMITED SALE OF UNPASTEURIZED (RAW) MILK

PERMISSIBLE

Notwithstanding section 2701 of this title, the production and sale of unpasteurized milk to a consumer for personal consumption is permitted within the State of Vermont only when produced, marketed, and sold in conformance with this chapter.

§ 2776. DEFINITIONS

~~As~~ As used in this chapter:

(1) “Consumer” means a customer who purchases, barter for, receives delivery of, or otherwise acquires unpasteurized milk according to the requirements of this chapter.

(2) “Milk” ~~shall have~~ has the same meaning as set forth in section 2672 of this title.

(3) “Personal consumption” means the use by a consumer of unpasteurized milk for food or to create a food product made with or from unpasteurized milk that is intended to be ingested by the consumer, members of his or her household, or any nonpaying guests.

(4) “Unpasteurized milk” or “unpasteurized (raw) milk” means milk that is unprocessed.

(5) “Unprocessed” means milk that has not been modified from the natural state it was in as it left the animal, other than filtering, packaging, and cooling.

(6) “Community-supported agriculture organization” or “CSA organization” means a farm or group of farms each subject to regulation under the Required Agricultural Practices that grow, raise, or produce agricultural products for consumer shareholders or subscribers who pledge or contract to buy a portion of the agricultural products of the farm or group of farms.

(7) “Farm stand” means a site on a farm subject to the Required Agricultural Practices where agricultural products principally produced on the farm are sold to the public.

§ 2777. STANDARDS FOR THE SALE OF UNPASTEURIZED (RAW)

MILK

(a) ~~Unpasteurized~~ Except as provided under section 2778 of this title, unpasteurized milk shall be sold directly from the producer to the consumer for personal consumption only and shall not be resold.

(b) Unpasteurized milk shall be sold only from the farm on which it was produced except when sale or delivery off the farm is allowed under section 2778 of this chapter. Unpasteurized milk shall not be offered as free samples at any location other than on the farm on which the milk was produced.

(c) Unpasteurized milk operations shall conform to reasonable sanitary standards, including:

(1)(A) Unpasteurized milk shall be derived from healthy animals that are subject to appropriate veterinary care, including rabies vaccination

administered by a licensed veterinarian according to accepted vaccination standards established by the Agency.

(B) A producer shall ensure that all ruminant animals are tested for brucellosis and tuberculosis, conducted by a licensed veterinarian according to accepted testing standards established by the Agency, prior to the sale of unpasteurized milk.

(C) A producer shall ensure that dairy animals entering the producer's milking herd, including those born on the farm, are tested for brucellosis and tuberculosis, conducted by a licensed veterinarian according to accepted testing standards established by the Agency, prior to the animal's milk being sold to consumers, unless:

(i) ~~The~~ the dairy animal has a negative U.S. Department of Agriculture approved test for brucellosis within 30 days prior to importation into the State, in which case a brucellosis test shall not be required;

(ii) ~~The~~ the dairy animal has a negative U.S. Department of Agriculture approved tuberculosis test within 60 days prior to importation into the State, in which case a tuberculosis test shall not be required; or

(iii) ~~The~~ the dairy animal leaves and subsequently reenters the producer's herd from a state or Canadian province that is classified as "certified free" of brucellosis and "accredited free" of tuberculosis or an equivalent classification, in which case a brucellosis or tuberculosis test shall not be required.

(D) A producer shall post test results and verification of vaccinations on the farm in a prominent place and make results available to customers and the Agency.

(2) The animal's udders and teats shall be cleaned and sanitized prior to milking.

(3) The animals shall be housed in a clean, dry environment.

(4) Milking equipment shall be of sanitary construction, cleaned after each milking, and sanitized prior to the next milking.

(5) Milking shall be conducted in a clean environment appropriate for maintaining cleanliness.

(6) The farm shall have a potable water supply ~~which~~ that is sampled for bacteriological examination according to Agency standards every three years and whenever any alteration or repair of the water supply has been made.

(7) If an animal is treated with antibiotics, that animal's milk shall be tested for and found free of antibiotics before its milk is offered for sale.

(d) Unpasteurized milk shall conform to the following production and marketing standards:

(1) Record keeping and reporting.

(A) A producer shall collect one composite sample of unpasteurized milk each day and keep the previous 14 days' samples frozen. The producer shall provide samples to the Agency if requested.

(B) A producer shall maintain a current list of all customers, including addresses, telephone numbers, and, when available, e-mail addresses.

(C) The producer shall maintain a list of transactions for at least one year that shall include customer names, the date of each purchase, and the amount purchased.

(2) Labeling. Unpasteurized (raw) milk shall be labeled as such, and the label shall contain:

(A) The date the milk was obtained from the animal.

(B) The name, address, zip code, and telephone number of the producer.

(C) The common name of the type of animal producing the milk, such as cattle, goat, sheep, or an image of the animal.

(D) The words "Unpasteurized (Raw) Milk. Keep Refrigerated." on the container's principal display panel, and these words shall be clearly readable in letters at least one-eighth inch in height and prominently displayed.

(E) The words "Consuming raw unpasteurized milk may cause illness, particularly in children, seniors, persons with weakened immune systems, and pregnant women." on the container's principal display panel and clearly readable in letters at least one-sixteenth inch in height.

(3) Temperature. Unpasteurized milk shall be cooled to 40 degrees Fahrenheit or lower within two hours of the finish of milking and so maintained until it is obtained by the consumer. All farms shall be able to demonstrate to the Agency's inspector that they have the capacity to keep the amount of milk sold on the highest volume day stored and kept at 40 degrees Fahrenheit or lower in a sanitary and effective manner.

(4) Storage. An unpasteurized milk bulk storage container shall be cleaned and sanitized after each emptying. Each container shall be emptied

within 24 hours of the first removal of milk for packaging. Milk may be stored for up to 72 hours, but all storage containers shall be emptied and cleaned at least every 72 hours. Unless milk storage containers are cleaned and sanitized daily, a written log of dates and times when milking, cleaning, and sanitizing occur shall be posted in a prominent place and be easily visible to customers.

(5) Shelf life. Unpasteurized milk shall not be transferred to a consumer after four days from the date on the label.

(6) Customer inspection and notification.

(A) The producer shall provide the customer with the opportunity to tour the farm and any area associated with the milking operation. The producer shall permit the customer to return to the farm at a reasonable time and at reasonable intervals to reinspect any areas associated with the milking operation.

(B)(i) A sign, provided by the Agency of Agriculture, Food and Markets, that is ~~8~~ eight and ~~one-half~~ one-half inches by 11 inches in size with the words “Unpasteurized (Raw) Milk. Keep Refrigerated.” “Consuming raw unpasteurized milk may cause illness, particularly in children, seniors, persons with weakened immune systems, and pregnant women.” shall be displayed prominently on the farm in a place where it can be easily seen by customers. The text of the sign required under this subdivision shall be clearly visible and easily readable to consumers on the farm or at a farmers’ market.

(ii) The Secretary of Agriculture, Food and Markets shall post a copy of the sign required under subdivision (6)(B)(i) of this section to the website of the Agency of Agriculture, Food and Markets for use by producers.

(e) A producer selling 87.5 or fewer gallons (350 quarts) of unpasteurized milk per week shall meet the requirements of subsections (a) through (d) of this section and shall sell unpasteurized milk from the farm on which it was produced. A producer selling 87.5 or fewer gallons of unpasteurized milk may choose to meet the requirements of subsection (f) of this section, in which case the producer may deliver or sell in accordance with section 2778 of this title.

(f) A producer selling more than 87.5 gallons to 350 gallons (more than 350 to 1,400 quarts) of unpasteurized milk per week shall meet the requirements of subsections (a) through (d) of this section as well as the following standards:

(1) Inspection. The Agency shall annually inspect the producer’s facility and determine that the producer is in compliance with the sanitary standards listed in subsection (c) of this section.

(2) Bottling. Unpasteurized milk shall be sold in containers that have been filled by the producer. Containers shall be cleaned by the producer except that the producer may allow customers to clean their own containers only if each customer's container is labeled with the customer's name and address and the customers use their own containers. Producers shall ensure that only clean bottles are filled and distributed.

(3) Testing.

(A) A producer shall have unpasteurized milk tested twice per month by a U.S. Food and Drug Administration accredited laboratory using accredited lab-approved testing containers. Milk shall be tested for the following and the results shall be below these limits:

- (i) total bacterial (aerobic) count: 15,000 cfu l (cattle and goats);
- (ii) total coliform count: 10 cfu l (cattle and goats); and
- (iii) somatic cell count: 225,000 l (cattle); 500,000 l (goats).

(B) The producer shall ensure that all test results are forwarded to the Agency, by the laboratory, upon completion of testing or within five days of receipt of the results by the producer.

(C) The producer shall keep test results on file for one year and shall post results on the farm in a prominent place that is easily visible to customers. The producer shall provide test results to the farm's customers if requested.

(D) The Secretary shall issue a warning to a producer when any two out of four consecutive, monthly tests exceed the limits. The Secretary shall have the authority to suspend unpasteurized milk sales if any three out of five consecutive, monthly tests exceed the limits until an acceptable sample result is achieved. The Secretary shall not require a warning to the consumer based on a high test result.

(4) Registration. Each producer operating under this subsection shall register with the Agency.

(5) Reporting. On or before March 1 of each year, each producer shall submit to the Agency a statement of the total gallons of unpasteurized milk sold in the previous 12 months.

(6) Off-farm sale and delivery. The sale and delivery of unpasteurized milk is permitted as provided for under section 2778 of this title.

(g) The sale of more than 350 gallons (1,400 quarts) of unpasteurized milk in any one week is prohibited.

§ 2778. SALE OR DELIVERY OF UNPASTEURIZED (RAW) MILK

(a) Sale or delivery of unpasteurized milk off the farm, at a farm stand, or by a CSA organization is permitted ~~only~~ within the State of Vermont and ~~only~~ of milk produced by a producer meeting the requirements of subsection 2777(f) of this chapter.

(b) Sale or delivery of unpasteurized milk off the farm, at a farm stand, or by a CSA organization shall conform to the following requirements:

(1) ~~Vendors~~ Persons selling or delivery unpasteurized milk shall ~~verbally~~ inform each customer of the need to keep milk refrigerated.

(2) A producer may sell or deliver unpasteurized milk directly to the customer:

(A) at the customer's home or may deliver it to the customer's home when delivery is into a refrigerated unit at the customer's home if such unit is capable of maintaining the unpasteurized milk at 40 degrees Fahrenheit or lower until obtained by the customer; or

(B) at a farmers' market, as that term is defined in section 5001 of this title, where the producer is a vendor.

(3) During delivery or storage prior to sale, unpasteurized milk shall be protected from exposure to direct sunlight.

(4) During delivery or storage prior to sale, unpasteurized milk shall be kept at 40 degrees Fahrenheit or lower at all times.

(c)(1) A producer may contract with another individual, a farm stand, or a CSA organization to deliver or sell the unpasteurized milk in accordance with this section.

(2) The producer shall be jointly and severally liable for the delivery or sale of the unpasteurized milk in accordance with this section.

(3) The producer shall submit to the Agency of Agriculture, Food and Markets notice of the farm stands or CSA organizations with whom the producer has contracted to sell the producer's unpasteurized milk under this section.

(d) Prior to delivery or sale at a farmers' market under this section, a producer shall submit to the Agency of Agriculture, Food and Markets written or electronic notice of intent to deliver or sell unpasteurized milk at a farmers' market. The notice shall:

(1) include the producer's name and proof of registration;

(2) identify the farmers' market or markets where the producer will deliver milk; and

(3) specify the day or days of the week on which delivery or sale will be made at a farmers' market.

(e) A producer selling or delivering unpasteurized milk at a farmers' market under this section shall display the registration required under subdivision 2777(f)(4) of this title and the sign required under subdivision 2777(d)(6) on the farmers' market stall or stand in a prominent manner that is clearly visible to consumers.

(f) A farm stand or a CSA organization selling unpasteurized milk produced on a farm other than the farm or farms where the farm stand or CSA organization is located shall:

(1) maintain a list of all customers to whom unpasteurized milk is sold, including addresses, telephone numbers, and, when available, e-mail addresses; date of purchase; and amount purchased;

(2) submit the records required under subdivision (1) of this section to the producer weekly;

(3) store unpasteurized milk in a refrigerated unit or other adequate storage that is capable of keeping the milk at 40 degrees Fahrenheit or lower in a sanitary and effective manner; and

(4) display the sign required for producers under subdivision 2777(d)(6)(B) in a place where clearly visible to and easily readable by customers at the farm stand or CSA organization.

(g) Sale of unpasteurized milk by a farm stand or a CSA organization under this subsection shall be deemed to be farming under 10 V.S.A. § 6001(22) and the Required Agricultural Practices.

(h) The Secretary may inspect a farm stand or CSA organization selling unpasteurized milk under this section during reasonable hours for the purposes of determining compliance with this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

(Committee Vote: 8-0-0)

H. 293

An act relating to creating the State Youth Council

Rep. Mrowicki of Putney, for the Committee on Government Operations, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS, PURPOSE, AND INTENT

(a) Findings. The General Assembly finds the following:

(1) Young Vermonters are one of our State's most important resources. Youths under 21 years of age represent approximately 24 percent of the Vermont population and reflect Vermont's diversity. They are a group of dynamic, vibrant, and innovative individuals who are finding new ways to have their voices heard and effect the change they wish to see in the world.

(2) Multiple perspectives strengthen decision making and policy development by encouraging innovation, creativity, and change. Including the unique perspectives of young persons improves State policies and programs, including youth-specific services.

(3) Vermont's economy depends on the participation of young persons, and empowering them to provide policy advice will help keep young Vermonters in the State. It will also diversify our economy, making it more competitive and sustainable.

(4) Young persons have the right to be heard and respected. Almost all government policies and decisions have an impact on young persons' lives and youths have the right to influence those decisions, both individually and collectively. Furthermore, involving young persons in political processes helps build trust in democratic institutions, which in turn protects Vermont's democracy.

(b) Purpose. The purpose of this act is to create the State Youth Council, composed of young Vermonters who will have an official means of providing advice on policies that impact young persons in Vermont.

(c) Intent.

(1) The intent of creating the State Youth Council set forth in this act is to enhance the State's progress in reaching the population-level outcomes set forth in 3 V.S.A. § 2311(b)(6) (Vermont's children and young people achieve their potential) and (9) (Vermont has open, effective, and inclusive government).

(2) The General Assembly further intends to consider the recommendations of the initial State Youth Council created in this act and to subsequently amend the Council's appointing authority, powers, and duties accordingly.

Sec. 2. 3 V.S.A. chapter 53, subchapter 4 is amended to read:

Subchapter 4. Departments, Divisions, Councils and Boards

* * *

§ 3097. STATE YOUTH COUNCIL

(a) Creation. There is created within the Department of Health the State Youth Council (Council) to advise the Governor and the General Assembly on issues affecting young persons in Vermont.

(b) Membership. The Council shall be composed of not more than 28 Vermont resident youths between 11 and 18 years of age at the time of appointment. The interagency workgroup Youth Services Advisory Council shall appoint members from an applicant pool with a focus on prioritizing diversity and inclusion, including characteristics such as county of residence, gender identity, racial identity, disabilities, age, and other characteristics identified by the applicants. The Youth Services Advisory Council shall appoint a minimum of one resident youth from each State county.

(1) The Department of Health shall assist the Youth Services Advisory Council in notifying the public regarding the opportunity for youths to serve on the Council, and the Youth Services Advisory Council shall accept applications for service on the Council. The application process should emphasize the need for diverse, qualified candidates. A successful candidate must demonstrate:

(A) a commitment to inclusion and the youths of the State; and

(B) the ability to work with others and listen to others.

(2) The Youth Services Advisory Council shall appoint members to the Council for three-year staggered terms and shall strive to appoint Council members who represent a variety of youths in the State. The Youth Services Advisory Council shall consult with members of youth advocacy groups concerning initial appointments to establish the Council and then shall consult with the Council regarding appointments for all subsequent terms.

(3) The Council shall elect a chair from among its members.

(4) The Council shall establish an Executive Committee, ad hoc committees as needed, and the following standing committees:

- (A) the Youth Voice Committee;
- (B) the Education Committee;
- (C) the Equity and Anti-Racism Committee;
- (D) the Climate Change Committee; and
- (E) the Youth Mental Health Committee.

(c) Powers and duties.

(1) The Council may:

- (A) meet at least one time per month;
- (B) hold up to four public hearings annually in order to take testimony on issues affecting Vermont youths;
- (C) gather input from Vermont youths through surveys or polls; and
- (D) evaluate the State's progress in reaching the population-level outcomes set forth in section 2311 of this title and recommend to the Joint Committee on Government Accountability any revisions to the population-level indicators for those outcomes the Council finds necessary to better reflect data that impacts Vermont youths.

(2) The Council shall provide advice to the Governor and the General Assembly on policy changes necessary to improve the lives of Vermont youths.

(A) The Governor shall meet annually with the Council to hear and receive the Council's advice and recommendations on policies that impact the youths of Vermont.

(B) The Council shall annually report its advice and recommendations to the House and Senate Committees on Government Operations and to any other standing committees it deems appropriate. The report may be in verbal form.

(C) The Council shall annually report its advice and recommendations to the House and Senate Committees on Government Operations and to any other standing committees it deems appropriate on the preservation of Vermont's traditions and the future of Vermont's rural character, activities, and professions.

(d) Assistance. The Council shall have the administrative, technical, and legal assistance of the Department of Health to assist with Council-directed activities, including:

- (1) assisting with meeting scheduling and logistical support;
- (2) providing information technology support; and
- (3) providing any technology or technological devices necessary for the Council to perform its duties.

(e) Support. The Council shall also have support from the Youth Services Advisory Council.

(f) Attending meetings.

(1) Members of the Council may attend Council meetings by electronic or other means without being physically present at a designated meeting location as permitted under 1 V.S.A. § 312(a)(2).

(2) The General Assembly finds that such virtual meeting attendance is particularly expedient for Council members from remote areas of the State to participate in meetings, but also encourages Council members to be physically present at meeting locations when possible due to the importance of in-person interaction.

(g) Compensation and reimbursement. Members of the Council shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than 16 meetings per calendar year. For purposes of this subsection, “meetings” includes public hearings. These payments shall be made from monies appropriated to the Department of Health.

Sec. 3. STATE YOUTH COUNCIL; INITIAL PROVISIONS

(a) Appointments. The Youth Services Advisory Council shall appoint the initial State Youth Council created by Sec. 2 of this act on or before November 1, 2021. The initial appointments shall be for two- and three-year terms in order to provide staggered Council member terms.

(b) Training. From funds appropriated to the Department of Health, to assist with State Youth Council-directed activities and in consultation with the Youth Services Advisory Council, the Department shall provide to the State Youth Council training on general State policies, how to formulate policy proposals, government operations, public speaking, meeting etiquette, and leadership.

(c) Duties. In addition to the State Youth Council’s duties set forth in Sec. 2 of this act, on or before January 15, 2023 the Council shall recommend to the House and Senate Committees on Government Operations the manner in which its members should be appointed or elected and any other amendments to its enabling law.

Sec. 4. SUNSET OF STATE YOUTH COUNCIL

3 V.S.A. § 3097 (State Youth Council) is repealed on February 1, 2025.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 11-0-0)

H. 313

An act relating to miscellaneous amendments to alcoholic beverage laws

Rep. Birong of Vergennes, for the Committee on General; Housing; and Military Affairs, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 7 V.S.A. § 204 is amended to read:

§ 204. APPLICATION AND RENEWAL FEES FOR LICENSES AND PERMITS; DISPOSITION OF FEES

(a) The following fees shall be paid when applying for a new license or permit or to renew a license or permit:

* * *

(6) For a third-class license, \$1,095.00 for an annual license and \$550.00 for a six-month license. For a stand-alone third-class license, the issuing municipality may assess an additional \$50.00 local processing fee.

* * *

(b) Except for fees collected for first-, second-, and third-class licenses, the fees collected pursuant to subsection (a) of this section shall be deposited in the Liquor Control Enterprise Fund. The other fees shall be distributed as follows:

(1) Third-class license fees: 55 percent shall go to the Liquor Control Enterprise Fund; and 45 percent shall go to the General Fund and shall fund alcohol abuse prevention and treatment programs. The local processing fee for stand-alone third-class licenses shall be retained by the issuing municipality.

* * *

Sec. 2. 7 V.S.A. § 230 is added to read:

§ 230. SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION

(a) The Board of Liquor and Lottery and the local control commissioners may authorize:

(1) first- and third-class licensees to sell malt beverages, vinous beverages, and spirits-based prepared drinks for off-premises consumption. All sales of alcoholic beverages for off-premises consumption must be accompanied by a food order.

(2) second-class licensees to provide curbside pickup of unopened containers of the alcoholic beverages that the licensee is permitted to sell from the licensed premises pursuant to section 222 of this subchapter.

(3) fourth-class licensees to provide curbside pickup of unopened containers of the alcoholic beverages that the licensee is permitted to sell from the licensed location pursuant to section 224 of this subchapter.

(b) For any alcoholic beverage sold pursuant to subdivision (a)(1) of this section, the first- or third-class licensee shall provide the alcoholic beverage in a container:

(1) with a securely affixed tamper-evident seal; and

(2) bearing a label that:

(A) states that the beverage contains alcohol; and

(B) lists the ingredients and serving size.

(c) A licensee may sell alcoholic beverages pursuant to this section between 10:00 a.m. and 11:00 p.m.

(d) The Board of Liquor and Lottery may adopt rules and forms necessary to implement this section.

Sec. 3. 7 V.S.A. § 253 is amended to read:

§ 253. FESTIVAL PERMITS

* * *

(b)(1) A festival required to be permitted under this section is any event that is open to the public for which the primary purpose is to serve one or more of the following: malt beverages, vinous beverages, fortified wines, or spirits.

(c) A festival permit holder is permitted to conduct an event that is open to the public at which one or more of the following are served: malt beverages, vinous beverages, fortified wines, or spirits.

(d) The permit holder shall ensure the following:

(1) Attendees at the festival shall be required to pay an entry fee of not less than \$5.00.

(2)(A) Malt beverages for sampling shall be offered in glasses that contain not more than 12 ounces with not more than 60 ounces served to any patron at one event.

(B) Vinous beverages for sampling shall be offered in glasses that contain not more than five ounces with not more than 25 ounces served to any patron at one event.

(C) Fortified wines for sampling shall be offered in glasses that contain not more than three ounces with not more than 15 ounces served to any patron at one event.

(D) Spirits for sampling shall be offered in glasses that contain not more than one ounce with not more than five ounces served to any patron at one event.

(E) Patrons attending a festival where combinations of malt, vinous, fortified wines, or spirits are mutually sampled shall not be served more than a combined total of six U.S. standard drinks containing 3.6 fluid ounces or 84 grams of pure ethyl alcohol.

(3) The event shall be conducted in compliance with all the requirements of this title.

(e)(1) A festival permit holder may purchase invoiced volumes of malt or vinous beverages directly from a manufacturer or packager licensed in Vermont, or a manufacturer or packager that holds a federal Basic Permit or Brewers Notice or evidence of licensure in a foreign country that is satisfactory to the Board.

(2) The invoiced volumes of malt or vinous beverages may be transported to the site and sold by the glass to the public by the permit holder or its employees and volunteers only during the event.

(e)(f) A festival permit holder shall be subject to the provisions of this title, including section 214 of this title, and the rules of the Board regarding the sale of the alcoholic beverages and shall pay the tax on the malt or vinous beverages pursuant to section 421 of this title.

(d)(g) A person shall be granted ~~no~~ not more than four festival permits per year, and each permit shall be valid for ~~no~~ not more than four consecutive days.

Sec. 4. 7 V.S.A. § 256 is amended to read:

§ 256. PROMOTIONAL TASTINGS FOR LICENSEES

(a)(1) At the request of a first- or second-class licensee, a holder of a manufacturer's, rectifier's, or wholesale dealer's license may distribute without charge to the first- or second-class licensee's management and staff, provided they are of legal age ~~and are off duty for the rest of the day~~, two ounces per person of vinous or malt beverages for the purpose of promoting the beverage.

(2) At the request of a holder of a third-class license, a manufacturer or rectifier of spirits or fortified wines may distribute without charge to the third-class licensee's management and staff, provided they are of legal age ~~and are off duty for the rest of the day~~, one-quarter ounce of each beverage and ~~no~~ not more than a total of one ounce to each individual for the purpose of promoting the beverage.

(3) No permit is required for a tasting pursuant to this subsection, ~~but written notice of the event shall be provided to the Division of Liquor Control at least two days prior to the date of the tasting.~~

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Sec. 5. REPEAL

7 V.S.A. § 230 is repealed on July 1, 2023.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

(**Committee Vote: 11-0-0**)

Information Notice

CROSSOVER DATES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2)) on or before **Friday, March 12, 2021**, and filed with the Secretary/Clerk so that they may be placed on the Calendar for Notice the next legislative day- Committee bills must be voted out of Committee by Friday, March 12, 2021.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday**,

March 19, 2021, and filed with the Secretary/Clerk so that they may be placed on the Calendar for Notice the next legislative day.

Note: The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

Exceptions to the foregoing deadlines include the major money bills (the general Appropriations bill (“The Big Bill”), the Transportation Capital bill, the Capital Construction bill and the Fee/Revenue bills.

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

JFO #3036 - \$3,800,000 to the VT Dept of Health from the Center for Disease Control and Prevention to increase and sustain the public health approach to suicide prevention. This grant includes funding for three (3) limited service positions. Two (2) positions in the Dept of Health: Public Health Programs Administrator and Public Health Analyst II. One (1) position in the Dept of Mental Health: Marketing and Outreach Coordinator. Grant amount is \$760,000 per year for 5 years. *[JFO received 2/16/2021]*

JFO #3037 - \$135,000 to the VT Dept of Mental Health from Vibrant Emotional Health for the development of the 988-implementation plan to ensure compliance with the federal mandate for universal access to suicide and prevention services by July 16, 2022. *[Note: One (1) limited service position is included within JFO #3036]. [JFO received 2/16/2021]*

JFO #3038 - \$40,000 to the VT Agency of Commerce and Community Development from the Chittenden County Regional Planning Commission. ACCD is a sub-grantee of the Chittenden County Regional Planning Commission and is awarded a maximum of \$40,000; original funds are from the U.S. Economic Development Administration. Funds will be used for work related to the West Central Vermont Comprehensive Economic Development Strategy project. *[JFO received 2/18/2021]*

JFO #3039 - \$1,000,000 to the VT Dept of Public Safety from the U.S. Dept of Justice to develop and implement approaches to address a range of criminal justice system problems. The majority of funds will be awarded as sub-grants to organizations with expertise in this subject matter. *[JFO received 3/3/2021]*

JFO #3040 - Two (2) limited service positions, both Financial Manager I, to ensure financial record compliance for the anticipated \$200 million in COVID-19 related public assistance awards to the VT Agency of Human Services from the Federal Emergency Management Agency. Positions will be funded through previously approved JFO grant #3015. *[Note: Grant #3015 is a public assistance grant to reimburse eligible costs borne by state, local and non-profit entities in the COVID-19 emergency response – further info can be found here: https://ljfo.vermont.gov/custom_reports/grants/default.html]* *[JFO received 3/8/2021, expedited review requested on 3/9/2021]*

JFO #3041 - \$100,000 to the VT Dept. of Fish and Wildlife from Ducks Unlimited to fund a 25-year stewardship of 136 acres in Addison County. The land was donated by Ducks Unlimited with the condition that the Department perform stewardship duties. The yearly projected cost in materials and staff time is \$4,000. *[JFO received 3/08/2021]*

JFO #3042 - \$50,000 to the VT Judiciary from the State Justice Institute to secure consulting services of the National Center for State Courts to advise on the creation of an Access and Resource Center (ARC) which would serve self-represented parties and others looking for support navigating the justice process. *[Note: The budget materials include a \$5,000 Judiciary cash match and \$20,000 of in-kind match.]* *[JFO received 3/08/2021]*