

House Calendar

Wednesday, February 2, 2022

30th DAY OF THE ADJOURNED SESSION

House Convenes at 3:00 PM

TABLE OF CONTENTS

Page No.

ACTION CALENDAR

Third Reading

H. 320 Prohibiting agreements that prevent an employee from working for the employer following the settlement of a discrimination claim..... [203](#)

Committee Bill for Second Reading

H. 701 Cannabis license fees..... [203](#)
Rep. Elder for Ways and Means

Favorable with Amendment

H. 367 The management of perpetual care funds by cemetery associations
Rep. LeFebvre for Government Operations [203](#)

H. 461 Excluding the income of asylum seekers and refugees from household income
Rep. Ode for Ways and Means [203](#)

H. 489 Miscellaneous provisions affecting health insurance regulation
Rep. Donahue for Health Care [204](#)

NOTICE CALENDAR

Favorable with Amendment

H. 491 The creation of the City of Essex Junction and the adoption of the City charter
Rep. Anthony for Government Operations [211](#)

Constitutional Proposal

Third Day of Four Legislative Days Notice pursuant to Rule 51a

Prop 2 Declaration of rights; clarifying the prohibition on slavery and indentured servitude..... [231](#)
Rep. Colston for Government Operations

Third Day of Four Legislative Days Notice pursuant to Rule 51a

Prop 5 Declaration of rights; right to personal reproductive liberty.....[232](#)
Rep. Pugh for Human Services

ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 320

An act relating to prohibiting agreements that prevent an employee from working for the employer following the settlement of a discrimination claim

Committee Bill for Second Reading

H. 701

An act relating to cannabis license fees.

(Rep. Elder of Starksboro will speak for the Committee on Ways and Means.)

Favorable with Amendment

H. 367

An act relating to the management of perpetual care funds by cemetery associations

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

By striking out Sec. 1, 18 V.S.A. § 5437, in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 18 V.S.A. § 5437 is amended to read:

§ 5437. INVESTMENT

A cemetery association shall invest such trust funds ~~and shall expend the income therefrom in accordance with the provisions of~~ in the same manner as town cemeteries pursuant to section 5309 5384 of this title and may delegate the management and investment of cemetery association funds pursuant to subdivision (b)(3) of that section.

(Committee Vote: 11-0-0)

H. 461

An act relating to excluding the income of asylum seekers and refugees from household income

Rep. Ode of Burlington, for the Committee on Ways and Means, recommends the bill be amended as follows:

By striking out Sec. 1, 32 V.S.A. § 6061(3), in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 32 V.S.A. § 6061(3) is amended to read:

(3)(A) “Household” means, for any individual and for any taxable year, the individual and such other persons as resided with the individual in the principal dwelling at any time during the taxable year.

(B) The following shall not be considered members of the household:

(i) ~~A~~ a person who is not related to any member of the household and who is residing in the household under a written homesharing agreement pursuant to a nonprofit homesharing program;

(ii) a person residing in the household who was granted humanitarian parole to enter the United States pursuant to 8 C.F.R. § 212.5, who is seeking or has been granted asylum pursuant to 8 U.S.C. § 1158, or who qualifies as a refugee pursuant to 8 U.S.C. § 1101(a)(42), provided the person is not eligible or required under the laws of the United States to apply for lawful permanent residency; or

~~(iii) a person residing in a household who is hired as a bona fide employee to provide personal care to a member of the household and who is not related to the person for whom the care is provided shall not be considered to be a member of the household.~~

(Committee Vote: 11-0-0)

H. 489

An act relating to miscellaneous provisions affecting health insurance regulation

Rep. Donahue of Northfield, for the Committee on Health Care, recommends the bill be amended as follows:

by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. § 4062c is amended to read:

§ 4062c. COMPLIANCE WITH FEDERAL LAW

(a) Except as otherwise provided in this title, health insurers, hospital ~~or~~ and medical service corporations, and health maintenance organizations that issue, sell, renew, or offer health insurance coverage in Vermont shall comply with the requirements of the Health Insurance Portability and Accountability Act of 1996, as amended from time to time (42 U.S.C., Chapter 6A,

Subchapter XXV), and the Patient Protection and Affordable Care Act of 2010, ~~Public Law~~ Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, ~~Public Law~~ Pub. L. No. 111-152. The Commissioner shall enforce such requirements pursuant to ~~his or her~~ the Commissioner's authority under this title.

(b)(1) Health insurers, hospital and medical service corporations, health maintenance organizations, and health care providers, as that term is defined in 18 V.S.A. § 9432, shall comply with the requirements of the No Surprises Act, Pub. L. No. 116-260, Division BB, Title I, as amended from time to time.

(2) The Commissioner shall enforce the requirements of the No Surprises Act as they apply to health insurers, hospital and medical service corporations, health maintenance organizations, and health care providers, to the extent permitted under federal law, pursuant to the Commissioner's authority under this title. The Commissioner may also refer cases of noncompliance to the U.S. Department of Health and Human Services under the terms of a collaborative enforcement agreement, or to the Office of the Vermont Attorney General.

Sec. 2. NO SURPRISES ACT; PROVIDER OUTREACH

The Department of Financial Regulation, in collaboration with the Departments of Health and of Vermont Health Access and professional organizations representing health care providers, shall inform health care providers of their responsibilities under the No Surprises Act.

Sec. 3. 8 V.S.A. § 4079 is amended to read:

§ 4079. GROUP INSURANCE POLICIES; DEFINITIONS

Group health insurance is hereby declared to be that form of health insurance covering one or more persons, with or without their dependents, and issued upon the following basis:

(1)(A) Under a policy issued to an employer, who shall be deemed the policyholder, insuring at least one employee of such employer, for the benefit of persons other than the employer. The term "employees," as used ~~herein~~ in this section, shall be deemed to include the officers, managers, and employees of the employer; the partners, if the employer is a partnership; the officers, managers, and employees of subsidiary or affiliated corporations of a corporation employer; and the individual proprietors, partners, and employees of individuals and firms, the business of which is controlled by the insured employer through stock ownership, contract, or otherwise. The term "employer," as used ~~herein~~ in this section, may be deemed to include any municipal or governmental ~~corporation, unit, agency, or department thereof~~

~~and the proper officers as such, of any unincorporated municipality or department thereof~~ entity or officer, or the appropriate officer for an unincorporated town or gore or for the Unified Towns and Gores of Essex County, as well as private individuals, partnerships, and corporations.

(B) In accordance with section 3368 of this title, an employer domiciled in ~~another~~ a jurisdiction other than Vermont that has more than 25 certificate-holder employees whose principal worksite and domicile is in Vermont and that is defined as a large group in its own jurisdiction and under the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, § 1304, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, may purchase insurance in the large group health insurance market for its Vermont-domiciled certificate-holder employees.

(2)(A) A Under a policy issued:

(i) to an association, a trust, or one or more trustees of a fund established, created, or maintained by one or more associations otherwise eligible for the issuance of a policy under this subdivision (2) and maintained, directly or indirectly, by one or more associations for the benefit of its members of one or more associations, or a contract or plan issued by such an association or trust;; or

(ii) by a multiple employer welfare arrangement as defined in the Employee Retirement Income Security Act of 1974, as amended.

(B)(i) The association or associations shall have:

~~(A)(I) shall have a minimum of 100 persons at the time of incorporation or formation if it has been incorporated or formed outside this State, and a minimum of 25 persons at the time of incorporation or formation if it has been incorporated or formed in this State;~~

~~(B)(II) shall have been organized and maintained in good faith for purposes other than that of obtaining insurance;~~

~~(C)(III) shall have been in active existence for at least one year; and~~

~~(D)(IV) shall have a constitution and bylaws which that provide that:~~

~~(i)(aa) the association or associations hold regular meetings not less than annually to further purposes of the members;~~

~~(ii)(bb) except for credit unions, the association or associations collect dues or solicit contributions from members; and~~

(iii)(cc) the members have voting privileges and constitute a majority of the voting power of the association for all purposes and have representation on the governing board and committees.

(ii)(I) The association or associations shall not be controlled by an insurer, as evidenced by the operation of the association or associations.

(II) The following factors may be used as evidence to determine whether an association is an insurer-operated association; provided, however, that the presence or absence of one or more of these factors shall not serve to limit or be dispositive of such a determination:

(aa) common board members, officers, executives, or employees;

(bb) common ownership of the insurer and the association, or of the association and another eligible group; and

(cc) common use of office space or equipment used by the insurer to transact insurance.

(C) An association's members shall have a shared or common purpose that is not primarily a business or customer relationship.

(D)(i) A policy issued by an association shall not insure persons other than the members or employees of the association or associations, or employees of members, or all of any class or classes of employees of the association, associations, or members, together, in each case, with the employees' or members' dependents, as applicable, for the benefit of persons other than the employee's employer.

(ii) A policy issued by an association shall insure all eligible persons, except those who reject coverage in writing.

(E) An association shall not use the solicitation of insurance as the primary method of obtaining new members.

(F) If an insurer collects membership fees or dues on behalf of an association, the insurer shall disclose to the members of the association that the insurer is billing and collecting membership fees and dues on behalf of the association.

(3)(A) A Under a policy issued to a trust, or to one or more trustees of a fund established ~~or adopted~~ and maintained, directly or indirectly, by:

(i) two or more employers;

(ii) one or more labor unions or similar employee organizations;

or

(iii) one or more employers and one or more labor unions or similar employee organizations.

(B)(i) A policy under this subdivision must be issued to the trust or trustees for the purpose of insuring all of the employees of the employers or all of the members of the unions or organizations, or all of any class or classes of employees or members, together, in each case, with the employees' or members' dependents, as applicable, for the benefit of persons other than the employers or the unions or organizations. ~~The trust or trustee shall be deemed the policyholder.~~

(ii) A policy issued to a trust shall insure all eligible persons, except those who reject coverage in writing.

(4) Under a policy issued to any other substantially similar group ~~which that~~, in the discretion of the Commissioner, may be subject to the issuance of a group accident and sickness policy or contract.

Sec. 4. 8 V.S.A. § 4089f is amended to read:

§ 4089f. INDEPENDENT EXTERNAL REVIEW OF HEALTH CARE
SERVICE DECISIONS

* * *

(b) An insured who has exhausted all applicable internal review procedures provided by the health benefit plan shall have the right to an independent external review of a decision under a health benefit plan to deny, reduce or terminate health care coverage or to deny payment for a health care service. The independent review shall be available when requested in writing by the affected insured, provided the decision to be reviewed requires the plan to expend at least \$100.00 for the service and the decision by the plan is based on one of the following reasons:

* * *

(5) The decision involves an adverse determination related to surprise medical billing, as established under Section 2799A-1 or 2799A-2 of the Public Health Service Act, including with respect to whether an item or service that is the subject of the adverse determination is an item or service to which Section 2799A-1 or 2799A-2 of the Public Health Service Act, or both, applies.

* * *

Sec. 5. 18 V.S.A. § 9374(h)(5)(A) is amended to read:

(5)(A) Annually on or before September 15, the Board ~~and the Department of Financial Regulation~~ shall report to the House and Senate Committees on Appropriations the total amount of all expenses eligible for allocation pursuant to this subsection (h) during the preceding State fiscal year and the total amount actually billed back to the regulated entities during the same period. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

Sec. 6. 18 V.S.A. § 9417(c) is amended to read:

(c) The Commissioner of Financial Regulation shall adopt rules pursuant to 3 V.S.A. chapter 25 to license and regulate, to the extent permitted under federal law, entities administering or proposing to administer one or more HRAs, HSAs, FSAs, or similar tax-advantaged accounts for health-related expenses, or a combination of these, in this State. The rules shall include:

(1) ~~annual~~ licensure or registration filing requirements; and

(2) such requirements and qualifications for such entities as the Commissioner determines necessary to protect Vermont consumers and employers and to help ensure that funds are disbursed appropriately.

Sec. 7. 18 V.S.A. § 9701 is amended to read:

§ 9701. DEFINITIONS

As used in this chapter:

* * *

(13) “Health care decision” means consent, refusal to consent, or withdrawal of consent to any health care and includes consent to receive out-of-network services.

* * *

Sec. 8. HEALTH INSURANCE PARITY IN RESIDENTIAL CARE FOR
CHILDREN AND YOUTH WORKING GROUP; REPORT

(a) Creation. There is created the Insurance Parity in Residential Care for Children and Youth Working Group to increase access to appropriate residential treatment for children and youth who are enrolled in commercial health insurance.

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

(1) one or more representatives from the Department of Mental Health;

(2) one or more representatives from the Department for Children and Families;

(3) one or more representatives from the Department of Financial Regulation;

(4) one or more representatives from the Agency of Education;

(5) one or more representatives from the Department of Vermont Health Access;

(6) two or more representatives from residential treatment programs, including one funded as a private nonmedical institution for residential child care and one funded through a designated or specialized service agency bundled rate, selected by the Department of Mental Health in consultation with the Department for Children and Families;

(7) two or more representatives from commercial health insurance carriers, selected by the Department of Financial Regulation; and

(8) the Chief Health Advocate from the Office of the Health Care Advocate or designee.

(c) Powers and duties. The Working Group shall:

(1) examine the barriers that make it difficult for children and youth to access medically necessary residential treatment;

(2) identify the reasons that Vermont residential treatment programs are resistant to becoming approved providers for private insurance;

(3) propose solutions to overcome the barriers and reasons identified pursuant to subdivisions (1) and (2) of this subsection, including the possibility of creating a common set of quality and utilization management criteria and processes for private insurance and Medicaid-funded residential treatment; and

(4) explore solutions to streamline funding options for State-placed private pay students by considering the provisions of 16 V.S.A. §§ 11 and 2950.

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

(e) Report. On or before December 15, 2022, the Working Group shall provide its findings and any recommendations for legislative action to the House Committees on Health Care, on Human Services, and on Education and the Senate Committees on Health and Welfare and on Education.

(f) Meetings.

(1) The Commissioner of Financial Regulation or designee shall be the Chair and shall call the first meeting of the Working Group to occur on or before June 15, 2022.

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

(3) The Working Group shall cease to exist on December 15, 2022.

Sec. 9. EFFECTIVE DATES

This act shall take effect on July 1, 2022, except that Sec. 8 (Health Insurance Parity in Residential Care for Children and Youth Working Group; report) and this section shall take effect on passage.

(Committee Vote: 10-0-1)

NOTICE CALENDAR

Favorable with Amendment

H. 491

An act relating to the creation of the City of Essex Junction and the adoption of the City charter

Rep. Anthony of Barre City, 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:

* * * Creation of City; Approval of Charter * * *

Sec. 1. CHARTER AMENDMENT APPROVAL; CREATION OF CITY

As set forth in this act, the General Assembly creates the City of Essex Junction and approves the adoption of the charter of the City of Essex Junction. The voters of the Village of Essex Junction approved the creation of the City and the adoption of the City charter on November 2, 2021.

* * * Charter of the City of Essex Junction * * *

Sec. 2. 24 App. V.S.A. chapter 4 is added to read:

CHAPTER 4. CITY OF ESSEX JUNCTION

Subchapter 1. Incorporation and Powers of the City

§ 101. CORPORATE EXISTENCE RETAINED

Notwithstanding the provisions of any other municipal charter, the inhabitants of the Village of Essex Junction, within its corporate limits, shall be a municipal corporation by the name of the City of Essex Junction.

§ 102. GENERAL POWERS; LAW

Except as modified by the provisions of this charter, or by any lawful regulation or ordinance of the City of Essex Junction, all provisions of the statutes of this State applicable to municipal corporations shall apply to the City of Essex Junction.

§ 103. SPECIFIC POWERS

(a) The City of Essex Junction shall have all the powers granted to cities and municipal corporations by the Constitution and laws of this State together with all the implied powers necessary to carry into execution all the powers granted, and it may enact ordinances not inconsistent with the Constitution and laws of the State of Vermont or with this charter.

(b) The City of Essex Junction may acquire real and personal property within or without its corporate limits for any municipal purpose, including storm water collection and disposal; waste water collection and disposal; solid waste collection and disposal; provision of public water supply; provision of public parks and recreation facilities; provision of municipal facilities for office, fire protection, and police protection; provision of public libraries; provision of public parking areas; provision of sidewalks, bicycle paths, and green strips; provision of public roadways; provision of public view zones and open spaces; and such other purposes as are addressed under the general laws of the State of Vermont.

(c) The City of Essex Junction may acquire such property in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation and may sell, lease, mortgage, hold, manage, and control such property as its interest may require.

(d) The City of Essex Junction may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with other Vermont municipalities, the State of Vermont, any one or more subdivisions or agencies of the State or the United States.

(e) The City of Essex Junction may establish and maintain an electric power system and regulate power line installations; provided, however, that the City shall have no authority under this charter that conflicts with that authority granted to the Public Utilities Commission or any other state regulatory agency. The City of Essex Junction may also establish a telecommunications system and an enterprise to deliver internet or broadband services.

(f) In this charter, mention of a particular power shall not be construed to be exclusive or to restrict the scope of the powers that the City of Essex Junction would otherwise have if the particular power were not mentioned.

§ 104. RESERVATION OF POWERS

Nothing in this charter shall be so construed as in any way to limit the powers and functions conferred upon the City of Essex Junction and the City Council by general or special enactments in force or effect or hereafter enacted; and the powers and functions conferred by this charter shall be cumulative and in addition to the provisions of such general or special enactments.

§ 105. FORM OF GOVERNMENT

The municipal government provided by this charter shall be known as council-manager form of government. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this charter, all powers of the City of Essex Junction shall be vested in an elective City Council, which shall enact ordinances, codes, and regulations, adopt budgets, determine policies, and appoint the City Manager, who shall enforce the laws and ordinances and administer the government of the City. All powers of the City shall be exercised in the manner prescribed by this charter or prescribed by ordinance.

Subchapter 2. Governance Structure

§ 201. POWERS AND DUTIES OF GOVERNING BODY

(a) The members of the City of Essex Junction City Council shall constitute the legislative body of the City of Essex Junction for all purposes required by statute and, except as otherwise provided in this charter, shall have all the powers and authority given to and perform all duties required of City legislative bodies or Councils under the laws of the State of Vermont.

(b) Within the limitations of the foregoing, the City of Essex Junction Council shall have the power to:

(1) Appoint and remove a City Manager and supervise, create, change, and abolish offices, commissions, or departments other than the offices, commissions, or departments established by this charter.

(2) Appoint the members of all boards, commissions, committees, or similar bodies unless specifically provided otherwise by this charter.

(3) Provide for an independent audit by a certified public accountant.

(4) Inquire into the conduct of any officer, commission, or department and investigate any and all municipal affairs.

(5) Exercise every other power that is not specifically set forth herein but that is granted to Councils or legislative bodies by the statutes of the State of Vermont.

§ 202. GOVERNING BODY; COMPOSITION AND TERMS OF OFFICE

(a) There shall be a City Council consisting of five members.

(b) All members shall reside within the boundaries of the City of Essex Junction to be elected by the qualified voters.

(c) The term of office of a City Councilor shall be three years, and terms shall be staggered.

§ 203. VACANCY IN OFFICE

In case of a vacancy of a Council seat, the vacancy shall be filled by the City Council until the next annual election pursuant to subsection 204(c) of this charter.

§ 204. ELECTION OF GOVERNING BODY OFFICERS

(a) The terms of the officers shall commence on the first day of the month following the month of election. At the first meeting of the month following the annual City meeting, the Council shall organize and elect a President, Vice President, and Clerk by a majority vote of the entire Council and shall file a certificate of the election for record in the office of the City Clerk.

(b) The President of the Council, or in the President's absence the Vice President, shall preside at all meetings of the Council and shall be recognized as the head of the City government for all ceremonial purposes.

(c) In the event of death, resignation, or incapacity of any Council member, the remaining members of the Council may appoint a person to fill that position until the next annual election. Incapacity shall be determined by a vote of the Council. Incapacity shall include the failure by any member of the board to attend at least 50 percent of the meetings of the board in any calendar year. At the next annual election, the vacancy shall be filled and the person so elected shall serve for the remainder of the term of office. In the event the Council is unable to agree upon an interim replacement until the next annual City election, a special election shall be held forthwith to fill the position.

(d) In the event that a Councilor is no longer a resident of the City prior to the expiration of the Councilor's term, the Councilor's office shall be deemed

vacant. The Council may appoint a person to fill the vacant office until a successor can be elected at the next annual election.

§ 205. COMPENSATION

(a) Compensation paid to the Council members shall be set by the voters at the annual meeting, with a minimum of \$1,500.00 a year each. Council members' compensation must be set forth as a separate item in the annual budget presented to the meeting. Council members may choose to forgo the compensation or a portion of the compensation.

(b) The City Council shall fix the compensation of all appointees and the City Manager. The Council shall review, approve, and ratify any collective bargaining agreements, which may be negotiated or fixed by the Manager or their designee.

§ 206. CONFLICT OF INTEREST; PROHIBITIONS

(a) Holding other office. No Council member shall hold any City employment during the term for which they were elected to the Council. A Council member may be appointed to represent the City on other boards except as pursuant to 17 V.S.A. § 2647. No former Council member shall hold any compensated appointive municipal office or employment, except for poll worker, until one year after the expiration of the term for which they were elected to the legislative body.

(b) Appointments and removals. Neither the legislative body nor any of its members shall in any manner dictate the appointment or removal of any municipal administrative officers or employees whom the manager or any of the manager's subordinates are empowered to appoint. The legislative body may discuss with the Manager the appointment, performance, and removal of such officers and employees in executive session.

(c) Interference with administration. Except for the purpose of inquiries and investigations under subdivision 201(b)(4) of this charter, the legislative body or its members shall deal with the municipal officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the legislative body nor its members shall give orders to any such officer or employee, either publicly or privately.

§ 207. GOVERNING BODY; MEETINGS

As soon as possible after the election of the President and Vice President, the Council shall fix the time and place of its regular meetings, and such meetings shall be held at least once a month.

§ 208. SPECIAL CITY MEETINGS

Special City meetings shall be called in the manner provided by the laws of the State, and the voting on all questions shall be by the Australian ballot system.

§ 209. COUNCIL MEETINGS; PROCEDURE

(a) The Council shall determine its own rules and order of business.

(b) The presence of three members shall constitute a quorum. Three affirmative votes shall be necessary to take binding Council action.

(c) In accordance with Vermont's Open Meeting Law, the Council shall keep minutes of its proceedings. The journalized minutes shall be a public record.

(d) All meetings of the Council shall be open to the public unless, by an affirmative vote of the majority of the members present, the Council shall vote that any particular session shall be an executive session or deliberative session in accordance with Vermont's Open Meeting Law.

§ 210. APPOINTMENTS

The Council shall have the power to appoint the members of all boards, commissions, committees, or similar bodies unless specifically provided otherwise by this charter. The terms of all appointments shall commence on the day after the day of appointment unless the appointment is to fill a vacancy in an office, in which case the term shall commence at the time of appointment.

§ 211. ADDITIONAL GOVERNING BODY PROVISIONS

(a) No claim for personal services shall be allowed to the officers elected at the annual meeting, except when compensation for such services is provided for under the provisions of this charter or by the general law.

(b) The Council may authorize the sale or lease of any real or personal estate belonging to the City.

Subchapter 3. Other Elected Offices

§ 301. BROWNELL LIBRARY TRUSTEES

There shall be a five-member Board of Library Trustees who shall be elected to five-year terms using the Australian ballot system. Only qualified voters of the City of Essex Junction shall be eligible to hold the office of elected library trustee.

§ 302. MODERATOR

The voters at the City Annual Meeting shall elect a Moderator who shall preside at the next City Annual Meeting. The term of Moderator shall be one year. Only qualified voters of the City of Essex Junction shall be eligible to hold the office of Moderator.

Subchapter 4. City Meetings

§ 401. CITY MEETINGS AND ELECTIONS

(a) The voters shall at each annual meeting vote to set the date of the next annual meeting, at which time the voters shall vote for the election of officers, the voting on the City budget, and any other business included in the warnings for the meetings.

(b) Provisions of the laws of the State of Vermont relating to the qualifications of electors, the manner of voting, the duties of elections officers, and all other particulars respective to preparation for, conducting, and management of elections, so far as they may be applicable, shall govern all municipal elections, and all general and special meetings, except as otherwise provided in this charter.

(c) The election of officers and the voting on all questions shall be by Australian ballot system. The City Clerk and Board of Civil Authority shall conduct elections in accordance with general laws of the State.

Subchapter 5. Ordinances

§ 501. ADOPTION OF ORDINANCES

Ordinances shall be adopted in accordance with State law pursuant to 24 V.S.A. §§1972–1976, with the additional requirements noted in this subchapter.

§ 502. PUBLIC HEARING

(a) The Council shall hold a minimum of one public hearing prior to the adoption of any ordinance.

(b) At the time and place so advertised, or at any time and place to which the hearing may from time to time be adjourned, the ordinance shall be introduced, and thereafter, all persons interested shall be given an opportunity to be heard.

(c) After the hearing, the Council may finally pass the ordinance with or without amendment, except that if the Council makes an amendment, it shall cause the amended ordinance to be published, pursuant to subsections (a) and (b) of this section with a notice of the time and place of a public hearing at

which the amended ordinance will be further considered, which publication shall be at least three days prior to the public hearing. The Council may finally pass the amended ordinance or again amend it subject to the same procedures as outlined herein.

§ 503. EFFECTIVE DATE

Every ordinance shall become effective upon passage unless otherwise specified.

§ 504. RESCISSION OF ORDINANCES

All ordinances shall be subject to rescission by a special or annual City meeting, as follows: If, within 44 days after final passage by the Council of any such ordinance, a petition signed by voters of the City not less in number than five percent of the qualified voters of the municipality is filed with the City Clerk requesting its reference to a special or annual City meeting, the Council shall fix the time and place of the meeting, which shall be within 60 days after the filing of the petition, and notice thereof shall be given in the manner provided by law in the calling of a special or annual City meeting. Voting shall be by Australian ballot. An ordinance so referred shall remain in effect upon the conclusion of the meeting unless a majority of those present and voting against the ordinance at the special or annual City meeting exceeds five percent in number of the qualified voters of the municipality.

§ 505. PETITION FOR ENACTMENT OF ORDINANCE; SPECIAL MEETING

(a) Voters of the City may at any time petition for the enactment of any proposed lawful ordinance by filing the petition, including the text of the ordinance, with the City Clerk. The Council shall call a special City meeting (or include the ordinance as annual meeting business) to be held within 60 days after the date of the filing, unless prior to the meeting the ordinance shall be enacted by the Council. The warning for the meeting shall state the proposed ordinance in full or in concise summary and shall provide for an Australian ballot vote as to its enactment. The ordinance shall take effect on the 10th day after the conclusion of the meeting, provided that voters, constituting a majority of those voting thereon, shall have voted in the affirmative.

(b) The proposed ordinance shall be examined by the City Attorney before being submitted to the special City meeting. The City Attorney is authorized, subject to the approval of the Council, to correct the ordinance so as to avoid repetitions, illegalities, and unconstitutional provisions and to ensure accuracy

in its text and references and clarity and precision in its phraseology, but the City Attorney shall not materially change its meaning and effect.

(c) The provisions of this section shall not apply to any appointments of officers, members of commissions, or boards made by the Council or to the appointment or designation of Council, or to rules governing the procedure of the Council.

Subchapter 6. City Manager

§ 601. MANAGER; APPOINTMENT AND HIRING

The Council shall appoint a City Manager under and in accordance with Vermont Statutes Annotated.

§ 602. POWERS OF MANAGER

(a) The Manager shall be the chief administrative officer of the City of Essex Junction. The Manager shall be responsible to the Council for the administration of all City of Essex Junction affairs placed in the Manager's charge by or under this charter. The Manager shall have the following powers and duties in addition to those powers and duties delegated to municipal managers under the Vermont statutes.

(b) The Manager shall appoint and, when the Manager deems it necessary for the good of the service, suspend or remove all City of Essex Junction employees, including the Treasurer, and other employees provided for by or under this charter for cause, except as otherwise provided by law, this charter, collective bargaining unit contracts, or personnel rules adopted pursuant to this charter. The Manager may authorize any employee who is subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that employee's department, office, or agency. There shall be no discrimination in employment, in accordance with applicable State and federal laws, including 21 V.S.A. § 495. Appointments, lay-offs, suspensions, promotions, demotions, and removals shall be made primarily on the basis of training, experience, fitness, and performance of duties, in such manner as to ensure that the responsible administrative officer may secure efficient service.

(c) The Manager, or designee, shall direct and supervise the administration of all departments, offices, and agencies of the City of Essex Junction, except as otherwise provided by this charter or by law.

(d) The Manager shall recommend hiring of a City Attorney with Council approval and shall hire special attorneys as needed.

(e) The Manager or a staff member designated by the Manager shall attend all Council meetings and shall have the right to take part in discussion and

make recommendations but may not vote. The Council may meet in executive session without the Manager for discussion of the Manager's performance or if the Manager is the subject of an investigation pursuant to subdivision 201(b)(4) of this charter.

(f) The Manager shall see that all laws, provisions of this charter, and acts of the Council, subject to enforcement by the Manager or by officers subject to the Manager's direction and supervision, are faithfully executed.

(g) The Manager shall prepare and submit the annual budget and capital program to the Council.

(h) The Manager shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the City of Essex Junction as of the end of each fiscal year.

(i) The Manager shall make such other reports as the Council may require concerning the operations of the City of Essex Junction's departments, offices, and agencies subject to the Manager's direction and supervision.

(j) The Manager shall keep the Council fully advised as to the financial condition and future needs of the City of Essex Junction and make such recommendations to the Council concerning the affairs of the City of Essex Junction as the Manager deems desirable.

(k) The Manager shall be responsible for the enforcement of all City of Essex Junction ordinances and laws.

(l) The Manager may when advisable or proper delegate to subordinate officers and employees of the City of Essex Junction any duties conferred upon the Manager by this charter, the Vermont statutes, or the Council members.

(m) The Manager shall perform such other duties as are specified in this charter or in State law or as may be required by the Council.

(n) The Manager shall fix the compensation of City employees.

(o) The Manager shall recommend appointment of the City Clerk annually, with Council approval.

§ 603. MANAGER; REMOVAL; HEARING

The Council may remove the Manager from office for cause in accordance with the following procedures:

(1) The Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution that must state the reasons for removal and may suspend the Manager from duty for a period not to exceed 45 days.

Within three days after the vote, a copy of the resolution shall be delivered to the Manager.

(2) Within five days after a copy of the resolution is delivered to the Manager, the Manager may file with the Council a written request for a hearing; the hearing shall be in a public or executive session by choice of the Manager. This hearing shall be held at a special Council meeting not earlier than 15 days nor later than 30 days after the request is filed. The Manager may file with the Council a written reply not later than five days before the hearing.

(3) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the Manager, if the Manager has not requested a public hearing, or at any time after the public hearing, if the Manager has requested one.

§ 604. VACANCY IN OFFICE OF CITY MANAGER

The Manager, by letter filed with the City Clerk, may appoint a staff member to perform the Manager's duties in the event of the Manager's absence due to disability, incapacitation, or vacation unless the Manager has previously appointed a staff member as assistant manager or deputy manager, who would automatically assume the Manager's responsibilities in the Manager's absence. If the Manager fails to make such designations, the Council may by resolution appoint an officer or employee of the City to perform the duties of the Manager until the Manager is able to return to duty.

Subchapter 7. Boards and Commissions

§ 701. BOARD OF CIVIL AUTHORITY

The Board of Civil Authority shall be defined by 17 VSA § 2103(5).

§ 702. BOARD OF ABATEMENT OF TAXES

The Board of Civil Authority shall constitute a Board of Abatement as provided by law. The Board of Abatement shall meet and discharge its duties as required by the applicable statutory provisions.

§ 703. PLANNING COMMISSION

There shall be a Planning Commission, and its powers, obligations, and operation shall be under and in accordance with Vermont Statutes Annotated, as amended, and members will be appointed by the City Council from among the qualified voters of the City. Members of the Commission shall hold no

other City office. The City Council shall have the authority pursuant to 24 V.S.A. §4323(a) to set the terms of the Planning Commission members.

§ 704. DEVELOPMENT REVIEW BOARD

A Development Review Board shall be established, and its powers, obligations, and operation shall be under and in accordance with Vermont Statutes Annotated, as amended, and members will be appointed by the City Council for terms of three years from among the qualified voters of the City.

§ 705. BROWNELL LIBRARY TRUSTEES

The Brownell Library Board of Library Trustees that holds office at the time of enactment of this charter shall serve until their terms are completed. Any existing policies of the Library Trustees at the time of the enactment of this charter shall become the policies of the new Brownell Library Board of Trustees. The five permanent, self-perpetuating Library Trustees shall function in accordance with the terms of the Brownell Trust agreement dated May 25, 1925. The Library Trustees shall have the authority to establish any new policy for the operation of the Library or repeal or replace any existing policy and shall otherwise act in conformance with the Vermont statutes. Notwithstanding the forgoing, the Library is required to follow all financial and personnel policies adopted by the City Council.

Subchapter 8. Administrative Departments

§ 801. PERSONNEL ADMINISTRATION AND BENEFITS

(a) The Manager or the Manager's appointee shall be the personnel director. The Manager shall maintain personnel rules and regulations protecting the interests of the City and of the employees. These rules and regulations must be approved by the Council and shall include the procedure for amending them and for placing them into practice. Each employee shall receive a copy of the rules and regulations when the employee is hired.

(b) The rules and regulations may deal with the following subjects or with other similar matters of personnel administration: job classification, jobs to be filled, tenure, retirement, pensions, leaves of absence, vacations, holidays, hours and days of work, group insurance, salary plans, rules governing hiring, temporary appointments, lay-off, reinstatement, promotion, transfer, demotion, settlement of disputes, dismissal, probationary periods, permanent or continuing status, in-service training, injury, employee records, and further regulations concerning the hearing of appeals.

(c) No person in the service of the City shall either directly or indirectly give, render, pay, or receive any service or other valuable thing for or on

account of or in connection with any appointment, proposed appointment, promotion, or proposed promotion.

§ 802. REAL ESTATE ASSESSOR

There shall be either a real estate Assessor who is a certified real estate appraiser or an independent appraisal firm, headed by a certified real estate appraiser, appointed by the Manager that shall carry out the duties of assessor in the same manner and be subject to all of the same liabilities prescribed for listers under the law of the State of Vermont in assessing property within the City of Essex Junction and that shall establish the grand list thereof and shall return such list to the City Clerk within the time required by State statute.

§ 803. APPRAISAL OF PROPERTY

Appraisals shall be reviewed periodically and kept up to date.

§ 804. APPRAISAL OF BUSINESS PROPERTY FOR TAX PURPOSES

Appraisal of business personal property shall be in accordance with the provisions of 32 V.S.A. § 3618, as the same may from time to time be amended, provided that all business personal property acquired by a taxpayer after September 30, 1995, shall be exempt from tax.

§ 805. PURPOSE

The purpose of appointing an Assessor is in lieu of the election of listers. The City shall be governed by, and each taxpayer shall have rights granted by, the applicable State statutes concerning real and personal property taxation, appeal therefrom, and other statutes concerning taxation.

Subchapter 9. Budget Process

§ 901. FISCAL YEAR

The fiscal year of the City shall begin on the first day of July and end on the last day of June of each calendar year. The fiscal year shall constitute the budget and accounting year as used in this charter.

§ 902. ANNUAL MUNICIPAL BUDGET

With support from the finance department, the Manager shall submit to the Council a budget for review before the annual City Meeting or at such previous time as may be directed by the Council. The budget shall contain:

(1) an estimate of the financial condition of the City as of the end of the fiscal year;

(2) an itemized statement of appropriations recommended for current expenses, and for capital improvements, during the next fiscal year, with

comparative statements of appropriations and estimated expenditures for the current fiscal year and actual appropriations and expenditures for the immediate preceding fiscal year;

(3) an itemized statement of estimated revenues from all sources, other than taxation, for the next fiscal year and comparative figures of tax and other sources of revenue for the current and immediate preceding fiscal years;

(4) a capital budget for not fewer than the next five fiscal years, showing anticipated capital expenditures, financing, and tax requirements; and

(5) such other information as may be required by the Council.

§ 903. GOVERNING BODY'S ACTION ON BUDGET

The Council shall review and approve the recommended budget with or without change. The budget shall be published not later than two weeks after its preliminary adoption by the Council. The Council shall fix the time and place for holding a public hearing for the budget and shall give public notice of the hearing.

§ 904. BUDGET MEETING; WARNING

(a) The Council shall hold at least one public hearing at least 30 days prior to the annual meeting to present and explain its proposed budget and shall give a public notice of such hearing.

(b) The Manager shall, not less than 30 days prior to the annual meeting, make available the Council's recommended budget and the final warning of the pending annual meeting.

(c) The annual City report shall be made available to the legal voters of the City not later than 10 days prior to the annual meeting.

§ 905. APPROPRIATION AND TRANSFERS

(a) An annual budget shall be adopted at the City Meeting by the vote of a majority of eligible voters by Australian ballot in accordance with section 401 of this charter. If, after the total budget has been appropriated, the Council finds additional appropriations necessary, the appropriations shall be made and reported at the next City Meeting as a specific item. The appropriations shall only be made in special circumstances or situations of an emergency nature. No specific explanation need be given for any normal annual operating expense in any office, department, or agency that may be increased over the budget amount by an amount not more than 10 percent of the office's, department's, or agency's budget.

(b) From the effective date of the budget, the amounts stated therein, as approved by the voters, become appropriated to the several agencies and purposes therein named.

(c) The Manager may at any time transfer an unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department, or agency. At the request of the Manager, the Council may, by resolution, transfer any unencumbered appropriation balance or portion thereof within the Council budget from one department, office, or agency to another.

(d) Notwithstanding the above, no unexpended balance in any appropriation not included in the Council budget shall be transferred or used for any other purpose.

§ 906. AMOUNT TO BE RAISED BY TAXATION

Upon passage of the budget by the voters, the amounts stated therein as the amount to be raised by taxes shall constitute a determination of the amount of the levy for the purposes of the City in the corresponding tax year, and the Council shall levy such taxes on the grand list as prepared by the assessor for the corresponding tax year.

Subchapter 10. Taxation

§ 1001. TAXES ON REAL PROPERTY

Taxes on real property shall be paid in equal installments on March 15 and September 15. The Council shall send notice to taxpayers not less than 30 days prior to when taxes are due.

§ 1002. PENALTY

An additional charge of eight percent shall be added to any tax not paid on or before the dates specified in section 1001 of this charter, and interest as authorized by Vermont statutes.

§ 1003. ASSESSMENT AND TAXATION AGREEMENT

Notwithstanding section 906 of this charter or any other provision of this charter and the requirements of the general laws of the State of Vermont, the Council is authorized and empowered to negotiate and execute assessment and taxation agreements between the City and a taxpayer or taxpayers within the City of Essex Junction consistent with applicable requirements of the Vermont Constitution.

Subchapter 11. Capital Improvements

§ 1101. CAPITAL PROGRAMS

(a) Preparation of capital program. The Manager shall prepare and submit to the Council a capital program at least three months prior to the final date for submission of the budget.

(b) Contents. The capital program shall include:

(1) a clear general summary of its contents;

(2) a list of all capital improvements that are proposed to be undertaken during not fewer than the next five fiscal years, with appropriate supporting information as to the necessity for such improvements;

(3) cost estimates, method of financing, and recommended time schedules for each such improvement; and

(4) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(c) Revision. The information required by this section may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Subchapter 12. Amendment of Charter and Initiatives

§ 1201. GOVERNING LAW

This charter may be amended in accordance with the procedure provided for by State statutes for amendment of municipal charters.

Subchapter 13. General Provisions

§ 1301. SAVINGS CLAUSE

Repeal or modification of this charter shall not affect the validity of a previously enacted ordinance, resolution, or bylaw.

§ 1302. SEVERABILITY

The provisions of this charter are declared to be severable. If any provisions of this charter are for any reason invalid, such invalidity shall not affect the remaining provisions, which can be given effect without the invalid provision.

§ 1303. SUPERSEDING LANGUAGE

The City of Essex Junction shall be formed notwithstanding the following language (“Notwithstanding the provisions of any other municipal charters, territory within the corporate limits [of the Town of Essex] shall not be annexed to or become a part of any other municipal corporation except by annexation procedures as set forth in the statutes of the State of Vermont.”) contained in chapter 117, section 101 of this title.

* * * Transitional Provisions * * *

Sec. 3. TRANSITIONAL PROVISION; ASSIGNMENT AND

ASSUMPTION OF VILLAGE ASSETS AND LIABILITIES

(a) All assets and obligations formerly owned or held by the Village not otherwise transferred shall hereby be assigned and assumed by the City of Essex Junction upon the effective date of this act. This shall include all real property, easements, rights, and interests in land, buildings, and other improvements; vehicles, equipment, and other personal property; rents, and charges, together with lien rights and enforcement powers; moneys, rights of action in legal or administrative proceedings; insurance policies; documents and records; debts, claims, bonded indebtedness; without any further act, deed, or instrument being necessary.

(b) All contracts, agreements, trusts, and other binding written documents obligating the Village shall remain in effect on the effective date of this act, and the City of Essex Junction shall assume all the responsibilities formerly belonging to the Village unless previously allocated or otherwise specified.

Sec. 4. TRANSITION PERIOD

(a) The charter will become effective and the City of Essex Junction shall be established on the effective date of this act. The transition period shall begin on July 1, 2022, following approval of the charter by the Legislature, and end on or before July 1, 2023. During the transition period, the City of Essex Junction shall continue to receive and pay for consolidated services with the Town of Essex for assessing, clerk/treasurer, information technology, police, public works, and stormwater. The City Council shall set a tax rate and collect taxes to meet the obligations for the City's share of the Town of Essex municipal operations and all of the City of Essex Junction municipal operations throughout the transition period, per the budgets approved by the voters of the Town of Essex and the Village of Essex Junction (now the City of Essex Junction) the previous March and April. The taxes collected by the City for the Town of Essex shall be paid to the Town of Essex in two equal installments on or before October 15 and April 15. At the end of the transition period, the City of Essex Junction shall be fully organized.

(b) Nothing in this section shall affect or limit other provisions in this subchapter or in other subchapters, which serve a transitional purpose and which by their own provisions continue beyond the transitional period. In such cases, transitional provisions intended to extend beyond the transitional period shall be governed by specific sunset terms.

Sec. 5. TRANSITIONAL PROVISION; ORGANIZATIONAL MEETING

The first annual City Meeting shall occur on the date set forth by the voters at the most recent Village annual meeting, following approval of the charter. This shall be a meeting of the City of Essex Junction and shall be noticed and warned to all residents of the City of Essex Junction. This meeting shall be for the purpose of presenting and discussing the budget only. Other City business may also be presented and discussed but not voted on. After presentation and discussion of the budget and any other business, the meeting shall adjourn. Voting on the budget and the election of councilors shall be by Australian ballot and shall occur on the date set forth by the voters at the most recent Village annual meeting.

Sec. 6. TRANSITIONAL PROVISION; VILLAGE CENTER AND

NEIGHBORHOOD DEVELOPMENT AREA DESIGNATIONS

The Village Center District and Neighborhood Development Area, as designated in the Essex Junction Land Development Code, shall continue in the new City for the purpose of continuing the downtown revitalization efforts as outlined in the Village's Comprehensive Plan, and shall retain any and all State designations for the purposes of redevelopment in force at the time of adoption of the charter or until such designations are withdrawn or amended as per routine statutory process.

Sec. 7. TRANSITIONAL PROVISION; GOVERNING BODY

(a) When the charter becomes effective and the City of Essex Junction is established on July 1, 2022, following approval of the charter by the Legislature, all members of the Village Board of Trustees shall become members of the City Council and shall continue to serve in their capacities and shall serve out their elected terms. The president, vice president, and clerk of the Council shall continue to serve in their capacities until the board reorganizes pursuant to chapter 4, subsection 204(a) of this charter.

(b) The Councilors shall warn and hold meetings as appropriate. The Councilors shall address all details and issues relating to the transition from the Village of Essex Junction to the City of Essex Junction.

(c) The Council shall review, consider, and adopt all regulations, ordinances, and plans from the former Village of Essex Junction as its own.

(d) The City Council, with the assistance of the City Manager and staff, shall propose and warn in the manner pursuant to the charter, the first annual budget of the new City of Essex Junction for consideration by the voters at the first annual meeting.

Sec. 8. TRANSITIONAL PROVISION; BUDGET AND

ADMINISTRATION

Following the approval of the charter by the Legislature, the City Manager will propose a budget for the City for the next fiscal year that addresses proper service levels, contractual obligations, capital projects, and debt, and that reflects any changes related to the incorporation of the City of Essex Junction.

Sec. 9. TRANSITIONAL PROVISION; SEPARATION OF CITY AND TOWN DEPARTMENTS

The City Council shall employ a City Manager. The City Manager shall plan and hire for the separation of all consolidated departments with the Town of Essex by the end of the transition period, unless contracts are signed stating otherwise, in which case the contracts shall dictate the terms for the sharing of services between the City of Essex Junction and Town of Essex.

Sec. 10. TRANSITIONAL PROVISION; PLANNING AND DEVELOPMENT

(a) On the effective date of this charter, the former Village plan, the former Village's zoning bylaws and Land Development Code, and any Village Ordinances shall remain in effect until amended or revised by the new City Council.

(b) From the effective date of this charter, the Village of Essex Junction Planning Commission and the Village of Essex Junction Zoning Board of Adjustment shall become the Planning Commission and the Development Review Board of the City of Essex Junction, respectively.

Sec. 11. TRANSITIONAL PROVISION; APPOINTED COMMISSION AND COMMITTEE MEMBERS

All current Trustee appointed commission and committee members shall serve out the remainders of their terms, and new positions shall be filled upon the existing schedules and as they become available.

Sec. 12. TRANSITIONAL PROVISION; UNIFICATION AND ADOPTION OF ORDINANCES, BYLAWS, AND RULES

On the effective date of this charter, all ordinances and bylaws of the Village of Essex Junction shall become ordinances and bylaws of the new City of Essex Junction. The City Council shall be fully authorized to amend or repeal any ordinance according to the provisions of subchapter 5 of the charter. Whenever a power is granted by any such ordinance or bylaw to an officer or

officers of the Village of Essex Junction, such power is conferred upon the appropriate officer or officers of the new City of Essex Junction.

Sec. 13. TRANSITIONAL PROVISION; PERSONNEL

(a) On the effective date of this charter, all employees of the Village of Essex Junction shall become employees of The City of Essex Junction and any and all employment contracts of the Village shall be assumed by the City unless otherwise terminated, reexecuted, or renegotiated. Any and all personnel policies and regulations adopted by the Village shall become policies and regulations of the City of Essex Junction until further repealed, amended, or restated.

(b) The dates of hire with the Village of Essex Junction will be used as the dates of hire for purposes related to benefits with the new City of Essex Junction and all accrued benefits shall carry over.

Sec. 14. TRANSITIONAL PROVISION; FINANCES

(a) Upon the effective date of this charter, the City of Essex Junction shall adopt any and all portions of the Town of Essex Grand List for properties located within the borders of the City. Any and all property tax payments due and delinquencies incurred for the Village of Essex Junction prior to the effective date of this charter shall be payable to the Town of Essex. Upon the effective date of this charter, any City taxes due and delinquencies incurred shall be payable to the City.

(b) All existing contractual agreements, including but not limited to tax stabilization agreements and any agreements related to the conveyance of real property, within the Village of Essex Junction shall hereby be assigned to the City of Essex Junction.

Sec. 15. TRANSITIONAL PROVISION; FUTURE GOVERNANCE

COMMISSION

Within three years after the approval of this charter by the Legislature, the Council shall appoint a special commission to study governance considerations such as, but not limited to, form of government, election of officials at-large or through wards or districts, governing body composition, term of office, term limits, and councilor compensation.

Sec. 16. JUSTICES OF THE PEACE; APPOINTMENT

The Governor may appoint up to 15 justices of the peace to serve in the City of Essex Junction, pursuant to 17 V.S.A. § 2623. The committees for the political parties of the justices of peace of the Town of Essex may submit recommendations for qualified justices of the peace to the Governor for

consideration. The appointed justices of the peace shall serve until successors may be elected at the 2022 general election.

* * * Repeal of Village Charter * * *

Sec. 17. REPEAL

24 App. V.S.A. chapter 221 (Village of Essex Junction charter) is repealed.

* * * Effective Date * * *

Sec. 18. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

(Committee Vote: 11-0-0)

Constitutional Proposal

Prop 2 Declaration of rights; clarifying the prohibition on slavery and indentured servitude

Third Day of Four Days requirement on the Notice Calendar pursuant to Rule 51a

Rep. Colston of Winooski for Government Operations

PROPOSED AMENDMENT TO THE CONSTITUTION

OF THE STATE OF VERMONT

Subject: Declaration of rights; clarifying the prohibition on slavery and indentured servitude

PROPOSAL 2

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to clarify that slavery and indentured servitude in any form are prohibited.

Sec. 2. Article 1 of Chapter I of the Vermont Constitution is amended to read:

Article 1. [All persons born free; their natural rights; slavery and indentured servitude prohibited]

That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; therefore ~~no person born in this country, or brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, after arriving to the age of twenty-one~~

~~years, unless bound by the person's own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like slavery and indentured servitude in any form are prohibited.~~

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2022 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

Prop 5 Declaration of rights; right to personal reproductive liberty

Third Day of Four Days requirement on the Notice Calendar pursuant to Rule 51a

Rep. Pugh of South Burlington for Human Services.

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF VERMONT

Subject: Declaration of rights; right to personal reproductive liberty

PROPOSAL 5

Sec. 1. PURPOSE

(a) This proposal would amend the Constitution of the State of Vermont to ensure that every Vermonter is afforded personal reproductive liberty. The Constitution is our founding legal document stating the overarching values of our society. This amendment is in keeping with the values espoused by the current Vermont Constitution. Chapter I, Article 1 declares "That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights." Chapter I, Article 7 states "That government is, or ought to be, instituted for the common benefit, protection, and security of the people." The core value reflected in Article 7 is that all people should be afforded all the benefits and protections bestowed by the government, and that the government should not confer special advantages upon the privileged. This amendment would reassert the principles of equality and personal liberty reflected in Articles 1 and 7 and ensure that government does not create or perpetuate the legal, social, or economic inferiority of any class of people. This proposed constitutional amendment is not intended to limit the scope of rights and protections afforded by Article 7 or any other provision in the Vermont Constitution.

(b) The right to reproductive liberty is central to the exercise of personal autonomy and involves decisions people should be able to make free from

compulsion of the State. Enshrining this right in the Constitution is critical to ensuring equal protection and treatment under the law and upholding the right of all people to health, dignity, independence, and freedom.

Sec. 2. Article 22 of Chapter I of the Vermont Constitution is added to read:

Article 22. [Personal reproductive liberty]

That an individual's right to personal reproductive autonomy is central to the liberty and dignity to determine one's own life course and shall not be denied or infringed unless justified by a compelling State interest achieved by the least restrictive means.

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2022 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

For Informational Purposes

Crossover Deadline

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and on Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 11, 2022**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day – Committee bills must be voted out of Committee by **Friday, March 11, 2022**.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and on Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 18, 2022**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

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).

PUBLIC HEARING

Public Hearings on the Governor's recommended Fiscal Year 2023 State budget

Joint House and Senate Committees on Appropriations

Tuesday, February 8, 2022 at 6:00 p.m. – 8:00 p.m. and Wednesday, February 9, 2022 at 3:00 p.m. to 5:00 p.m. – The Vermont House and Senate Committees on Appropriations are seeking public and advocate input on the Governor's recommended FY 2023 State budget and will hold two public hearings via videoconference.

Anyone interested in testifying should **sign-up in advance of the hearings through ONE of the online forms no later than 5:00 p.m. on February 7, 2022**. Instructions on how to access and participate in the hearing will be sent once you have signed up for one of the hearings. Time limits for testimony may apply depending on volume of participants.

Link to **form to sign-up for February 8, 2022:**

<https://legislature.vermont.gov/links/fy22-budget-adjustment-hearing-feb-8>

Link to **form to sign-up for February 9, 2022:**

<https://legislature.vermont.gov/links/fy22-budget-adjustment-hearing-feb-9>

Both hearings will be available to watch live on YouTube at the following link: <https://legislature.vermont.gov/committee/streaming/vermont-joint-fiscal> or your local access community cable channel. You can find your local channel at the following link: <https://vermontaccess.net/amo/>

For more information about the format of these events, contact Chrissy Gilhuly at

cgilhuly@leg.state.vt.us or Theresa Utton-Jerman at tutton@leg.state.vt.us or call 802-828-2295 or toll-free within Vermont at 1-800-322-5616 (responses to phone calls may be delayed). Written testimony is encouraged and can be submitted electronically to Chrissy or Theresa through e-mail or mailed to the House and Senate Committee on Appropriations, c/o Joint Fiscal Office, 1 Baldwin Street, Montpelier, VT 05633-5701.

Information Notice

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3)(D):

JFO #3085 – Two (2) limited-service positions to the VT Department of Disabilities, Aging and Independent Living, Division of Vocational Rehabilitation from the Centers for Medicare and Medicaid Services. One (1) VR Program Coordinator to oversee at statewide scholarship, and mentor program for personal care attendants. One (1) VR Assistive Technology Specialist for vocational rehabilitation clients including transition age youth (high school students). Both positions funded through 9/30/2025 by previously approved grant JFO #2510.

[Received January 4, 2022]

JFO #3086 – \$925,840 to the VT Agency of Education from the U.S. Department of Agriculture Food and Nutrition Services. The grant will be used to fund two projects: Phase II of a current IT systems upgrade to improve interconnectivity and data transfer functionalities of the system; and a pilot of the Ed-Fi data model to explore improvements for data transfers between local education agencies, child nutrition programs and other state agencies. Edfi is a national data standard in education. Please see this link for more information on the data system: <https://www.ed-fi.org/>.

[Received January 4, 2022]

Joint Assembly

February 17, 2022 - 10:30 A.M. – Election of two (2) trustees for the Vermont State Colleges Corporation.

Candidates for the positions of trustee must notify the Secretary of State **in writing** not later than February 10, 2022 , by 4:30 P.M. pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.