

# House Calendar

Friday, February 25, 2022

53rd DAY OF THE ADJOURNED SESSION

House Convenes at 9:30 A.M.

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**ORDERS OF THE DAY**

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**ACTION CALENDAR**

**Third Reading**

**H. 501**

An act relating to physical contaminant standards for residual waste, digestate, and soil amendments

**Favorable with Amendment**

**H. 697**

An act relating to eligibility of reserve forestland for enrollment in the Use Value Appraisal Program.

**(Rep. Bongartz of Manchester** will speak for the Committee on Natural Resources, Fish, and Wildlife.)

**Rep. Masland of Thetford**, for the Committee on Ways and Means, recommends the bill be amended as follows:

First: In Sec. 2, 32 V.S.A. chapter 124, subchapter 1, in section 3750, after “working landscape” and before the period by striking out “and the rural character of Vermont” and inserting in lieu thereof “, preserve the rural character of Vermont, and protect the natural ecological systems and natural resources of the forestland of Vermont”

Second: By striking out Sec. 3, Department of Forests, Parks and Recreation; Management Standards for Reserve Forestland; Implementation, in its entirety and inserting in lieu thereof two new sections to read as follows:

Sec. 3. DEPARTMENT OF FORESTS, PARKS AND RECREATION;  
REPORT ON ENROLLMENT OF RESERVE FORESTLAND  
IN USE VALUE APPRAISAL

(a) On or before December 31, 2022, the Commissioner of Forests, Parks and Recreation, after consultation with the Division of Property Valuation and Review and the Current Use Advisory Board, shall submit to the House Committees on Natural Resources, Fish, and Wildlife, on Agriculture and Forestry, and on Ways and Means and the Senate Committees on Natural Resources and Energy, on Agriculture, and on Finance a report regarding the enrollment of reserve forestland in the Use Value Appraisal Program. The report shall include the following:

(1) The standards for the management of reserve forestland eligible for participation in the Use Value Appraisal Program under 32 V.S.A. § 3752(9)(A)(ii). The standards established by the Commissioner of Forests, Parks and Recreation shall be the same or substantially similar to the standards set forth in the Department of Forests, Parks and Recreation report on Considerations for a Reserve Forestland Subcategory in Vermont’s Use Value Appraisal Program, dated October 15, 2021.

(2) A summary of how a property owner of land already enrolled in the Use Value Appraisal Program as productive forestland would enroll land as reserve forestland and how a property owner of land enrolled in the Use Value Appraisal Program as reserve forestland would transition to enrollment as productive forestland.

(b) On or before December 31, 2024, the Commissioner of Taxes, after consultation with the Commissioner of Forests, Parks and Recreation, the Secretary of Agriculture, Food, And Markets, and the Current Use Advisory Board, shall submit to the House Committees on Natural Resources, Fish, and Wildlife, on Agriculture and Forestry, and on Ways and Means and the Senate Committees on Natural Resources and Energy, on Agriculture, and on Finance a report that examines the strategies and rates for the valuation of all land enrolled in the Use Value Appraisal Program and that recommends whether and how to ensure that the fiscal return to landowners and the State is consistent among use values and uses of the different categories of enrolled land.

### Sec. 3a. IMPLEMENTATION

Beginning on July 1, 2023 and pursuant to 32 V.S.A. § 3755, managed forestland shall be eligible for enrollment in the Use Value Appraisal Program as reserve forestland in accordance with the minimum acceptable standards and administrative requirements established by the Commissioner of Forests, Parks and Recreation.

Third: By striking out Sec. 5, effective dates, in its entirety and inserting in lieu thereof a new Sec. 5 to read as follows:

### Sec. 5. EFFECTIVE DATES

(a) This section and Secs. 1 (findings), 3 (report on enrollment for reserve forestland), 3a (implementation), and 4 (report on enrollment) shall take effect on passage.

(b) Sec. 2 (Use Value Appraisal Program) shall take effect on July 1, 2023.

( Committee Vote: 8-2-1)

**Action Under Rule 52**

**J.R.H. 17**

Joint resolution authorizing remote participation in joint committees under restricted, COVID-19-related circumstances through the remainder in 2022

(For text see House Journal February 24, 2022)

**H.R. 20**

House resolution authorizing remote participation in House sessions and committees under restricted, COVID-19-related circumstances through the remainder of 2022 and 2023-24 alternative procedure convening and organizing authority

(For text see House Journal February 24, 2022)

**NOTICE CALENDAR**

**Favorable with Amendment**

**H. 492**

An act relating to the structure of the Natural Resources Board

**Rep. Bongartz of Manchester**, for the Committee on Natural Resources, Fish, and Wildlife, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Natural Resources Board \* \* \*

Sec. 1. PURPOSE

The purpose of this act is to strengthen the administration of the Act 250 program by changing the structure, function, and name of the Natural Resources Board. This act requires that appeals of Act 250 permit decisions be heard by a five-member board called the Environmental Review Board. The Environmental Division of the Superior Court would continue to hear the other types of cases within its jurisdiction. The Environmental Review Board would keep the current duties of the Natural Resources Board in addition to hearing appeals. This change would allow the Act 250 program to return to how it was originally envisioned when enacted by being a citizen-friendly process. The Board would provide oversight, management, and training to the Act 250 program staff and District Commissions and develop Act 250 program policy through permit decisions and rulemaking.

Sec. 2. 10 V.S.A. § 6021 is amended to read:

§ 6021. BOARD; VACANCY; REMOVAL

(a) ~~A Natural Resources Board established.~~ The Environmental Review Board is created to administer the Act 250 program and hear appeals.

(1) ~~The Board shall consist of five members appointed by the Governor, after review and approval by the Environmental Review Board Nominating Committee in accordance with subdivision (2) of this section and confirmed with the advice and consent of the Senate, so that one appointment expires in each year. The Chair shall be a full-time position, and the other four members shall be half-time positions. In making these appointments, the Governor and the Senate shall give consideration to candidates who have experience, expertise, or skills relating to the environment or land use one or more of the following areas: environmental science, natural resources law and policy, land use planning, community planning, or environmental justice.~~

(A) ~~The Governor shall appoint a chair of the Board, a position that shall be a full-time position. The Governor shall ensure Board membership shall reflect, to the extent possible, the racial, ethnic, gender, and geographic diversity of the State. The Board shall not contain two members who reside in the same county.~~

(B) ~~Following initial appointments, the members, except for the Chair, shall be appointed for terms of four five years. All terms shall begin on July 1 and expire on June 30. A member may continue serving until a successor is appointed. The initial appointments shall be for staggered terms.~~

(2) ~~The Governor shall appoint up to five persons, with preference given to former Environmental Board, Natural Resources Board, or District Commission members, with the advice and consent of the Senate, to serve as alternates for Board members.~~

(A) ~~Alternates shall be appointed for terms of four years, with initial appointments being staggered~~ The Environmental Review Board Nominating Committee shall advertise the position when a vacancy will occur on the Environmental Review Board.

(B) ~~The Chair of the Board may assign alternates to sit on specific matters before the Board in situations where fewer than five members are available to serve~~ The Nominating Committee shall review the applicants to determine which are well-qualified for appointment to the Board and shall recommend those candidates to the Governor. The names of candidates shall be confidential.

(C) The Governor shall appoint, with the advice and consent of the Senate, a chair and four members of the Board from the list of well-qualified candidates sent to the Governor by the Committee.

(b) Any vacancy occurring in the membership of the Board shall be filled by the Governor for the unexpired portion of the term Terms; vacancy; succession. The term of each appointment subsequent to the initial appointments described in subsection (a) of this section shall be five years. Any appointment to fill a vacancy shall be for the unexpired portion of the term vacated. A member may seek reappointment by informing the Governor. If the Governor decides not to reappoint the member, the Nominating Committee shall advertise the vacancy.

(c) Removal. Notwithstanding the provisions of 3 V.S.A. § 2004, members shall only be removable for cause only, except the Chair, who shall serve at the pleasure of the Governor by the remaining members of the Board in accordance with the Vermont Administrative Procedures Act. The Board shall adopt rules pursuant to 3 V.S.A. chapter 25 to define the basis and process for removal.

(d) Disqualified members. The Chair of the Board, upon request of the Chair of a District Commission, may appoint and assign former Commission members to sit on specific Commission cases when some or all of the regular members and alternates of the District Commission are disqualified or otherwise unable to serve.

(e) Retirement from office. When a Board member who hears all or a substantial part of a case retires from office before the case is completed, the member may remain a member of the Board, at the member's discretion, for the purpose of concluding and deciding that case and signing the findings and judgments involved. A retiring Chair shall also remain a member for the purpose of certifying questions of law if a party appeals to the Supreme Court. For the service, the member shall receive a reasonable compensation to be fixed by the remaining members of the Board and necessary expenses while on official business.

Sec. 3. 10 V.S.A. § 6032 is added to read:

§ 6032. ENVIRONMENTAL REVIEW BOARD NOMINATING  
COMMITTEE

(a) Creation. The Environmental Review Board Nominating Committee is created for the purpose of assessing the qualifications of applicants for appointment to the Environmental Review Board in accordance with section 6021 of this title.

(b) Members. The Committee shall consist of seven members who shall be appointed as follows:

(1) The Governor shall appoint three members from the Executive Branch, with at least one being an employee of the Department of Human Resources.

(2) The Speaker of the House of Representatives shall appoint two members from the House of Representatives.

(3) The Senate Committee on Committees shall appoint two members from the Senate.

(c) Terms. The members of the Committee shall serve for terms of two years. Members shall serve until their successors are appointed. Members shall serve not more than three consecutive terms in any capacity. A legislative member who is appointed as a member of the Committee shall retain the position for the term appointed to the Committee even if the member is subsequently not reelected to the General Assembly during the member's term on the Committee.

(d) Chair. The members shall elect their own chair.

(e) Quorum. A quorum of the Committee shall consist of four members.

(f) Staff and services. The Committee is authorized to use the staff and services of appropriate State agencies and departments as necessary to conduct investigations of applicants.

(g) Confidentiality. Except as provided in subsection (h) of this section, proceedings of the Committee, including the names of candidates considered by the Committee and information about any candidate submitted to the Governor, shall be confidential. The provisions of 1 V.S.A. § 317(e) (expiration of Public Records Act exemptions) shall not apply to the exemptions or confidentiality provisions in this subsection.

(h) Public information. The following shall be public:

(1) operating procedures of the Committee;

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

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

(4) at the time the Committee sends the names of the candidates to the Governor, the total number of applicants for the vacancies and the total number of candidates sent to the Governor.

(i) Reimbursement. Legislative members of the Committee shall be entitled to per diem compensation and reimbursement for expenses in accordance with 2 V.S.A. § 23. Compensation and reimbursement shall be paid from the legislative appropriation.

(j) Duties.

(1) When a vacancy occurs, the Committee shall review applicants to determine which are well-qualified for the Board and submit those names to the Governor. The Committee shall submit to the Governor a summary of the qualifications and experience of each candidate whose name is submitted to the Governor, together with any further information relevant to the matter.

(2) An applicant for the position of member of the Environmental Review Board shall not be required to be an attorney. If the candidate is admitted to practice law in Vermont or practices a profession requiring licensure, certification, or other professional regulation by the State, the Committee shall submit the candidate's name to the Court Administrator or the applicable State professional regulatory entity, and that entity shall disclose to the Committee any professional disciplinary action taken or pending concerning the candidate.

(3) Candidates shall be sought who have experience, expertise, or skills relating to one or more of the following areas: environmental science, natural resources law and policy, land use planning, community planning, or environmental justice.

(4) The Committee shall ensure a candidate possesses the following attributes:

(A) Integrity. A candidate shall possess a record and reputation for excellent character and integrity.

(B) Impartiality. A candidate shall exhibit an ability to make judicial determinations in a manner free of bias.

(C) Work ethic. A candidate shall demonstrate diligence.

(D) Availability. A candidate shall have adequate time to dedicate to the position.

Sec. 4. 10 V.S.A. § 6025 is amended to read:

§ 6025. RULES

(a) The Board may adopt rules of procedure for itself and the District Commissions. The Board shall adopt rules of procedure that govern appeals and other contested cases before it that are consistent with this chapter.

\* \* \*

Sec. 5. 10 V.S.A. § 6027 is amended to read:

§ 6027. POWERS

(a) The Board and District Commissions ~~each~~ shall have supervisory authority in environmental matters respecting projects within their jurisdiction and shall apply their independent judgment in determining facts and interpreting law. Each shall have the power, with respect to any matter within its jurisdiction, to:

(1) administer oaths, take depositions, subpoena and compel the attendance of witnesses, and require the production of evidence;

(2) allow parties to enter upon lands of other parties for the purposes of inspecting and investigating conditions related to the matter before the Board or Commission;

(3) enter upon lands for the purpose of conducting inspections, investigations, examinations, tests, and site evaluations as it deems necessary to verify information presented in any matter within its jurisdiction; and

(4) apply for and receive grants from the federal government and from other sources.

(b) The powers granted under this chapter are additional to any other powers ~~which~~ that may be granted by other legislation.

(c) ~~The Natural Resources Board may designate or establish such regional offices as it deems necessary to implement the provisions of this chapter and the rules adopted hereunder. The Natural Resources Board may designate or require a regional planning commission to receive applications, provide administrative assistance, perform investigations, and make recommendations.~~

(d) At the request of a District Commission, if the Board Chair determines that the workload in the requesting district is likely to result in unreasonable delays or that the requesting District Commission is disqualified to hear a case, the Chair may authorize the District Commission of another district to sit in the requesting district to consider one or more applications.

(e) ~~The Natural Resources Board may by rule allow joint hearings to be conducted with specified State agencies or specified municipalities.~~

(f) The Board shall publish its decisions online. The Board may publish online or contract to publish annotations and indices of its decisions, the decisions of the Environmental Division of the Superior Court and the Supreme Court, and the text of those decisions. The published product shall be available at a reasonable rate to the general public and at a reduced rate to libraries and governmental bodies within the State.

(g) The ~~Natural Resources~~ Board shall manage the process by which land use permits are issued under section 6086 of this title, may initiate enforcement on related matters under the provisions of chapters 201 and 211 of this title, and may ~~petition the Environmental Division~~ initiate and hear petitions for revocation of land use permits issued under this chapter. Grounds for revocation are:

(1) noncompliance with this chapter, rules adopted under this chapter, or an order that is issued that relates to this chapter;

(2) noncompliance with any permit or permit condition;

(3) failure to disclose all relevant and material facts in the application or during the permitting process;

(4) misrepresentation of any relevant and material fact at any time;

(5) failure to pay a penalty or other sums owed pursuant to, or other failure to comply with, court order, stipulation agreement, schedule of compliance, or other order issued under Vermont statutes and related to the permit; or

(6) failure to provide certification of construction costs, as required under subsection 6083a(a) of this title, or failure to pay supplemental fees as required under that section.

(h) The ~~Natural Resources~~ Board may hear appeals of fee refund requests under section 6083a of this title. The Board shall hear appeals of decisions made by District Commissions and district coordinators.

(i) The Chair, subject to the direction of the Board, shall have general charge of the offices and employees of the Board and the offices and employees of the District Commissions.

(j) ~~The Natural Resources Board may participate as a party in all matters before the Environmental Division that relate to land use permits issued under this chapter.~~ [Repealed.]

\* \* \*

Sec. 6. 10 V.S.A. § 6028 is amended to read:

§ 6028. COMPENSATION

Members of the Board and District Commissions shall receive per diem pay of \$100.00 and all necessary and actual expenses in accordance with 32 V.S.A. § 1010. Per diem pay shall be available for time spent reviewing permit applications and for time spent making decisions on permit applications. Per diem requests shall be approved or denied by the Executive Director.

Sec. 7. 10 V.S.A. § 6022 is amended to read:

§ 6022. PERSONNEL

(a) Regular personnel. The Board may appoint legal counsel, scientists, engineers, experts, investigators, temporary employees, and administrative personnel as it finds necessary in carrying out its duties, unless the Governor shall otherwise provide in providing personnel to assist the District Commissions and in investigating matters within its jurisdiction.

(b) Personnel for particular proceedings.

(1) Retention.

(A) The Board may authorize or retain legal counsel, official stenographers, expert witnesses, advisors, temporary employees, and other research services:

(i) to assist the Board in any proceeding before it under this chapter; and

(ii) to monitor compliance with any formal opinion of the Board or a District Commission.

(B) The personnel authorized by this section shall be in addition to the regular personnel of the Board. The Board shall fix the amount of compensation and expenses to be paid to such additional personnel.

(2) Assessment of costs.

(A) The Board may allocate to an applicant the portion of its expenses incurred by retaining additional personnel for a proceeding. On petition of an applicant to which costs are proposed to be allocated, the Board shall review and determine, after opportunity for hearing, the necessity and reasonableness of those costs, having due regard for the size and complexity of the project, and may amend or revise an allocation.

(B) Prior to allocating costs, the Board shall make a determination of the purpose and use of the funds to be raised under this section, identify the recipient of the funds, provide for allocation of costs among applicants to be assessed, indicate an estimated duration of the proceedings, and estimate the

total costs to be imposed. With the approval of the Board, estimates may be revised as necessary. From time to time during the progress of the work, the Board shall render to the applicant detailed statements showing the amount of money expended or contracted for in the work of additional personnel, which statements shall be paid into the State Treasury at the time and in the manner as the Board may reasonably direct.

(C) All payments for costs allocated pursuant to this section shall be deposited into the fund created under section 6029 of this title.

(c) Executive Director. The Board shall appoint an Executive Director. The Director shall be a full-time State employee, shall be exempt from the State classified system, and shall serve at the pleasure of the Board. The Director shall be responsible for:

(1) supervising and administering the operation and implementation of this chapter and the rules adopted by the Board as directed by the Board;

(2) assisting the Board in its duties and administering the requirements of this chapter;

(3) employing such staff as may be required to carry out the functions of the Board; and

(4) preparing an annual budget for submission to the Board.

Sec. 8. 10 V.S.A. § 6084 is amended to read:

§ 6084. NOTICE OF APPLICATION; HEARINGS; COMMENCEMENT OF REVIEW

~~(a) On or before the date of~~ Upon the filing of an application with the District Commission, ~~the applicant~~ District Commission shall send, by electronic means, notice ~~and a copy~~ of the ~~initial~~ application to the owner of the land if the applicant is not the owner; the municipality in which the land is located; the municipal and regional planning commissions for the municipality in which the land is located; the Vermont Agency of Natural Resources; and any adjacent Vermont municipality and municipal and regional planning commission if the land is located on a municipal or regional boundary. ~~The applicant shall furnish to the District Commission the names of those furnished notice by affidavit, and shall post~~ send by electronic means a copy of the notice ~~in~~ to the town clerk's office of the town or towns in which the project lies. The town clerk shall post the notice in the town office. The applicant shall also provide a list of adjoining landowners to the District Commission. Upon request and for good cause, the District Commission may authorize the

applicant to provide a partial list of adjoining landowners in accordance with Board rules.

\* \* \*

(e) Any notice for a major or minor application, as required by this section, shall also be published by the District Commission in a local newspaper generally circulating in the area where the development or subdivision is located and on the Board's website not more than ten days after receipt of a complete application.

\* \* \*

Sec. 9. 10 V.S.A. § 6089 is amended to read:

§ 6089. APPEALS

~~Appeals of any act or decision of a District Commission under this chapter or a district coordinator under subsection 6007(e) of this title shall be made to the Environmental Division in accordance with chapter 220 of this title. For the purpose of this section, a decision of the Chair of a District Commission under section 6001e of this title on whether action has been taken to circumvent the requirements of this chapter shall be considered an act or decision of the District Commission.~~

(a)(1) An appeal of any act or decision of a District Commission shall be to the Board and shall be accompanied by a fee prescribed by section 6083a of this title.

(2) Participation before District Commission. A person shall not appeal an act or decision that was made by a District Commission unless the person was granted party status by the District Commission pursuant to subdivision 6085(c)(1)(E) of this title, participated in the proceedings before the District Commission, and retained party status at the end of the District Commission proceedings. In addition, the person may only appeal those issues under the criteria with respect to which the person was granted party status. However, notwithstanding these limitations, a person may appeal an act or decision of the District Commission if the Board determines that:

(A) there was a procedural defect that prevented the person from obtaining party status or participating in the proceeding;

(B) the decision being appealed is the grant or denial of party status;

or

(C) some other condition exists that would result in manifest injustice if the person's right to appeal was disallowed.

(3) An appellant to the Board, under this section, shall file with the notice of appeal a statement of the issues to be addressed in the appeal, a summary of the evidence that will be presented, and a preliminary list of witnesses who will testify on behalf of the appellant.

(4) The Board shall hold a de novo hearing on all findings requested by any party that files an appeal or cross appeal, according to the rules of the Board. The hearing shall be held in the municipality where the project subject to the appeal is located, if possible, or as close as possible.

(5) Notice of appeal shall be filed with the Board within 30 days following the act or decision by the District Commission. The Board shall notify the parties who had party status before the District Commission of the filing of any appeal.

(6) Prehearing discovery.

(A) A party may obtain discovery of expert witnesses who may provide testimony relevant to the appeal. Expert witness prefiled testimony shall be in accordance with the Vermont Rules of Evidence. The use of discovery for experts shall comply with the requirements in the Vermont Rules of Civil Procedure 26–37.

(B) Interrogatories served on nonexpert witnesses shall be limited to discovery of the identity of witnesses and a summary of each witness' testimony, except by order of the Board for cause shown. Interrogatories served on expert witnesses shall be in accordance with the Vermont Rules of Civil Procedure.

(C) Parties may submit requests to produce and requests to enter upon land pursuant to the Vermont Rule of Civil Procedure 34.

(D) Parties may not take depositions of witnesses, except by order of the Board for cause shown.

(E) The Board may require a party to supplement, as necessary, any prehearing testimony that is provided.

(b) Prior decisions of the former Environmental Board, Water Resources Board, Waste Facilities Panel, and Environmental Division of the Superior Court shall be given the same weight and consideration as prior decisions of the Environmental Review Board.

(c) An appeal from a decision of the Board under subsection (a) of this section shall be to the Supreme Court by a party as set forth in subsection 6085(c) of this title.

(d) No objection that has not been raised before the Board may be considered by the Supreme Court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(e) An appeal of a decision by the Board shall be allowed pursuant to 3 V.S.A. § 815, including the unreasonableness or insufficiency of the conditions attached to a permit. An appeal from the District Commission shall be allowed for any reason, except no appeal shall be allowed when an application has been granted and no hearing was requested.

(f) Precedent from the former Environmental Board and of the Environmental Review Board that interpret Act 250 shall be provided the same deference by the Supreme Court as precedents accorded to other Executive Branch agencies charged with administering their enabling act. On appeal to the Supreme Court from the Environmental Review Board, decisions of the Environmental Review Board interpreting this act also shall be accorded that deference.

(g) Upon appeal to the Supreme Court, the Board's findings of fact shall be accepted unless clearly erroneous.

(h) Completion of case. A case shall be deemed completed when the Board enters a final decision even though that decision is appealed to the Supreme Court and remanded by that Court.

(i) Court of record; jurisdiction. The Board shall have the powers of a court of record in the determination and adjudication of all matters within its jurisdiction. It may initiate proceedings on any matter within its jurisdiction. It may render judgments and enforce the same by any suitable process issuable by courts in this State. An order issued by the Board on any matter within its jurisdiction shall have the effect of a judicial order. The Board's jurisdiction shall include:

(1) the issuance of declaratory rulings on the applicability of this chapter and rules or orders issued under this chapter, pursuant to 3 V.S.A. § 808; and

(2) the issuance of decisions on appeals pursuant to sections 6007 and 6089 of this title.

Sec. 10. 10 V.S.A. § 6007 is amended to read:

§ 6007. ACT 250 DISCLOSURE STATEMENT; JURISDICTIONAL  
DETERMINATION

\* \* \*

(c) With respect to the partition or division of land, or with respect to an activity that might or might not constitute development, any person may submit to the district coordinator an “Act 250 Disclosure Statement” and other information required by the rules of the Board and may request a jurisdictional opinion from the district coordinator concerning the applicability of this chapter. If a requestor wishes a final determination to be rendered on the question, the district coordinator, at the expense of the requestor and in accordance with rules of the Board, shall publish notice of the issuance of the opinion in a local newspaper generally circulating in the area where the land that is the subject of the opinion is located and shall serve the opinion on all persons listed in subdivisions 6085(c)(1)(A) through (D) of this title. In addition, the requestor who is seeking a final determination shall consult with the district coordinator and obtain approval of a subdivision 6085(c)(1)(E) list of persons who shall be notified by the district coordinator because they are adjoining property owners or other persons who would be likely to be able to demonstrate a particularized interest protected by this chapter that may be affected by an act or decision by a District Commission.

(d) A person who seeks review of a jurisdictional opinion issued by a district coordinator may bring to the Board an appeal of issues addressed in the opinion.

(1) The appellant shall provide notice of the filing of an appeal to each person entitled to notice under subdivisions 6085(c)(1)(A) through (D) of this title and to each person on an approved subdivision 6085(c)(1)(E) list.

(2) Failure to appeal within 30 days following the issuance of the jurisdictional opinion shall render the decision of the district coordinator under subsection (c) of this section the final determination regarding jurisdiction unless the underlying jurisdictional opinion was not properly served on persons listed in subdivisions 6085(c)(1)(A) through (D) of this title and on persons on a subdivision 6085(c)(1)(E) list approved under subsection (c) of this section.

Sec. 11. 10 V.S.A. § 6083a is amended to read:

§ 6083a. ACT 250 FEES

\* \* \*

(i) All persons filing an appeal, cross appeal, or petition from a District Commission decision or jurisdictional determination shall pay a fee of \$295.00, plus publication costs.

\* \* \* Appeals \* \* \*

Sec. 12. 10 V.S.A. chapter 220 is amended to read:

## CHAPTER 220. CONSOLIDATED ENVIRONMENTAL APPEALS

### § 8501. PURPOSE

It is the purpose of this chapter to:

(1) consolidate existing appeal routes for municipal zoning and subdivision decisions and acts or decisions of the Secretary of Natural Resources, ~~district environmental coordinators, and District Commissions,~~ excluding enforcement actions brought pursuant to chapters 201 and 211 of this title and the adoption of rules under 3 V.S.A. chapter 25;

(2) standardize the appeal periods, the parties who may appeal these acts or decisions, and the ability to stay any act or decision upon appeal, taking into account the nature of the different programs affected;

(3) ~~encourage people to get involved in the Act 250 permitting process at the initial stages of review by a District Commission by requiring participation as a prerequisite for an appeal of a District Commission decision to the Environmental Division;~~

(4) assure ensure that clear appeal routes exist for acts and decisions of the Secretary of Natural Resources; and

~~(5)~~(4) consolidate appeals of decisions related to renewable energy generation plants and telecommunications facilities with review under, respectively, 30 V.S.A. §§ 248 and 248a, with appeals and consolidation of proceedings pertaining to telecommunications facilities occurring only while 30 V.S.A. § 248a remains in effect.

### § 8502. DEFINITIONS

As used in this chapter:

(1) ~~“District Commission” means a District Environmental Commission established under chapter 151 of this title. [Repealed.]~~

(2) ~~“District coordinator” means a district environmental coordinator attached to a District Commission established under chapter 151 of this title. [Repealed.]~~

(3) “Environmental Court” or “Environmental Division” means the Environmental Division of the Superior Court established by 4 V.S.A. § 30.

(4) ~~“Natural Resources Environmental Review Board”~~ or “Board” means the Board established under chapter 151 of this title.

(5) “Party by right” means the following:

(A) the applicant;

(B) the landowner, if the applicant is not the landowner;

(C) the municipality in which the project site is located and the municipal and regional planning commissions for that municipality;

(D) if the project site is located on a boundary, any Vermont municipality adjacent to that border and the municipal and regional planning commissions for that municipality;

(E) the solid waste management district in which the land is located, if the development or subdivision constitutes a facility pursuant to subdivision 6602(10) of this title;

(F) any State agency affected by the proposed project.

(6) "Person" means any individual; partnership; company; corporation; association; joint venture; trust; municipality; the State of Vermont or any agency, department, or subdivision of the State; any federal agency; or any other legal or commercial entity.

(7) "Person aggrieved" means a person who alleges an injury to a particularized interest protected by the provisions of law listed in section 8503 of this title, attributable to an act or decision by a ~~district coordinator, District Commission,~~ the Secretary, or the Environmental Division that can be redressed by the Environmental Division or the Supreme Court.

(8) "Secretary" means the Secretary of Natural Resources or the Secretary's duly authorized representative. As used in this chapter, "Secretary" shall also mean the Commissioner of Environmental Conservation, the Commissioner of Forests, Parks and Recreation, and the Commissioner of Fish and Wildlife, with respect to those statutes that refer to the authority of that commissioner or department.

#### § 8503. APPLICABILITY

(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

\* \* \*

~~(b) This chapter shall govern:~~

~~(1) all appeals from an act or decision of a District Commission under chapter 151 of this title, excluding appeals of application fee refund requests;~~

~~(2) appeals from an act or decision of a district coordinator under subsection 6007(e) of this title;~~

~~(3) appeals from findings of fact and conclusions of law issued by the Natural Resources Board in its review of a designated growth center for conformance with the criteria of subsection 6086(a) of this title, pursuant to authority granted at 24 V.S.A. § 2793e(f). [Repealed.]~~

(c) This chapter shall govern all appeals arising under 24 V.S.A. chapter 117, the planning and zoning chapter.

(d) This chapter shall govern all appeals from an act or decision of the Environmental Division under this chapter.

(e) This chapter shall not govern appeals from rulemaking decisions by the Natural Resources Environmental Review Board under chapter 151 of this title or enforcement actions under chapters 201 and 211 of this title.

(f) This chapter shall govern all appeals of acts or decisions of the legislative body of a municipality arising under 24 V.S.A. chapter 61, subchapter 10, relating to the municipal certificate of approved location for salvage yards.

(g) This chapter shall govern all appeals of an act or decision of the Secretary of Natural Resources that a solid waste implementation plan for a municipality proposed under 24 V.S.A. § 2202a conforms with the State Solid Waste Implementation Plan adopted pursuant to section 6604 of this title.

#### § 8504. APPEALS TO THE ENVIRONMENTAL DIVISION

~~(a) Act 250 and Agency appeals. Within 30 days of the date of following the act or decision, any person aggrieved by an act or decision of the Secretary, a District Commission, or a district coordinator under the provisions of law listed in section 8503 of this title, or any party by right, may appeal to the Environmental Division, except for an act or decision of the Secretary under subdivision 6086b(3)(E) of this title or governed by section 8506 of this title.~~

\* \* \*

(c) Notice of the filing of an appeal.

~~(1) Upon filing an appeal from an act or decision of the District Commission, the appellant shall notify all parties who had party status as of the end of the District Commission proceeding, all friends of the Commission, and the Natural Resources Board that an appeal is being filed. In addition, the appellant shall publish notice not more than 10 days after providing notice as required under this subsection, at the appellant's expense, in a newspaper of general circulation in the area of the project that is the subject of the decision. [Repealed.]~~

\* \* \*

(d) Requirement to participate before the ~~District Commission~~ or the Secretary.

~~(1) Participation before District Commission. An aggrieved person shall not appeal an act or decision that was made by a District Commission unless the person was granted party status by the District Commission pursuant to subdivision 6085(c)(1)(E) of this title, participated in the proceedings before the District Commission, and retained party status at the end of the District Commission proceedings. In addition, the person may only appeal those issues under the criteria with respect to which the person was granted party status. However, notwithstanding these limitations, an aggrieved person may appeal an act or decision of the District Commission if the Environmental judge determines that:~~

~~(A) there was a procedural defect that prevented the person from obtaining party status or participating in the proceeding;~~

~~(B) the decision being appealed is the grant or denial of party status;~~  
or

~~(C) some other condition exists that would result in manifest injustice if the person's right to appeal was disallowed. [Repealed.]~~

(2) Participation before the Secretary.

\* \* \*

(e) Act 250 jurisdictional determinations by a district coordinator.

~~(1) The appellant shall provide notice of the filing of an appeal to each person entitled to notice under subdivisions 6085(c)(1)(A) through (D) of this title, to each person on an approved subdivision 6085(c)(1)(E) list, and to the Natural Resources Board.~~

~~(2) Failure to appeal within the time required under subsection (a) of this section shall render the decision of the district coordinator under subsection 6007(c) of this title the final determination regarding jurisdiction under chapter 151 of this title unless the underlying jurisdictional opinion was not properly served on persons listed in subdivisions 6085(c)(1)(A) through (D) of this title and on persons on a subdivision 6085(c)(1)(E) list approved under subsection 6007(c) of this title. [Repealed.]~~

\* \* \*

(g) Consolidated appeals. The Environmental Division may consolidate or coordinate different appeals where those appeals all relate to the same project.

\* \* \*

~~(i) Deference to Agency technical determinations. In the adjudication of appeals relating to land use permits under chapter 151 of this title, technical determinations of the Secretary shall be accorded the same deference as they are accorded by a District Commission under subsection 6086(d) of this title. [Repealed.]~~

\* \* \*

(k) Limitations on appeals. Notwithstanding any other provision of this section:

~~(1) there shall be no appeal from a District Commission decision when the Commission has issued a permit and no hearing was requested or held, or no motion to alter was filed following the issuance of an administrative amendment;~~

(2) a municipal decision regarding whether a particular application qualifies for a recorded hearing under 24 V.S.A. § 4471(b) shall not be subject to appeal;

~~(3) if a District Commission issues a partial decision under subsection 6086(b) of this title, any appeal of that decision must be taken within 30 days of the date of that decision.~~

(l) Representation. The Secretary may represent the Agency of Natural Resources in all appeals under this section. ~~The Chair of the Natural Resources Board may represent the Board in any appeal under this section, unless the Board directs otherwise. If more than one State agency, other than the Board, either appeals or seeks to intervene in an appeal under this section, only the Attorney General may represent the interests of those agencies of the State in the appeal.~~

(m) Precedent. Prior decisions of the Environmental Board, Water Resources Board, and Waste Facilities Panel shall be given the same weight and consideration as prior decisions of the Environmental Division.

(n) Intervention. Any person may intervene in a pending appeal if that person:

(1) appeared as a party in the action appealed from and retained party status;

(2) is a party by right;

~~(3) is the Natural Resources Board; [Repealed.]~~

(4) is a person aggrieved, as defined in this chapter;

(5) qualifies as an “interested person,” as established in 24 V.S.A. § 4465, with respect to appeals under 24 V.S.A. chapter 117; or

(6) meets the standard for intervention established in the Vermont Rules of Civil Procedure.

(o) With respect to review of an act or decision of the Secretary pursuant to 3 V.S.A. § 2809, the Division may reverse the act or decision or amend an allocation of costs to an applicant only if the Division determines that the act, decision, or allocation was arbitrary, capricious, or an abuse of discretion. In the absence of such a determination, the Division shall require the applicant to pay the Secretary all costs assessed pursuant to 3 V.S.A. § 2809.

(p) Administrative record. The Secretary shall certify the administrative record as defined in chapter 170 of this title and shall transfer a certified copy of that record to the Environmental Division when:

~~(1) there is an appeal of an act or decision of the Secretary that is based on that record; or~~

~~(2) there is an appeal of a decision of a District Commission, and the applicant used a decision of the Secretary based on that record to create a presumption under a criterion of subsection 6086(a) of this title that is at issue in the appeal.~~

#### § 8505. APPEALS TO THE SUPREME COURT

(a) Any person aggrieved by a decision of the Environmental Division pursuant to this subchapter, any party by right, or any person aggrieved by a decision of the Environmental Review Board may appeal to the Supreme Court within 30 days of following the date of the entry of the order or judgment appealed from, provided that:

(1) the person was a party to the proceeding before the Environmental Division; or

(2) the decision being appealed is the denial of party status; or

(3) the Supreme Court determines that:

(A) there was a procedural defect that prevented the person from participating in the proceeding; or

(B) some other condition exists that would result in manifest injustice if the person’s right to appeal were disallowed.

\* \* \*

\* \* \* Environmental Division \* \* \*

Sec. 13. 4 V.S.A. § 34 is amended to read:

§ 34. JURISDICTION; ENVIRONMENTAL DIVISION

The Environmental Division shall have:

(1) jurisdiction of matters arising under 10 V.S.A. chapters 201 and 220;  
and

(2) jurisdiction of matters arising under 24 V.S.A. chapter 61,  
subchapter 12 and 24 V.S.A. chapter 117; and

~~(3) original jurisdiction to revoke permits under 10 V.S.A. chapter 151.~~

\* \* \* Report; Transition; Revision Authority; Effective Dates \* \* \*

Sec. 14. ENVIRONMENTAL REVIEW BOARD POSITIONS;

APPROPRIATION

(a) The following new positions are created at the Environmental Review Board for the purposes of carrying out this act:

(1) one Staff Attorney 1; and

(2) four half-time Environmental Review Board members.

(b) The sum of \$300,000.00 is appropriated to the Environmental Review Board from the General Fund in fiscal year 2023 for the positions established in subsection (a) of this section and for additional operating costs required to implement the appeals process established in this act.

Sec. 15. NATURAL RESOURCES BOARD TRANSITION

(a) The Governor shall appoint the members of Environmental Review Board on or before July 1, 2023, and the terms of any Natural Resources Board member not appointed consistent with the requirements of 10 V.S.A. § 6021(a)(1)(A) or (B) shall expire on that day.

(b) As of July 1, 2023, all appropriations and employee positions of the Natural Resources Board are transferred to the Environmental Review Board.

(c) The Environmental Review Board shall adopt rules of procedure for its hearing process pursuant to 10 V.S.A. § 6025(a) on or before July 1, 2024.

Sec. 16. ENVIRONMENTAL DIVISION; CONTINUED JURISDICTION

Notwithstanding the repeal of its jurisdictional authority to hear appeals relative to land use permits under Sec. 12 of this act, the Environmental Division of the Superior Court shall continue to have jurisdiction to complete

its consideration of any appeal that is pending before it as of July 1, 2024 if the act or appeal has been filed. The Environmental Review Board shall have authority to be a party in any appeals pending under this section until July 1, 2024.

#### Sec. 17. REPORT; ENVIRONMENTAL REVIEW BOARD

(a) On or before December 31, 2023, the Chair of the Environmental Review Board shall report to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy on necessary updates to the Act 250 program.

(b) The report shall include:

(1) how to transition to a system in which Act 250 jurisdiction is based on location, which shall encourage development in appropriate locations and protect natural resources of statewide significance including biodiversity;

(2) how to use the Capability and Development Plan to meet the statewide planning goals;

(3) the effectiveness of the current permit fee structure; and

(4) an assessment of the current level of staffing of the Board and District Commissions, including whether there should be a district coordinator located in every district.

#### Sec. 18. REVISION AUTHORITY

In preparing the Vermont Statutes Annotated for publication in 2022, the Office of Legislative Counsel shall replace all references to the “Natural Resources Board” with the “Environmental Review Board” in Title 3, Title 10, Title 24, Title 29, Title 30, and Title 32.

\* \* \* Effective Dates \* \* \*

#### Sec. 19. EFFECTIVE DATES

This act shall take effect on passage, except that Secs. 12 and 13 (10 V.S.A. chapter 220; 4 V.S.A. § 34) shall take effect on July 1, 2024.

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

### **H. 533**

An act relating to converting civil forfeiture of property in drug-related prosecutions into a criminal process

**Rep. Leffler of Enosburgh**, 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. 4 V.S.A. § 32 is amended to read:

§ 32. JURISDICTION; CRIMINAL DIVISION

(a) The Criminal Division shall have jurisdiction to try, render judgment, and pass sentence in prosecutions for felonies ~~and~~, misdemeanors, and drug forfeiture proceedings pursuant to 18 V.S.A. chapter 84, subchapter 2.

(b) The Criminal Division shall have jurisdiction to try and finally determine prosecutions for violations of bylaws or ordinances of a village, town, or city, except as otherwise provided.

(c) The Criminal Division shall have jurisdiction of the following civil actions:

(1) appeals of final decisions of the Judicial Bureau;

(2) DUI license suspension hearings filed pursuant to 23 V.S.A. chapter 24;

(3) extradition proceedings filed pursuant to 13 V.S.A. chapter 159;

~~(4) drug forfeiture proceedings under 18 V.S.A. chapter 84, subchapter 2;~~

~~(5)~~(4) fish and wildlife forfeiture proceedings under 10 V.S.A. chapter 109;

~~(6)~~(5) liquor forfeiture proceedings under 7 V.S.A. chapter 19;

~~(7)~~(6) hearings relating to refusal to provide a DNA sample pursuant to 20 V.S.A. § 1935;

~~(8)~~(7) automobile forfeiture and immobilization proceedings under 23 V.S.A. chapters 9 and 13;

~~(9)~~(8) sex offender proceedings pursuant to 13 V.S.A. §§ 5411(e) and 5411d(f);

~~(10)~~(9) restitution modification proceedings pursuant to 13 V.S.A. § 7043(k);

~~(11)~~(10) municipal parking violation proceedings pursuant to 24 V.S.A. § 1974a(e), if the municipality has established an administrative procedure enabling a person to contest the violation, and the person has exhausted the administrative procedure;

~~(12)~~(11) proceedings to enforce 9 V.S.A. chapter 74, relating to energy efficiency standards for appliances and equipment;

(13)(12) proceedings to enforce 30 V.S.A. § 53, relating to commercial building energy standards.

Sec. 2. 18 V.S.A. chapter 84, subchapter 2 is amended to read:

Subchapter 2. Forfeiture

§ 4241. SCOPE

\* \* \*

(c) Notwithstanding the provisions of this section, the following property shall not be subject to seizure and forfeiture under this subchapter:

(1) Homestead real property, as defined in 27 V.S.A. chapter 3.

(2) U.S. currency totaling \$200.00 or less.

(3) A motor vehicle of \$2,000.00 or less in market value.

(4) Stolen property and contraband. Stolen property shall be promptly returned to the rightful owner, and contraband shall be disposed of according to applicable State law. The Criminal Division of the Superior Court may impose reasonable conditions, including the use of photographic evidence, to protect access to the property subject to this subsection and its use in later proceedings.

(d) The Attorney General shall advise the publications that law enforcement agencies may use to establish the market value of a motor vehicle.

§ 4242. SEIZURE

(a) ~~The court~~ Criminal Division of the Superior Court may issue at the request of the State ex parte a preliminary order or process to seize or secure property for which forfeiture is sought and to provide for its custody. Process for seizure of such property shall issue only upon a showing of probable cause that the property is subject to forfeiture. Application therefor for a preliminary order or process and issuance, execution, and return of the order or process shall be subject to provisions of applicable law.

(b) Any property subject to forfeiture under this subchapter may be seized upon process. Seizure without process may be made when:

(1) the seizure is incident to an arrest with probable cause or a search under a valid search warrant;

(2) the property subject to seizure has been the subject of a prior judgment in favor of the State in a forfeiture proceeding under this subchapter;  
or

(3) the seizure is incident to a valid warrantless search.

(c) The State may temporarily secure property pending a request of the State ex parte for a preliminary order or process pursuant to this section.

(e)(d) If property is seized without process under subdivision (b)(1) or (3) of this section and the State intends to seek forfeiture under this subchapter, the State shall forthwith petition the court Criminal Division for a preliminary order or process under subsection (a) of this section.

(d)(e) Notwithstanding subsection 4241(b) of this title, all regulated drugs the possession of which is prohibited under this chapter are contraband and shall be automatically forfeited to the State and destroyed.

#### § 4242a. PROMPT POSTSEIZURE PROCEEDINGS

(a) Following the seizure of property for which the State seeks forfeiture pursuant to section 4241 of this title, a defendant or any owner, co-owner, or regular user of the property has a right to a prompt postseizure hearing.

(b) A defendant, owner, co-owner, or regular user may petition the Criminal Division having jurisdiction for a prompt postseizure hearing.

(c) The State shall notify any owner, co-owner, or regular user of the property of which the State is aware, after a reasonable search of public records, that property has been seized pursuant to this subchapter, and the owner, co-owner, or regular user of the property may request a prompt postseizure hearing.

(d) The Criminal Division shall hold a prompt postseizure hearing:

(1) as a separate hearing; or

(2) at the same time as a hearing pursuant to Rule 41(f) of the Vermont Rules of Criminal Procedure, a probable cause determination, a post-arraignment hearing, or other pretrial hearing.

(e) A party, by agreement of all parties or for good cause shown, may move for an extension of the hearing date. Any motion may be supported by an affidavit, sworn statement, or other submission.

(f) The Criminal Division shall order the return of the seized property if it finds:

(1) the seizure was invalid;

(2) a criminal charge has not been filed and no extension of the filing period established under this section is available;

(3) the property is not reasonably required to be held as evidence; or

(4) the final judgment will likely be in favor of the defendant or any other person with an interest in the property.

(g) The provisions of this section do not apply to contraband.

§ 4243. JUDICIAL CRIMINAL FORFEITURE PROCEDURE

(a) Conviction or agreement required. An asset is subject to forfeiture by judicial determination as a criminal sanction under section 4241 of this title and 13 V.S.A. § 364 if:

(1) a person is convicted of the criminal offense related to the action for forfeiture and the State establishes by clear and convincing evidence that the property is an instrument of or represents the proceeds of the underlying offense; or

(2) a person enters into an a plea agreement or other agreement with the prosecutor, including an agreement under which he or she the person is not charged with a criminal offense related to the action for forfeiture subjecting the person to forfeiture under section 4241 of this title; or

(3) a person is granted immunity or a reduced punishment, with or without the filing of a criminal charge, in exchange for testifying or assisting a law enforcement investigation or prosecution.

(b) Evidence. The State may introduce into evidence in the judicial forfeiture case the fact of a conviction in the Criminal Division Discovery. Discovery related to the criminal forfeiture proceeding is subject to the Vermont Rules of Criminal Procedure.

(c) Burden of proof. The State bears the burden of proving by clear and convincing evidence that the property is an instrument of or represents the proceeds of the underlying offense.

(d) Notice. Within 60 days from when the seizure occurs, the State shall notify any owners, possessors, and lienholders of the property of the action, if known or readily ascertainable. Upon motion by the State, a court may extend the time period for sending notice for a period not to exceed 90 days for good cause shown. Notice of proposed forfeiture.

(1) The loss of property subject to forfeiture shall be considered as a criminal sanction as part of and following the prosecution of the crime that subjects the individual with an interest in the property to forfeiture of property pursuant to section 4241 of this title. Upon the State's determination that it will seek forfeiture, the State shall file a Notice of Proposed Forfeiture as shall be a separate document not later than 30 days prior to trial or at the Criminal

Division's discretion. The Notice of Proposed Forfeiture shall include the following information:

(A) the facts upon which the forfeiture is requested, including a description of the property subject to forfeiture and the type and quantity of regulated drug involved;

(B) the time, date, and place of the seizure;

(C) the names of the apparent owner or owners, lienholders who have properly recorded their interests, and any other person appearing to have an interest, and, in the case of a conveyance, the name of the person holding title; the registered owner; and the make, model, and year of the conveyance;

(D) the current location and custodian of the seized property; and

(E) warning that seized property may be forfeited as a sanction related to the crime for which the individual was charged, as part of a sentencing consideration, as part of a plea agreement, or through other means for the court to oversee.

(2) The Notice of Potential Collateral Consequences of Conviction required pursuant to 13 V.S.A. chapter 231 shall include notification of the provisions of this subchapter.

(3) The State shall serve the Notice in accordance with the Vermont Rules of Criminal Procedure. The State shall inform any owners, possessors, and lienholders of the property of the action, if known or readily ascertainable. In addition, the State shall cause the Notice to be published in a newspaper of general circulation in the State, as ordered by the Criminal Division.

(4) The Notice shall not be read to the jury of the underlying prosecution.

(5) The State may amend the Notice at any time before trial of the underlying prosecution.

(6) The Criminal Division may grant an unlimited number of 30-day extensions for the filing of the Notice if, for each extension, the court determines that probable cause is shown and additional time is warranted.

(e) Return of property. If notice is not sent in accordance with subsection (d) of this section, and no time extension is granted or the extension period has expired, the law enforcement agency shall return the property to the person from whom the property was seized. ~~An agency's return of property due to lack of proper notice does not restrict the agency's authority to commence a forfeiture proceeding at a later time.~~ Nothing in this subsection shall require

the agency to return contraband, evidence, or other property that the person from whom the property was seized is not entitled to lawfully possess.

~~(f) Filing of petition. The State shall file a petition for forfeiture of any property seized under section 4242 of this title promptly, but not more than 14 days from the date the preliminary order or process is issued. The petition shall be filed in the Superior Court of the county in which the property is located or in any court with jurisdiction over a criminal proceeding related to the property.~~

~~(g) Service of petition. A copy of the petition shall be served on all persons named in the petition as provided for in Rule 4 of the Vermont Rules of Civil Procedure. In addition, the State shall cause notice of the petition to be published in a newspaper of general circulation in the State, as ordered by the court. The petition shall state:~~

~~(1) the facts upon which the forfeiture is requested, including a description of the property subject to forfeiture, and the type and quantity of regulated drug involved;~~

~~(2) the names of the apparent owner or owners, lienholders who have properly recorded their interests, and any other person appearing to have an interest; and, in the case of a conveyance, the name of the person holding title, the registered owner, and the make, model, and year of the conveyance.~~

#### § 4244. FORFEITURE HEARING HEARINGS

~~(a) Within 60 days following service of notice of seizure and forfeiture under section 4243 of this title, a claimant may file a demand for judicial determination of the forfeiture. The demand must be in the form of a civil complaint accompanied by a sworn affidavit setting forth the facts upon which the claimant intends to rely, including, if relevant, the noncriminal source of the asset or currency at issue. The demand must be filed with the court administrator in the county in which the seizure occurred. Defendant's forfeiture hearing. The Criminal Division shall consider the loss of property subject to forfeiture as a criminal sanction as part of and following the prosecution of the underlying crime. The Criminal Division has discretion to schedule the criminal forfeiture hearing as soon as practicable after the defendant's conviction of the offense subjecting the person to forfeiture under section 4241 of this title, including concurrent with sentencing. The hearing shall be conducted by the Criminal Division without a jury.~~

~~(b) The court shall hold a hearing on the petition as soon as practicable after, and in any event no later than 90 days following, the conclusion of the criminal prosecution. Exceptions to the conviction requirement. The Criminal~~

Division may waive the conviction requirements of section 4243 of this title and subsection (a) of this section and grant title to the subject property to the State if the State files a motion not fewer than 90 days after seizure and shows by a preponderance of the evidence that, before conviction, the defendant:

- (1) died;
- (2) was deported by the U.S. government;
- (3) abandoned the property; or
- (4) fled the jurisdiction.

~~(c) A lienholder who has received notice of a forfeiture proceeding may intervene as a party. If the court finds that the lienholder has a valid, good faith interest in the subject property which is not held through a straw purchase, trust, or otherwise for the actual benefit of another and that the lienholder did not at any time have knowledge or reason to believe that the property was being or would be used in violation of the law, the court upon forfeiture shall order compensation to the lienholder to the extent of the lienholder's interest. Proportionality.~~

(1) The defendant, owner, co-owner, or other regular user of the property may petition the Criminal Division to determine whether the forfeiture is unconstitutionally excessive under the Constitutions of the State of Vermont or the United States. At the Criminal Division's discretion, it may hold a proportionality hearing:

(A) as a separate hearing; or

(B) at the same time as a hearing pursuant to Rule 41(f) of the Vermont Rules of Criminal Procedure, a prompt postseizure proceeding pursuant to section 4242a of this title or a forfeiture hearing pursuant to section 4244 of this title.

(2) The defendant has the burden of establishing that the forfeiture is unconstitutionally excessive by a preponderance of the evidence at a hearing conducted by the Criminal Division without a jury. In determining whether the forfeiture is unconstitutionally excessive, the Criminal Division may consider all relevant factors including:

(A) the seriousness of the underlying crime and its impact on the community, including the duration of the activity, use of a firearm, and harm caused by the defendant;

(B) the extent to which the defendant participated in the underlying crime;

(C) the extent to which the subject property was used in committing the crime;

(D) whether the underlying crime was completed or attempted;

(E) the hardship to the defendant if the forfeiture of a motor vehicle would deprive the defendant of the defendant's livelihood; and

(F) if forfeiture of the subject property is an undue hardship to the defendant's family.

(3) In determining the value of the instrumentality subject to forfeiture, the Criminal Division may consider all relevant facts related to the fair market value of the property, including any publications identified by the Attorney General pursuant to subsection 4241(d) of this title.

(4) The Criminal Division shall not consider the value of the subject property to the State in determining whether the forfeiture is unconstitutionally excessive.

(d) The court shall not order the forfeiture of property if an owner, co-owner, or person who regularly uses the property, other than the defendant, shows by a preponderance of the evidence that the owner, co-owner, or regular user did not consent to or have any express or implied knowledge that the property was being or was intended to be used in a manner that would subject the property to forfeiture, or that the owner, co-owner, or regular user had no reasonable opportunity or capacity to prevent the defendant from using the property. Lienholder hearing. The Criminal Division shall not order the forfeiture of property subject to a lienholder's interest without a hearing upon petition by the lienholder, other than the defendant. A lienholder who has received notice of a criminal forfeiture proceeding may petition the Criminal Division at any time before it enters judgment in the prosecution of the underlying offense or grants a motion pursuant to subsection (b) of this section. The Criminal Division shall hear the petition within 30 days after its filing or at the court's discretion. The hearing shall be conducted by the Criminal Division without a jury and the hearing may be consolidated with any other hearing before the trial in the underlying prosecution. If a lienholder shows by clear and convincing evidence that the lienholder has a valid, good faith interest in the subject property that is not held through a straw purchase, trust, or otherwise for the actual benefit of another and that the lienholder did not at any time have actual knowledge or reason to believe that the property was being or would be used in violation of the law, the Criminal Division shall order return of the property to the lienholder or compensation to the lienholder to the extent of value of the lienholder's interest, whichever is of less cost or expense to effectuate.

(e) The proceeding shall be against the property and shall be deemed civil in nature. The State shall have the burden of proving all material facts by clear and convincing evidence. Innocent owner hearing. The Criminal Division shall not order the forfeiture of property of an owner, co-owner, or person who regularly uses the property, other than the defendant, without a hearing upon petition by the owner, co-owner, or person who regularly uses the property.

(1) An owner, co-owner, or person who regularly uses the property, other than the defendant, may petition the Criminal Division at any time before it enters judgment in the prosecution of the underlying offense or grants a motion pursuant to subsection (b) of this section.

(2) The petition may be a simple written statement that sets forth:

(A) the right, title, or interest in the property of the owner, co-owner, or person who regularly uses the property;

(B) the time and circumstances of the acquisition of the interest in the property;

(C) additional relevant facts supporting the petition; and

(D) a request for the return of the property or other relief sought by the owner, co-owner, or person who regularly uses the property.

(3) The Criminal Division shall hear the petition within 30 days after its filing or at the court's discretion. The hearing shall be conducted by the Criminal Division without a jury and the hearing may be consolidated with any other hearing before the trial in the underlying prosecution.

(4) The owner, co-owner, or person who regularly uses the property, other than the defendant, has the burden to prove by clear and convincing evidence the validity of ownership interest or regular use. If the owner, co-owner, or person who regularly uses the property meets the burden, the State has the burden to prove by clear and convincing evidence that the owner, co-owner, or regular user did consent to or have actual knowledge that the property was being or was intended to be used in a manner that would subject the property to forfeiture. If the State fails to meet its burden, the Criminal Division shall order return of the property. As used in this subsection and subsection (d) of this section, "actual knowledge" means a direct and clear awareness of information, a fact, or a condition.

(5) The Criminal Division may impose reasonable conditions, including the use of photographic evidence, to protect access to property subject to this section and its use in later proceedings.

~~(f) The court shall make findings of fact and conclusions of law and shall issue a final order. If the petition is granted, the court shall order the property held for evidentiary purposes, delivered to the State Treasurer, or, in the case of regulated drugs or property which is harmful to the public, destroyed Judgment. The Criminal Division shall enter judgment:~~

(1) dismissing the forfeiture proceeding and returning the subject property to the rightful owner if the State fails to meet its burden in the underlying criminal prosecution or the defendant's forfeiture hearing pursuant to subsection (a) of this section except, in the case of regulated drugs or property that is harmful to the public, the subject property shall be destroyed;

(2) forfeiting the subject property if the State meets its burden in the underlying criminal prosecution and the forfeiture proceedings pursuant to subsection (a) of this section; or

(3) following a hearing or at court's discretion pursuant to a stipulation or plea agreement.

#### § 4244a. APPEAL

The defendant may appeal the Criminal Division's decision regarding the seizure of forfeiture of property following final judgment in the forfeiture proceeding pursuant to the Vermont Rules of Criminal Procedure.

#### § 4245. REMISSION OR MITIGATION OF FORFEITURE TO THE STATE'S ATTORNEY

~~(a) On petition filed within 90 days after completion of a forfeiture proceeding, a court that issued a forfeiture order pursuant to section 4244 of this title request by an owner, co-owner, or person who regularly uses the property, other than by the defendant, made at any time before the Criminal Division enters judgment in the prosecution of the underlying offense or grants a motion pursuant to subsection (b) of section 4244 a State's Attorney may order exercise prosecutorial discretion and determine that the forfeiture be remitted or mitigated. The petition request shall be sworn and shall include all information necessary for its resolution or shall describe where such information can be obtained. Upon receiving a petition request, the court State's Attorney shall investigate and may conduct a hearing interview if in its the State's Attorney's judgment it would be helpful to the resolution of the petition request. The court State's Attorney shall either approve or reject the petition request within 90 30 days.~~

(b) The court State's Attorney may remit or mitigate a forfeiture pursuant to this subchapter upon finding that relief should be granted to avoid extreme hardship or upon finding that the petitioner requestor has a valid, good faith

interest in the property ~~which that~~ is not held through a straw purchase, trust, or otherwise for the benefit of another ~~and that the petitioner did not at any time have knowledge or reason to believe that the property was being or would be used in violation of the law.~~

\* \* \*

#### § 4247. DISPOSITION OF PROPERTY

(a) Whenever property is forfeited and delivered to the State Treasurer under this subchapter, the State Treasurer shall, ~~no~~ not sooner than 90 days ~~of~~ after the date the property is delivered but not later than one year after the property is delivered, sell the property at a public sale held under 27 V.S.A. chapter ~~13~~ 18, subchapter 7.

(b) The proceeds from the sale of forfeited property, upon exhaustion of all appeals or at the Criminal Division's discretion, shall be used first to pay restitution to any victim of the underlying crime, then to offset any costs of selling the property, and then, after any liens on the property have been paid in full, applied to payment of seizure, storage, and forfeiture expenses, including animal care expenses related to the underlying violation. Remaining proceeds shall be distributed as follows:

(1)(A) ~~45~~ 55 percent shall be distributed among:

- (i) the Office of the Attorney General;
- (ii) the Department of State's Attorneys and Sheriffs; and
- (iii) State and local law enforcement agencies.

(B) ~~The Governor's Criminal Justice and Substance Abuse Cabinet~~ State Treasurer is authorized to determine the allocations among the groups listed in subdivision (A) of this subdivision (1), and may only reimburse the prosecutor and law enforcement agencies for their proportionate participated participation in the prosecution or enforcement effort resulting in the forfeiture for expenses incurred, including controlled drug-buy money, investigation costs, salaries, benefits, overtime, and any other actual expenses for involved personnel. The proceeds shall be held by the Treasurer until the Cabinet notifies the Treasurer of the allocation determinations, at which time the Upon determination of the allocations, the Treasurer shall forward promptly distribute the allocated amounts to the appropriate agency's operating funds. Notwithstanding the provisions of this subsection (b), 10 percent of the proceeds distributed pursuant to subdivision (A) of this subdivision (1) shall be directed as follows:

(i) five percent to the Evidence-Based Education and Advertising Fund established in 33 V.S.A. § 2004a; and

(ii) five percent to the Center for Crime Victim Services.

(2) The remaining ~~55~~ 45 percent shall be deposited in the General Fund.

\* \* \*

#### § 4248a. LIMITATION ON FEDERAL ADOPTION

(a) A State or local law enforcement agency shall not transfer or offer for adoption property seized from a defendant, owner, co-owner, or regular user of the property pursuant to this subchapter to a federal agency for the purpose of forfeiture under 18 U.S.C. chapter 46 or other federal law unless the seized property includes U.S. currency exceeding \$25,000.00. This subsection only applies to seizure by State or local law enforcement agencies pursuant to their own authority under State law and without involvement of the U.S. government. Nothing in this subsection shall be construed to limit State or local agencies from participating in joint task forces with the U.S. government.

(b) State and local law enforcement agencies are prohibited from accepting payment of any kind or distribution of forfeiture proceeds from the U.S. government if the State or local law enforcement agency violates subsection (a) of this section. Any payments or forfeiture proceeds that violate subsection (a) of this section shall be directed to the State's General Fund.

#### Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

**( Committee Vote: 11-0-0)**

#### **H. 534**

An act relating to sealing criminal history records

**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. § 7601 is amended to read:

#### § 7601. DEFINITIONS

As used in this chapter:

(1) "Court" means the Criminal Division of the Superior Court.

(2) "Criminal history record" means all information documenting an individual's contact with the criminal justice system, including data regarding

identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.

~~(3) “Predicate offense” means a criminal offense that can be used to enhance a sentence levied for a later conviction and includes operating a vehicle under the influence of alcohol or other substance in violation of 23 V.S.A. § 1201, domestic assault in violation of section 1042 of this title, and stalking in violation of section 1062 of this title. “Predicate offense” shall not include misdemeanor possession of cannabis, a disorderly conduct offense under section 1026 of this title, or possession of a controlled substance in violation of 18 V.S.A. § 4230(a), 4231(a), 4232(a), 4233(a), 4234(a), 4234a(a), 4234b(a), 4235(b), or 4235a(a). [Repealed.]~~

(4) “Qualifying crime” means:

~~(A) a misdemeanor offense that is not:~~

~~(i) a listed crime as defined in subdivision 5301(7) of this title;~~

~~(ii) an offense involving sexual exploitation of children in violation of chapter 64 of this title;~~

~~(iii) an offense involving violation of a protection order in violation of section 1030 of this title;~~

~~(iv) prostitution as defined in section 2632 of this title, or prohibited conduct under section 2601a of this title; or~~

~~(v) a predicate offense;~~

~~(B) a violation of subsection 3701(a) of this title related to criminal mischief;~~

~~(C) a violation of section 2501 of this title related to grand larceny;~~

~~(D) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title;~~

~~(E) a violation of 18 V.S.A. § 4223 related to fraud or deceit;~~

~~(F) a violation of section 1802 of this title related to uttering a forged or counterfeited instrument;~~

~~(G) a violation of 18 V.S.A. § 4230(a) related to possession and cultivation of cannabis;~~

~~(H) a violation of 18 V.S.A. § 4231(a) related to possession of cocaine;~~

~~(I) a violation of 18 V.S.A. § 4232(a) related to possession of LSD;~~

- ~~(J) a violation of 18 V.S.A. § 4233(a) related to possession of heroin;~~
- ~~(K) a violation of 18 V.S.A. § 4234(a) related to possession of depressant, stimulant, and narcotic drugs;~~
- ~~(L) a violation of 18 V.S.A. § 4234a(a) related to possession of methamphetamine;~~
- ~~(M) a violation of 18 V.S.A. § 4234b(a) related to possession of ephedrine and pseudoephedrine;~~
- ~~(N) a violation of 18 V.S.A. § 4235(b) related to possession of hallucinogenic drugs;~~
- ~~(O) a violation of 18 V.S.A. § 4235a(a) related to possession of ecstasy; or~~
- ~~(P) any offense for which a person has been granted an unconditional pardon from the Governor.~~
- (A) all misdemeanor offenses except:
- (i) a listed crime as defined in subdivision 5301(7) of this title;
- (ii) a violation of chapter 64 of this title relating to sexual exploitation of children;
- (iii) a violation of section 1030 of this title relating to a violation of an abuse prevention order, an order against stalking or sexual assault, or a protective order concerning contact with a child;
- (iv) a violation of chapter 28 of this title related to abuse, neglect, and exploitation of a vulnerable adult;
- (v) a violation of subsection 2605(b) or (c) of this title related to voyeurism;
- (vi) a violation of subdivisions 352(1)–(10) of this title related to cruelty to animals;
- (vii) a violation of section 1026a of this title related to aggravated disorderly conduct;
- (viii) a violation of section 3006 of this title related to neglect of duty by a public officer;
- (ix) a violation of section 5409 of this title related to failure to comply with sex offender registry requirements;
- (x) a violation of section 2802, 2802a, 2803, 2804, or 2804b of this title related to obscenity;

(xi) a violation of section 1455 of this title related to hate motivated crimes; and

(xii) a violation of section 1456 of this title related to burning of a religious symbol; and

(B) the following felonies:

(i) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, unless the person was 25 years of age or younger at the time of the offense and did not carry a dangerous or deadly weapon during the commission of the offense;

(ii) designated felony property offenses as defined in subdivision (5) of this subsection;

(iii) offenses relating to possessing, cultivating, selling, dispensing, or transporting regulated drugs, including violations of 18 V.S.A. § 4230(a) and (b), 4231(a) and (b), 4232(a) and (b), 4233(a) and (b), 4233a(a), 4234(a) and (b), 4234a(a) and (b), 4234b(a) and (b), 4235(b) and (c), or 4235a(a) and (b); and

(iv) any offense for which a person has been granted an unconditional pardon from the Governor.

(5) “Designated felony property offense” means:

(A) a felony violation of 9 V.S.A. § 4043 related to fraudulent use of a credit card;

(B) section 1801 of this title related to forgery and counterfeiting;

(C) section 1802 of this title related to uttering a forged or counterfeited instrument;

(D) section 1804 of this title related to counterfeiting paper money;

(E) section 1816 of this title related to possession or use of credit card skimming devices;

(F) section 2001 of this title related to false personation;

(G) section 2002 of this title related to false pretenses or tokens;

(H) section 2029 of this title related to home improvement fraud;

(I) section 2030 of this title related to identity theft;

(J) section 2501 of this title related to grand larceny;

(K) section 2531 of this title related to embezzlement;

(L) section 2532 of this title related to embezzlement by officers or servants of an incorporated bank;

(M) section 2533 of this title related to embezzlement by a receiver or trustee;

(N) section 2561 of this title related to receiving stolen property;

(O) section 2575 of this title related to retail theft;

(P) section 2582 of this title related to theft of services;

(Q) section 2591 of this title related to theft of rented property;

(R) section 2592 of this title related to failure to return a rented or leased motor vehicle;

(S) section 3016 of this title related to false claims;

(T) section 3701 of this title related to unlawful mischief;

(U) section 3705 of this title related to unlawful trespass;

(V) section 3733 of this title related to mills, dams, or bridges;

(W) section 3761 of this title related to unauthorized removal of human remains;

(X) section 3767 of this title related to grave markers and ornaments;

(Y) chapter 87 of this title related to computer crimes; and

(Z) 18 V.S.A. § 4223 related to fraud or deceit in obtaining a regulated drug.

(6) “Subsequent offense” means the conviction of a crime committed by the person who is the subject of a petition to seal a criminal history record that arose out of a new incident or occurrence after the person was convicted of the crime to be sealed.

Sec. 2. 13 V.S.A. § 7602 is amended to read:

§ 7602. ~~EXPUNGEMENT AND SEALING OF RECORD,~~  
POSTCONVICTION; PROCEDURE

~~(a)(1) A person may file a petition with the court requesting expungement or sealing of the criminal history record related to the conviction if:~~

~~(A) the person was convicted of a qualifying crime or qualifying crimes arising out of the same incident or occurrence;~~

~~(B) the person was convicted of an offense for which the underlying conduct is no longer prohibited by law or designated as a criminal offense;~~

~~(C) pursuant to the conditions set forth in subsection (g) of this section, the person was convicted of a violation of 23 V.S.A. § 1201(a) related to operating under the influence of alcohol or other substance, excluding a violation of that section resulting in serious bodily injury or death to any person other than the operator, or related to operating a school bus with a blood alcohol concentration of 0.02 or more or operating a commercial vehicle with a blood alcohol concentration of 0.04 or more; or~~

~~(D) pursuant to the conditions set forth in subsection (h) of this section, the person was convicted under 1201(c)(3)(A) of a violation of subdivision 1201(a) of this title related to burglary when the person was 25 years of age or younger, and the person did not carry a dangerous or deadly weapon during commission of the offense.~~

~~(2) The State's Attorney or Attorney General shall be the respondent in the matter.~~

~~(3) The court shall grant the petition without hearing if the petitioner and the respondent stipulate to the granting of the petition. The respondent shall file the stipulation with the court, and the court shall issue the petitioner an order of expungement and provide notice of the order in accordance with this section.~~

~~(4) This section shall not apply to an individual licensed as a commercial driver pursuant to 23 V.S.A. chapter 39 seeking to seal or expunge a record of a conviction for a felony offense committed in a motor vehicle as defined in 23 V.S.A. § 4.~~

~~(b)(1) The court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:~~

~~(A) At least five years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least five years previously.~~

~~(B) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted for the qualifying crime.~~

~~(C) Any restitution and surcharges ordered by the court have been paid in full, provided that payment of surecharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.~~

~~(D) The court finds that expungement of the criminal history record serves the interests of justice.~~

~~(2) The court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), and (C) of this subsection are met and the court finds that:~~

~~(A) sealing the criminal history record better serves the interests of justice than expungement; and~~

~~(B) the person committed the qualifying crime after reaching 19 years of age.~~

~~(e)(1) The court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:~~

~~(A) At least 10 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction.~~

~~(B) The person has not been convicted of a felony arising out of a new incident or occurrence in the last seven years.~~

~~(C) The person has not been convicted of a misdemeanor during the past five years.~~

~~(D) Any restitution and surcharges ordered by the court for any crime of which the person has been convicted has been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.~~

~~(E) After considering the particular nature of any subsequent offense, the court finds that expungement of the criminal history record for the qualifying crime serves the interests of justice.~~

~~(2) The court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), (C), and (D) of this subsection are met and the court finds that:~~

~~(A) sealing the criminal history record better serves the interests of justice than expungement; and~~

~~(B) the person committed the qualifying crime after reaching 19 years of age.~~

~~(d) For petitions filed pursuant to subdivision (a)(1)(B) of this section, unless the court finds that expungement would not be in the interests of justice, the court shall grant the petition and order that the criminal history record be expunged in accordance with section 7606 of this title if the following conditions are met:~~

~~(1) The petitioner has completed any sentence or supervision for the offense.~~

~~(2) Any restitution and surcharges ordered by the court have been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.~~

~~(e) For petitions filed pursuant to subdivision (a)(1)(B) of this section for a conviction for possession of a regulated drug under 18 V.S.A. chapter 84, subchapter 1 in an amount that is no longer prohibited by law or for which criminal sanctions have been removed:~~

~~(1) The petitioner shall bear the burden of establishing that his or her conviction was based on possessing an amount of regulated drug that is no longer prohibited by law or for which criminal sanctions have been removed.~~

~~(2) There shall be a rebuttable presumption that the amount of the regulated drug specified in the affidavit of probable cause associated with the petitioner's conviction was the amount possessed by the petitioner.~~

~~(f) Prior to granting an expungement or sealing under this section for petitions filed pursuant to subdivision 7601(4)(D) of this title, the court shall make a finding that the conduct underlying the conviction under section 1201 of this title did not constitute a burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title. The petitioner shall bear the burden of establishing this fact.~~

~~(g) For petitions filed pursuant to subdivision (a)(1)(C) of this section, only petitions to seal may be considered or granted by the court. This subsection shall not apply to an individual licensed as a commercial driver pursuant to 23 V.S.A. chapter 39. Unless the court finds that sealing would not be in the interests of justice, the court shall grant the petition and order that the criminal history record be sealed in accordance with section 7607 of this title if the following conditions are met:~~

~~(1) At least 10 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and~~

~~conditions of an indeterminate term of probation that commenced at least 10 years previously.~~

~~(2) At the time of the filing of the petition:~~

~~(A) the person has only one conviction of a violation of 23 V.S.A. § 1201, which shall be construed in accordance with 23 V.S.A. § 1211; and~~

~~(B) the person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted of a violation of 23 V.S.A. § 1201(a).~~

~~(3) Any restitution ordered by the court has been paid in full.~~

~~(4) The court finds that sealing of the criminal history record serves the interests of justice.~~

~~(h) For petitions filed pursuant to subdivision (a)(1)(D) of this section, unless the court finds that expungement or sealing would not be in the interests of justice, the court shall grant the petition and order that the criminal history record be expunged or sealed in accordance with section 7606 or 7607 of this title if the following conditions are met:~~

~~(1) At least 15 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least 15 years previously.~~

~~(2) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted of a violation of subdivision 1201(e)(3)(A) of this title.~~

~~(3) Any restitution ordered by the court has been paid in full.~~

~~(4) The court finds that expungement or sealing of the criminal history record serves the interests of justice.~~

(a) Petition.

(1) A person may file a petition with the court requesting sealing of a criminal history record related to a conviction under the following circumstances:

(A) The person was convicted of an offense for which the underlying conduct is no longer prohibited by law or designated as a criminal offense.

(B) The person was convicted of a qualifying crime or qualifying crimes arising out of the same incident or occurrence.

(C) The person was convicted of a violation of 23 V.S.A. § 1201(a) related to operating under the influence of alcohol or other substance, provided that:

(i) the violation did not:

(I) result in serious bodily injury or death to any person other than the operator;

(II) involve operating a school bus with a blood alcohol concentration of 0.02 or more; or

(III) involve operating a commercial vehicle with a blood alcohol concentration of 0.04 or more; and

(ii) the person is not licensed as a commercial driver pursuant to 23 V.S.A. chapter 39.

(2) The State's Attorney or Attorney General shall be the respondent in the matter.

(3) The court shall grant the petition without hearing if the petitioner and the respondent stipulate to the granting of the petition. The respondent shall file the stipulation with the court, and the court shall issue the petitioner an order of sealing and provide notice of the order in accordance with this section.

(4) This section shall not apply to an individual licensed as a commercial driver pursuant to 23 V.S.A. chapter 39 seeking to seal a record of a conviction for a felony offense committed in a motor vehicle as defined in 23 V.S.A. § 4.

(b) Offenses that are no longer prohibited by law.

(1) For petitions filed pursuant to subdivision (a)(1)(A) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

(A) The petitioner has completed any sentence or supervision for the offense.

(B) Any restitution and surcharges ordered by the court have been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

(2) For petitions filed pursuant to subdivision (a)(1)(A) of this section for a conviction for possession of a regulated drug under 18 V.S.A. chapter 84, subchapter 1 in an amount that is no longer prohibited by law or for which criminal sanctions have been removed:

(A) The petitioner shall bear the burden of establishing that the petitioner's conviction was based on possessing an amount of regulated drug that is no longer prohibited by law or for which criminal sanctions have been removed.

(B) There shall be a rebuttable presumption that the amount of the regulated drug specified in the affidavit of probable cause associated with the petitioner's conviction was the amount possessed by the petitioner.

(c) Qualifying misdemeanors. For petitions filed to seal a qualifying misdemeanor pursuant to subdivision (a)(1)(B) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

(1) At least three years have elapsed since the date on which the person satisfied the judgement.

(2) Any restitution and surcharges ordered by the court for any crime of which the person has been convicted has been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

(3) The court finds that sealing of the criminal history record serves the interests of justice.

(d) Qualifying felony offenses. For petitions filed to seal a qualifying felony pursuant to subdivision (a)(1)(B) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

(1) At least seven years have elapsed since the date on which the person satisfied the judgement.

(2) Any restitution and surcharges ordered by the court for any crime of which the person has been convicted has been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

(3) The court finds that sealing of the criminal history record serves the interests of justice.

(e) Qualifying DUI misdemeanor. For petitions filed to seal a qualifying DUI misdemeanor pursuant to subdivision (a)(1)(C) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

(1) At least ten years have elapsed since the date on which the person satisfied the judgment for the conviction.

(2) At the time of the filing of the petition:

(A) the person has only one conviction of a violation of 23 V.S.A. § 1201, which shall be construed in accordance with 23 V.S.A. § 1211; and

(B) the person has not been convicted of a subsequent offense since the person was convicted of a violation of 23 V.S.A. § 1201(a).

(3) Any restitution and surcharges ordered by the court for any crime of which the person has been convicted has been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

(4) The court finds that sealing of the criminal history record serves the interests of justice.

Sec. 3. 13 V.S.A. § 7604 is amended to read:

§ 7604. NEW CHARGE

If a person is charged with a criminal offense after he or she has filed a petition for ~~expungement~~ sealing pursuant to this chapter, the court shall not act on the petition until disposition of the new charge.

Sec. 4. 13 V.S.A. § 7605 is amended to read:

§ 7605. DENIAL OF PETITION

If a petition for ~~expungement~~ sealing is denied by the court pursuant to this chapter, no further petition shall be brought for at least two years, unless a shorter duration is authorized by the court.

Sec. 5. 13 V.S.A. § 7607 is amended to read:

§ 7607. EFFECT OF SEALING

(a) Order and notice. Upon entry of an order to seal, the order shall be legally effective immediately and the person whose record is sealed shall be treated in all respects as if ~~he or she~~ the person had never been arrested, convicted, or sentenced for the offense and that its effect is to annul the record of arrest, conviction, and sentence. The court shall provide notice of the sealing to the respondent, Vermont Crime Information Center (VCIC), the arresting agency, the Restitution Unit of the Vermont Center for Crime Victim Services, and any other entity that may have a record related to the order to seal. The VCIC shall provide notice of the sealing to the Federal Bureau of Investigation's National Crime Information Center.

(b) Effect.

(1) Except as provided in subsection (c) of this section, upon entry of a sealing order, the order shall be legally effective immediately and the person whose record is sealed shall be treated in all respects as if ~~he or she~~ the person had never been arrested, convicted, or sentenced for the offense.

(2) In any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing, a person may be required to answer questions about a previous criminal history record only with respect to arrests or convictions that have not been sealed.

(3) The response to an inquiry from any member of the public regarding a sealed record shall be that “NO CRIMINAL RECORD EXISTS.”

(c) Exceptions; convictions. Notwithstanding any other provision of law or a sealing order, entities may access sealed records only in the following circumstances:

(1) An entity that possesses a sealed record may continue to use it for any litigation or claim arising out of the same incident or occurrence ~~or involving the same defendant.~~

(2) ~~A criminal justice agency as defined in 20 V.S.A. § 2056a may use the criminal history record sealed in accordance with section 7602 or 7603 of this title without limitation for criminal justice purposes as defined in 20 V.S.A. § 2056a. A sealed record of a prior violation of 23 V.S.A. § 1201(a) shall be admissible as a predicate offense for the purpose of imposing an enhanced penalty for a subsequent violation of that section, in accordance with the provisions of 23 V.S.A. § 1210. A person or a court in possession of an order issued by a court regarding a matter that was subsequently sealed may file or cite to that decision in any subsequent proceeding. The party or court filing or citing to that decision shall ensure that information regarding the identity of the defendant in the sealed record is redacted.~~

(3) For sentencing in subsequent offenses, the court and parties in a criminal case shall have access to sealed records as follows:

(A) misdemeanors for three years;

(B) qualifying DUI offenses for five years; and

(C) qualifying felony property offenses and selling, dispensing, or transporting a regulated drug offenses for seven years.

(4) The Department of Corrections shall have access to sealed records for the purpose of conducting risk assessments and making supervision decisions as follows:

(A) misdemeanors for three years;

(B) qualifying DUI offenses for five years; and

(C) qualifying felony property offenses and selling, dispensing, or transporting a regulated drug offenses for seven years.

(5) The State's Attorney and Attorney General may disclose information contained in a sealed criminal history record when required to meet their otherwise legally required discovery obligations.

(6) Upon request, the Victim's Compensation Program shall be provided with a copy, redacted of all information identifying the offender, of the affidavit for the sole purpose of verifying the expenses in a victim's compensation application submitted pursuant to section 5353 of this title.

(7) The sealing of a criminal record shall not affect the authority of the Restitution Unit to enforce a restitution order in the same manner as a civil judgment, pursuant to subdivision 5362(c)(2) of this title.

(d) Exceptions; dismissed charges. The prosecution shall have access to cases dismissed without prejudice for three years. The prosecution may object to the loss of access at three years by proving that the loss of access would pose a "significant risk to public safety."

(e) Process.

(1) The court shall bar viewing of the sealed offense in any accessible database that it maintains.

(2) Until all charges on a docket have been sealed, the case file shall remain publicly accessible.

(3) When all charges on a docket have been sealed, the case file shall become exempt from public access.

~~(e)~~(f) Special index.

(1) The court shall keep a special index of cases that have been sealed together with the sealing order. The index shall list only the name of the person convicted of the offense, ~~his or her~~ the person's date of birth, the docket number, and the criminal offense that was the subject of the sealing.

(2) The special index and related documents specified in subdivision (1) of this subsection shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons.

(3) Except as provided in ~~subsection~~ subsections (c) and (d) of this section, inspection of the sealing order may be permitted only upon petition by the person who is the subject of the case. The Chief Superior Judge may

permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

(4) The Court Administrator shall establish policies for implementing this subsection.

Sec. 6. 13 V.S.A. § 7611 is added to read:

§ 7611. UNAUTHORIZED DISCLOSURE

A state or municipal employee or contractor or any agent of the court, including an attorney and an employee or contractor of the attorney, who in the course of their official duties knowingly discloses sealed criminal history record information without authorization shall be assessed a civil penalty of not more than \$1,000.00. Each unauthorized disclosure shall constitute a separate civil violation.

Sec. 7. 24 V.S.A. § 2002 is added to read:

§ 2002. EXPUNGEMENT OF MUNICIPAL VIOLATION RECORDS

(a) Expungement. Three years following the satisfaction of a judgment resulting from an adjudication of a municipal violation, the Judicial Bureau shall make an entry of “expunged” and notify the municipality of such action, provided the person has not been adjudicated for any subsequent municipal violations during that time. The data transfer to the municipality shall include the name, date of birth, ticket number, and offense. Violations of offenses adopted pursuant to 24 V.S.A. chapter 117 shall not be eligible for expungement under this section.

(b) Effect of expungement.

(1) Upon entry of an expungement order, the order shall be legally effective immediately and the individual whose record is expunged shall be treated in all respects as if the individual had never been adjudicated of the violation.

(2) Upon an entry of expunged, the case will be accessible only by the Clerk of the Court for the Judicial Bureau or the Clerk’s designee. Adjudications that have been expunged shall not appear in the results of any Judicial Bureau database search by name, date of birth, or any other data identifying the defendant. Except as provided in subsection (c) of this section, any documents or other records related to an expunged adjudication that are maintained outside the Judicial Bureau’s case management system shall be destroyed.

(3) Upon receiving an inquiry from any person regarding an expunged record, the Judicial Bureau and the municipality shall respond that “NO RECORD EXISTS.”

(c) Exception for research entities. Research entities that maintain adjudication records for purposes of collecting, analyzing, and disseminating criminal justice data shall not be subject to the expungement requirements established in this section. Research entities shall abide by the policies established by the Court Administrator and shall not disclose any identifying information from the records they maintain.

(d) Policies for implementation. The Court Administrator shall establish policies for implementing this section.

(e) Application. This section shall apply to municipal violations that occur on and after July 1, 2022.

Sec. 8. 23 V.S.A. § 2303 is amended to read:

§ 2303. EXPUNGEMENT OF VIOLATION RECORDS

\* \* \*

(e) Application. This section shall apply to municipal violations that occur on and after July 1, 2021.

Sec. 9. AUTOMATIC SEALING STUDY COMMITTEE

(a) Creation. There is created the Legislative Criminal Record Sealing Study Committee for the purpose of recommending to the General Assembly a proposal for phasing in a policy of automatically sealing criminal history records that no longer have value as a criminal justice tool.

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

(1) two current members of the House of Representatives, not all from the same political party, who shall be appointed by the Speaker of the House; and

(2) two current members of the Senate, not all from the same political party, who shall be appointed by the Committee on Committees.

(c) Powers and duties.

(1) The Committee shall study:

(A) which criminal offenses are appropriate for automatic sealing, the time period in which those offenses become eligible for sealing, and any other appropriate criteria; and

(B) the mechanism for automatic sealing and any resources required for the proposal in subdivision (1)(A) of this subsection (c).

(2) On or before November 15, 2022, the Committee shall submit proposed legislation to the General Assembly.

(d) Assistance. For purposes of scheduling meetings and preparing recommended legislation, the Committee shall have the assistance of the Office of Legislative Operations, the Office of Legislative Counsel, and the Joint Fiscal Office.

(e) Meetings.

(1) The Office of Legislative Counsel shall call the first meeting of the Committee on or before August 1, 2022.

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

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

(4) The Committee shall cease to exist on December 31, 2022.

(f) Compensation and reimbursement. For attendance at meetings during adjournment of the General Assembly, a legislative member of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than four meetings. These payments shall be made from monies appropriated to the General Assembly.

#### Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

**( Committee Vote: 9-2-0)**

#### **Favorable H. 517**

An act relating to the Vermont National Guard Tuition Benefit Program

**Rep. Hango of Berkshire**, for the Committee on General, Housing, and Military Affairs, recommends the bill ought to pass.

**( Committee Vote: 11-0-0)**

#### **H. 680**

An act relating to obtaining a marriage license in any town in Vermont

**Rep. Lefebvre of Orange**, for the Committee on Government Operations, recommends the bill ought to pass.

**( Committee Vote: 11-0-0)**

## Committee of Conference Report

### H. 679

#### Report of Committee of Conference

An act relating to fiscal year 2022 budget adjustments.

#### TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House Bill entitled:

**H. 679.** An act relating to fiscal year 2022 budget adjustments.

Respectfully reports that it has met and considered the same and recommends that the Senate recede from its proposal of amendment and that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2021 Acts and Resolves No. 74, Sec. B.126 is amended to read:

#### Sec. B.126 Legislature

Personal services	5,033,474	5,138,474
Operating expenses	<u>3,768,163</u>	<u>3,768,163</u>
Total	8,801,637	8,906,637
Source of funds		
General fund	<u>8,801,637</u>	<u>8,906,637</u>
Total	8,801,637	8,906,637

Sec. 2. 2021 Acts and Resolves No. 74, Sec. B.127 is amended to read:

#### Sec. B.127 Joint fiscal committee

Personal services	2,288,387	2,478,387
Operating expenses	<u>158,873</u>	<u>158,873</u>
Total	2,447,260	2,637,260
Source of funds		
General fund	2,322,260	2,512,260
Interdepartmental transfers	<u>125,000</u>	<u>125,000</u>
Total	2,447,260	2,637,260

Sec. 3. 2021 Acts and Resolves No. 74, Sec. B.145 is amended to read:

#### Sec. B.145 Total general government

Source of funds		
General fund	98,982,912	99,277,912
Transportation fund	3,911,594	3,911,594
Special funds	16,446,601	16,446,601

Federal funds	1,150,041	1,150,041
Internal service funds	138,310,838	138,310,838
Interdepartmental transfers	7,551,641	7,551,641
Enterprise funds	6,840	6,840
Pension trust funds	7,169,079	7,169,079
Private purpose trust funds	<u>1,135,286</u>	<u>1,135,286</u>
Total	274,664,832	274,959,832

Sec. 4. 2021 Acts and Resolves No. 74, Sec. B.225.2 is amended to read:

Sec. B.225.2 Agriculture, Food and Markets - Clean Water

Personal services	3,249,011	3,249,011
Operating expenses	486,344	486,344
Grants	<u>4,060,891</u>	<u>5,503,348</u>
Total	7,796,246	9,238,703
Source of funds		
General fund	1,087,080	1,087,080
Special funds	6,089,920	7,532,377
Federal funds	133,534	133,534
Interdepartmental transfers	<u>485,712</u>	<u>485,712</u>
Total	7,796,246	9,238,703

Sec. 5. 2021 Acts and Resolves No. 74, Sec. B.240 is amended to read:

Sec. B.240 Cannabis Control Board

Personal services	<u>650,000</u>	<u>850,000</u>
Total	650,000	850,000
Source of funds		
Special funds	<u>650,000</u>	<u>850,000</u>
Total	650,000	850,000

Sec. 6. 2021 Acts and Resolves No. 74, Sec. B.241 is amended to read:

Sec. B.241 Total protection to persons and property

Source of funds		
General fund	171,360,524	171,360,524
Transportation fund	20,250,000	20,250,000
Special funds	91,319,879	92,962,336
Tobacco fund	561,843	561,843
Federal funds	70,315,412	70,315,412
ARRA funds	520,000	520,000
Interdepartmental transfers	14,457,347	14,457,347
Enterprise funds	<u>12,785,618</u>	<u>12,785,618</u>
Total	381,570,623	383,213,080

Sec. 7. 2021 Acts and Resolves No. 74, Sec. B.300 is amended to read:

Sec. B.300 Human services - agency of human services - secretary's office

Personal services	<del>11,427,819</del>	11,346,910
Operating expenses	<del>5,214,621</del>	5,214,621
Grants	<u>2,895,202</u>	<u>2,895,202</u>
Total	<del>19,537,642</del>	19,456,733
Source of funds		
General fund	<del>8,430,401</del>	8,802,492
Special funds	<del>135,517</del>	135,517
Federal funds	<del>9,959,398</del>	9,959,398
Global Commitment fund	<del>453,000</del>	0
Interdepartmental transfers	<u>559,326</u>	<u>559,326</u>
Total	<del>19,537,642</del>	19,456,733

Sec. 8. 2021 Acts and Resolves No. 74, Sec. B.301 is amended to read:

Sec. B.301 Secretary's office - global commitment

Grants	<del>1,680,637,999</del>	1,839,201,185
Total	<del>1,680,637,999</del>	1,839,201,185
Source of funds		
General fund	<del>559,592,034</del>	585,702,238
Special funds	<del>33,370,086</del>	33,228,937
Tobacco fund	<del>21,049,373</del>	21,049,373
State health care resources fund	<del>17,078,501</del>	16,023,501
Federal funds	<del>1,044,929,568</del>	1,179,162,966
Interdepartmental transfers	<u>4,618,437</u>	<u>4,034,170</u>
Total	<del>1,680,637,999</del>	1,839,201,185

Sec. 9. 2021 Acts and Resolves No. 74, Sec. B.306 is amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	<del>130,163,425</del>	130,170,447
Operating expenses	<del>26,394,423</del>	26,444,423
Grants	<u>3,192,301</u>	<u>2,912,301</u>
Total	<del>159,750,149</del>	159,527,171
Source of funds		
General fund	<del>32,776,219</del>	33,116,885
Special funds	<del>3,363,758</del>	5,678,861
Federal funds	<del>114,469,002</del>	111,590,255
Global Commitment fund	<del>4,314,039</del>	4,314,039
Interdepartmental transfers	<u>4,827,131</u>	<u>4,827,131</u>
Total	<del>159,750,149</del>	159,527,171

Sec. 10. 2021 Acts and Resolves No. 74, Sec. B.307 is amended to read:

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Personal services	547,983	547,983
Grants	<u>757,772,233</u>	<u>855,581,847</u>
Total	<u>758,320,216</u>	<u>856,129,830</u>
Source of funds		
Global Commitment fund	<u>758,320,216</u>	<u>856,129,830</u>
Total	<u>758,320,216</u>	<u>856,129,830</u>

Sec. 11. 2021 Acts and Resolves No. 74, Sec. B.309 is amended to read:

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>42,367,754</u>	<u>50,029,823</u>
Total	<u>42,367,754</u>	<u>50,029,823</u>
Source of funds		
General fund	<u>42,315,703</u>	<u>40,459,853</u>
Global Commitment fund	<u>52,051</u>	<u>9,569,970</u>
Total	<u>42,367,754</u>	<u>50,029,823</u>

Sec. 12. 2021 Acts and Resolves No. 74, Sec. B.310 is amended to read:

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>32,842,006</u>	<u>34,768,604</u>
Total	<u>32,842,006</u>	<u>34,768,604</u>
Source of funds		
General fund	<u>12,664,602</u>	<u>12,817,789</u>
Federal funds	<u>20,177,404</u>	<u>21,950,815</u>
Total	<u>32,842,006</u>	<u>34,768,604</u>

Sec. 13. 2021 Acts and Resolves No. 74, Sec. B.311 is amended to read:

Sec. B.311 Health - administration and support

Personal services	5,753,602	5,753,602
Operating expenses	<u>6,567,686</u>	<u>5,946,041</u>
Grants	<u>6,313,608</u>	<u>6,313,608</u>
Total	<u>18,634,896</u>	<u>18,013,251</u>
Source of funds		
General fund	<u>2,982,217</u>	<u>2,360,572</u>
Special funds	<u>2,061,857</u>	<u>2,061,857</u>
Federal funds	<u>7,777,658</u>	<u>7,777,658</u>

Global Commitment fund	5,748,858	5,748,858
Interdepartmental transfers	<u>64,306</u>	<u>64,306</u>
Total	<u>18,634,896</u>	18,013,251

Sec. 14. 2021 Acts and Resolves No. 74, Sec. B.314 is amended to read:

Sec. B.314 Mental health - mental health

Personal services	<u>32,985,332</u>	34,712,990
Operating expenses	4,700,264	4,850,264
Grants	<u>246,498,959</u>	<u>234,392,478</u>
Total	<u>284,184,555</u>	273,955,732
Source of funds		
General fund	10,281,092	10,850,067
Special funds	1,685,284	1,685,284
Federal funds	<u>9,398,134</u>	9,377,108
Global Commitment fund	<u>262,745,408</u>	251,968,636
Interdepartmental transfers	<u>74,637</u>	<u>74,637</u>
Total	<u>284,184,555</u>	273,955,732

Sec. 15. 2021 Acts and Resolves No. 74, Sec. B.316 is amended to read:

Sec. B.316 Department for children and families - administration & support services

Personal services	<u>38,362,798</u>	39,823,024
Operating expenses	17,035,520	19,109,020
Grants	<u>3,819,106</u>	<u>3,819,106</u>
Total	<u>59,217,424</u>	62,751,150
Source of funds		
General fund	33,091,620	34,739,860
Special funds	<u>2,711,682</u>	2,761,682
Federal funds	<u>21,062,298</u>	23,494,784
Global Commitment fund	<u>2,000,936</u>	1,403,936
Interdepartmental transfers	<u>350,888</u>	<u>350,888</u>
Total	<u>59,217,424</u>	62,751,150

Sec. 16. 2021 Acts and Resolves No. 74, Sec. B.317 is amended to read:

Sec. B.317 Department for children and families - family services

Personal services	<u>39,332,995</u>	39,636,555
Operating expenses	4,997,338	4,997,338
Grants	<u>81,171,012</u>	<u>83,187,102</u>
Total	<u>125,501,345</u>	127,820,995
Source of funds		
General fund	49,047,462	49,543,086

Special funds	729,587	729,587
Federal funds	31,365,138	32,373,091
Global Commitment fund	44,344,158	45,137,731
Interdepartmental transfers	<u>15,000</u>	<u>37,500</u>
Total	<del>125,501,345</del>	127,820,995

Sec. 17. 2021 Acts and Resolves No. 74, Sec. B.318 is amended to read:

Sec. B.318 Department for children and families - child development

Personal services	5,020,429	5,624,306
Operating expenses	848,079	921,579
Grants	<u>100,111,841</u>	<u>97,958,128</u>
Total	<del>105,980,349</del>	104,504,013
Source of funds		
General fund	27,348,614	25,996,178
Special funds	16,820,000	16,820,000
Federal funds	50,874,814	50,623,626
Global Commitment fund	10,914,421	11,064,209
Interdepartmental transfers	<u>22,500</u>	<u>0</u>
Total	<del>105,980,349</del>	104,504,013

Sec. 18. 2021 Acts and Resolves No. 74, Sec. B.321 is amended to read:

Sec. B.321 Department for children and families - general assistance

Personal services	15,000	15,000
Grants	<u>2,823,574</u>	<u>2,823,574</u>
Total	2,838,574	2,838,574
Source of funds		
General fund	2,441,239	2,541,239
Federal funds	111,320	11,320
Global Commitment fund	<u>286,015</u>	<u>286,015</u>
Total	2,838,574	2,838,574

Sec. 19. 2021 Acts and Resolves No. 74, Sec. B.323 is amended to read:

Sec. B.323 Department for children and families - reach up

Operating expenses	29,119	29,119
Grants	<u>31,842,843</u>	<u>31,842,843</u>
Total	31,871,962	31,871,962
Source of funds		
General fund	19,904,694	19,704,694
Special funds	5,854,320	5,954,320
Federal funds	3,431,330	3,531,330
Global Commitment fund	<u>2,681,618</u>	<u>2,681,618</u>

Total	31,871,962	31,871,962
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Sec. 20. 2021 Acts and Resolves No. 74, Sec. B.325 is amended to read:

Sec. B.325 Department for children and families - office of economic opportunity

Personal services	636,177	636,177
Operating expenses	43,488	43,488
Grants	<u>19,383,262</u>	<u>25,483,262</u>
Total	<u>20,062,927</u>	26,162,927
Source of funds		
General fund	14,225,798	20,325,798
Special funds	57,990	57,990
Federal funds	4,423,154	4,423,154
Global Commitment fund	<u>1,355,985</u>	<u>1,355,985</u>
Total	<u>20,062,927</u>	26,162,927

Sec. 21. 2021 Acts and Resolves No. 74, Sec. B.327 is amended to read:

Sec. B.327 Department for Children and Families - Secure Residential Treatment

Personal services	258,100	258,100
Operating expenses	650,463	650,463
Grants	<u>3,476,862</u>	<u>3,773,834</u>
Total	<u>4,385,425</u>	4,682,397
Source of funds		
General fund	4,355,425	4,652,397
Global Commitment fund	<u>30,000</u>	<u>30,000</u>
Total	<u>4,385,425</u>	4,682,397

Sec. 22. 2021 Acts and Resolves No. 74, Sec. B.328 is amended to read:

Sec. B.328 Department for children and families - disability determination services

Personal services	7,139,139	6,991,600
Operating expenses	<u>460,858</u>	<u>460,858</u>
Total	<u>7,599,997</u>	7,452,458
Source of funds		
General fund	111,120	111,120
Federal funds	<u>7,488,877</u>	<u>7,341,338</u>
Total	<u>7,599,997</u>	7,452,458

Sec. 23. 2021 Acts and Resolves No. 74, Sec. B.329 is amended to read:

Sec. B.329 Disabilities, aging, and independent living - administration &

support

Personal services	33,906,585	35,498,760
Operating expenses	<u>5,953,426</u>	<u>5,953,426</u>
Total	<del>39,860,011</del>	41,452,186
Source of funds		
General fund	17,731,954	19,174,129
Special funds	1,390,457	1,390,457
Federal funds	19,671,316	19,821,316
Interdepartmental transfers	<u>1,066,284</u>	<u>1,066,284</u>
Total	<del>39,860,011</del>	41,452,186

Sec. 24. 2021 Acts and Resolves No. 74, Sec. B.330 is amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>19,352,893</u>	<u>19,921,075</u>
Total	<del>19,352,893</del>	19,921,075
Source of funds		
General fund	7,644,654	7,644,654
Federal funds	7,148,466	7,148,466
Global Commitment fund	<u>4,559,773</u>	<u>5,127,955</u>
Total	<del>19,352,893</del>	19,921,075

Sec. 25. 2021 Acts and Resolves No. 74, Sec. B.334 is amended to read:

Sec. B.334 Disabilities, aging, and independent living - Brain injury home and community based waiver

Grants	<u>5,564,689</u>	<u>5,714,689</u>
Total	<del>5,564,689</del>	5,714,689
Source of funds		
Global Commitment fund	<u>5,564,689</u>	<u>5,714,689</u>
Total	<del>5,564,689</del>	5,714,689

Sec. 26. 2021 Acts and Resolves No. 74, Sec. B.334.1 is amended to read:

Sec. B.334.1 Disabilities, aging and independent living - Long Term Care

Grants	<u>230,505,916</u>	<u>238,018,868</u>
Total	<del>230,505,916</del>	238,018,868
Source of funds		
General fund	498,579	498,579
Federal funds	2,083,333	2,083,333
Global Commitment fund	<u>227,924,004</u>	<u>235,436,956</u>
Total	<del>230,505,916</del>	238,018,868

Sec. 27. 2021 Acts and Resolves No. 74, Sec. B.339 is amended to read:

Sec. B.339 Corrections - Correctional services-out of state beds

Personal services	<u>5,640,604</u>	<u>5,223,574</u>
Total	5,640,604	5,223,574
Source of funds		
General fund	<u>5,640,604</u>	<u>5,223,574</u>
Total	5,640,604	5,223,574

Sec. 28. 2021 Acts and Resolves No. 74, Sec. B.342 is amended to read:

Sec. B.342 Vermont veterans' home - care and support services

Personal services	19,020,560	20,520,560
Operating expenses	<u>5,426,960</u>	<u>5,899,095</u>
Total	24,447,520	26,419,655
Source of funds		
General fund	2,843,321	4,025,456
Special funds	11,868,942	12,658,942
Federal funds	<u>9,735,257</u>	<u>9,735,257</u>
Total	24,447,520	26,419,655

Sec. 29. 2021 Acts and Resolves No. 74, Sec. B.346 is amended to read:

Sec. B.346 Total human services

Source of funds		
General fund	<del>1,022,527,917</del>	1,056,891,225
Special funds	<del>116,659,874</del>	119,773,828
Tobacco fund	23,088,208	23,088,208
State health care resources fund	<del>17,078,501</del>	16,023,501
Federal Coronavirus Relief Fund	15,000,000	15,000,000
Federal funds	<del>1,497,837,906</del>	1,634,136,654
Global Commitment fund	<del>1,641,496,441</del>	1,746,171,697
Internal service funds	1,951,982	1,951,982
Interdepartmental transfers	<del>25,329,631</del>	24,745,364
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	4,360,995,460	4,637,807,459

Sec. 30. [Deleted.]

Sec. 31. 2021 Acts and Resolves No. 74, Sec. B.400 is amended to read:

Sec. B.400 Labor - programs

Personal services	31,359,103	30,259,103
Operating expenses	7,701,210	7,701,210

Grants	<u>1,822,409</u>	<u>1,822,409</u>
Total	<u>40,882,722</u>	<u>39,782,722</u>
Source of funds		
General fund	5,394,154	5,394,154
Special funds	6,422,539	6,422,539
Federal funds	<u>28,658,417</u>	<u>27,558,417</u>
Interdepartmental transfers	<u>407,612</u>	<u>407,612</u>
Total	<u>40,882,722</u>	<u>39,782,722</u>

Sec. 32. 2021 Acts and Resolves No. 74, Sec. B.401 is amended to read:

Sec. B.401 Total labor

Source of funds		
General fund	5,394,154	5,394,154
Special funds	6,422,539	6,422,539
Federal funds	<u>28,658,417</u>	<u>27,558,417</u>
Interdepartmental transfers	<u>407,612</u>	<u>407,612</u>
Total	<u>40,882,722</u>	<u>39,782,722</u>

Sec. 33. [Deleted.]

Sec. 34. [Deleted.]

Sec. 35. 2021 Acts and Resolves No. 74, Sec. B.605 is amended to read:

Sec. B.605 Vermont student assistance corporation

Grants	<u>22,251,315</u>	<u>19,978,588</u>
Total	<u>22,251,315</u>	<u>19,978,588</u>
Source of funds		
General fund	19,978,588	19,978,588
Interdepartmental transfers	<u>2,272,727</u>	<u>0</u>
Total	<u>22,251,315</u>	<u>19,978,588</u>

Sec. 36. 2021 Acts and Resolves No. 74, Sec. B.608 is amended to read:

Sec. B.608 Total higher education

Source of funds		
General fund	98,861,685	98,861,685
Education fund	41,225	41,225
Global Commitment fund	409,461	409,461
Interdepartmental transfers	<u>2,272,727</u>	<u>0</u>
Total	<u>101,585,098</u>	<u>99,312,371</u>

Sec. 37. 2021 Acts and Resolves No. 74, Sec. B.702 is amended to read:

Sec. B.702 Fish and wildlife - support and field services

Personal services	18,654,752	18,754,752
Operating expenses	6,717,480	7,617,480
Grants	<u>670,446</u>	<u>670,446</u>
Total	26,042,678	27,042,678
Source of funds		
General fund	6,403,816	6,403,816
Special funds	239,657	1,239,657
Fish and wildlife fund	9,561,364	9,561,364
Federal funds	8,504,410	8,504,410
Interdepartmental transfers	1,322,431	1,322,431
Permanent trust funds	<u>11,000</u>	<u>11,000</u>
Total	26,042,678	27,042,678

Sec. 38. 2021 Acts and Resolves No. 74, Sec. B.711 is amended to read:

Sec. B.711 Environmental conservation - office of water programs

Personal services	28,652,311	28,652,311
Operating expenses	6,722,953	6,722,953
Grants	<u>31,819,350</u>	<u>29,319,350</u>
Total	67,194,614	64,694,614
Source of funds		
General fund	7,926,170	7,926,170
Special funds	22,601,929	20,101,929
Federal funds	36,003,082	36,003,082
Interdepartmental transfers	<u>663,433</u>	<u>663,433</u>
Total	67,194,614	64,694,614

Sec. 39. 2021 Acts and Resolves No. 74, Sec. B.713 is amended to read:

Sec. B.713 Natural resources board

Personal services	2,597,208	2,747,096
Operating expenses	<u>545,630</u>	<u>395,742</u>
Total	3,142,838	3,142,838
Source of funds		
General fund	631,629	631,629
Special funds	<u>2,511,209</u>	<u>2,511,209</u>
Total	3,142,838	3,142,838

Sec. 40. 2021 Acts and Resolves No. 74, Sec. B.714 is amended to read:

Sec. B.714 Total natural resources

Source of funds		
General fund	31,693,115	31,693,115
Special funds	78,151,968	76,651,968

Fish and wildlife fund	9,561,364	9,561,364
Federal funds	54,981,735	54,981,735
Interdepartmental transfers	11,534,344	11,534,344
Permanent trust funds	<u>11,000</u>	<u>11,000</u>
Total	<del>185,933,526</del>	184,433,526

Sec. 41. 2021 Acts and Resolves No. 74, Sec. B.900 is amended to read:

Sec. B.900 Transportation - finance and administration

Personal services	13,654,880	13,558,021
Operating expenses	2,507,103	2,507,103
Grants	<u>50,000</u>	<u>50,000</u>
Total	<del>16,211,983</del>	16,115,124
Source of funds		
Transportation fund	<del>15,815,083</del>	15,718,224
Federal funds	<u>396,900</u>	<u>396,900</u>
Total	<del>16,211,983</del>	16,115,124

Sec. 42. 2021 Acts and Resolves No. 74, Sec. B.903 is amended to read:

Sec. B.903 Transportation - program development

Personal services	58,611,534	58,092,913
Operating expenses	227,109,245	226,965,577
Grants	<u>28,813,660</u>	<u>28,813,660</u>
Total	<del>314,534,439</del>	313,872,150
Source of funds		
Transportation fund	48,717,849	48,055,560
TIB fund	10,597,637	10,597,637
Federal funds	254,737,875	254,737,875
Local match	<u>481,078</u>	<u>481,078</u>
Total	<del>314,534,439</del>	313,872,150

Sec. 43. 2021 Acts and Resolves No. 74, Sec. B.905 is amended to read:

Sec. B.905 Transportation - maintenance state system

Personal services	45,339,790	45,955,270
Operating expenses	57,902,709	58,046,377
Grants	<u>277,000</u>	<u>277,000</u>
Total	<del>103,519,499</del>	104,278,647
Source of funds		
Transportation fund	87,191,712	87,950,860
Federal funds	16,227,787	16,227,787
Interdepartmental transfers	<u>100,000</u>	<u>100,000</u>
Total	<del>103,519,499</del>	104,278,647

Sec. 44. 2021 Acts and Resolves No. 74, Sec. B.919 is amended to read:

Sec. B.919 Transportation - municipal mitigation assistance program

Operating expenses	265,000	265,000
Grants	<u>5,845,000</u>	<u>8,020,150</u>
Total	6,110,000	8,285,150
Source of funds		
Transportation fund	705,000	705,000
Special funds	3,977,000	6,152,150
Federal funds	<u>1,428,000</u>	<u>1,428,000</u>
Total	6,110,000	8,285,150

Sec. 45. 2021 Acts and Resolves No. 74, Sec. B.922 is amended to read:

Sec. B.922 Total transportation

Source of funds		
Transportation fund	271,865,668	271,865,668
TIB fund	11,397,637	11,397,637
Special funds	4,027,000	6,202,150
Federal funds	361,546,034	361,546,034
Internal service funds	22,202,720	22,202,720
Interdepartmental transfers	2,888,052	2,888,052
Local match	<u>1,833,316</u>	<u>1,833,316</u>
Total	<del>675,760,427</del>	677,935,577

Sec. 46. 2021 Acts and Resolves No. 74, Sec. B.1106 is amended to read:

Sec. B.1106 FISCAL YEAR 2022 ONE-TIME GENERAL FUND APPROPRIATIONS

(a) In fiscal year 2022, funds are appropriated from the General Fund for new and ongoing initiatives as follows:

(1) ~~\$38,430,000~~ \$39,460,000 to the Agency of Administration for the following:

(A) ~~\$11,580,000~~ \$12,420,000 for distribution to departments to fund the fiscal year 2022 53rd week of Medicaid.

(B) ~~\$12,450,000~~ \$12,640,000 for distribution to departments to fund the fiscal year 2022 27th payroll pay period.

\* \* \*

(12) ~~\$126,000 to the Agency of Human Services Secretary's Office~~ Department for Children and Families – administration and support services to maintain the 211-call center.

\* \* \*

(21) \$25,000,000 to the Agency of Human Services – Central Office to address emergent and exigent circumstances following the COVID-19 pandemic.

(A) On or before March 1, 2022, the Agency of Human Services shall report to the House and Senate Committees on Appropriations on a plan to address costs associated with contract staffing for nursing homes. The plan shall include a methodology for addressing costs incurred for State fiscal year 2022, as well as a timeline for implementation. The plan shall include a timeline to address the rate setting process for future ongoing base costs starting in State fiscal year 2023.

(B) Funds appropriated in the subsection may be included among the Global Commitment appropriations referenced in 2021 Acts and Resolves No. 74, Sec. E.301.2 as available for transfers if it is determined that grants made under this provision can be included and matched in the Global Commitment waiver.

(22) \$3,300,000 to the Agency of Digital Services for a cybersecurity initiative as follows:

(A) \$2,300,000 for purchase and implementation of Security Information and Event Management software.

(B) \$1,000,000 to prepay the fiscal year 2023 annual licensing/maintenance costs for the system.

(23) \$350,000 to the Department of Environmental Conservation to evaluate and provide an analysis of the capital and ongoing operations and maintenance costs of the Green River Dam. Any unspent funds shall be directed to State-owned dams to evaluate the capital and ongoing operations and maintenance costs.

(24) \$33,000 to the Joint Fiscal Office for the expense of a consultant for the Health Reform Oversight Committee.

(25) \$350,000 to the Agency of Education to provide support for the four statewide nonprofit organizations in the Adult Education and Literacy (AEL) network to address budget shortfalls resulting from the effects of COVID-19.

(26) \$300,000 to the Public Service Department to support the continuity of statewide public, educational, and governmental (PEG) access services.

(27) \$166,667 to the Department of Health, Public Health, to support

four statewide syringe services programs.

(28) \$250,000 to the Agency of Commerce and Community Development, Housing and Community Development, to make grants to municipal planning organizations.

(29) \$112,000 to the Center for Crime Victim Services for legal services for victims.

(30) \$50,000 to the Agency of Education for the vaccine incentive program at the four historical academies of Burr and Burton Academy, Lyndon Institute, St. Johnsbury Academy, and Thetford Academy that are not eligible to receive Elementary and Secondary School Emergency Relief (ESSER) funds.

(31) \$150,000 to the Agency of Commerce and Community Development for a grant to the Town of New Haven for expenses related to the relocation of the railroad station. These funds are in addition to other funding provided to the town for the same purpose from other State entities and other sources.

(32) \$500,000 to the Green Mountain Care Board for a consultant to perform per capita benchmarking analyses with comparisons to national, peers, and better performers. This shall include an analysis of avoidable utilization and low value care.

(33) \$500,000 to the Agency of Commerce of Community Development to provide state match for the Build to Scale proposal to be submitted to the U.S. Economic Development Administration for federal funding.

Sec. 47. FISCAL YEAR 2022; VERMONT STATE EMPLOYEES' RETIREMENT SYSTEM; RECOMMENDATIONS; DEPARTMENT OF CORRECTIONS EMPLOYEES; LONGEVITY INCENTIVE

(a) On or before April 15, 2022, the State Treasurer and the Board of Trustees for the Vermont State Employees Retirement System shall recommend to the House and Senate Committees on Appropriations and on Government Operations a plan for the following:

(1) the creation of a new pension benefit group for Department of Corrections employees that is actuarially neutral to the pension system and results in no additional employer pension costs; and

(2) the development of a longevity incentive that encourages Group F members who are eligible for a normal retirement a longevity incentive to continue working past their retirement date, provided that the incentive is

designed to result in actuarial savings to the pension system and reduce employer pension expenses.

Sec. 48. 2021 Acts and Resolves No. 74, Sec. D.101 is amended to read:

Sec. D.101 FUND TRANSFERS, REVERSIONS AND RESERVES

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

\* \* \*

(6) From the Clean Water Fund (21932) established by 10 V.S.A. § 1388 to the Agricultural Water Quality Special Fund (21933) created under 6 V.S.A. § 4803: ~~\$4,521,393~~ \$5,963,850.

\* \* \*

(9) From the Transportation Infrastructure Bond Fund established by 19 V.S.A. § 11f to the Transportation Infrastructure Bonds Debt Service Fund (35200) established by 32 V.S.A. § 951a for funding ~~fiscal year 2023 transportation infrastructure bonds debt service~~ the redemption of transportation infrastructure bonds prior to maturity: \$2,502,363.

(10) From the Transportation FHWA Fund (20135) to the Transportation Infrastructure Bonds Debt Service Fund (35200) established by 32 V.S.A. § 951a for funding the redemption of transportation infrastructure bonds prior to maturity: \$12,554,768.

(11) From the Transportation Fund – Non-Dedicated (20105) to the Transportation Infrastructure Bonds Debt Service Fund (35200) established by 32 V.S.A. § 951a for funding the redemption of transportation infrastructure bonds prior to maturity: \$4,863,957.

(12) From the General Fund to the Property Management Fund (58700) established by 29 V.S.A. § 160: \$5,000,000.

(13) From the General Fund to the State Liability Self-Insurance Fund (56200): \$5,000,000.

(14) From the General Fund to the Victims Compensation Special Fund (21145) established by 13 V.S.A. § 5359: \$1,300,000.

(15) From the General Fund to the Domestic and Sexual Violence Special Fund (21926) established by 13 V.S.A. § 5360: \$250,000.

(b) Notwithstanding any provisions of law to the contrary, in fiscal year 2022:

(1) The following amounts shall be transferred to the General Fund

from the funds indicated:

\* \* \*

21500      Interdepartmental Transfer Fund – 7100000022      \$125,000.00

\* \* \*

(d) Notwithstanding any provision of law to the contrary, in fiscal year 2022, the following amounts shall revert to the General Fund from the accounts indicated:

<u>2150010000</u>	<u>Military – administration</u>	<u>\$200,000.00</u>	<u>\$316,556.00</u>
<u>1210002000</u>	<u>Legislature</u>	<u>\$140,000.00</u>	<u>\$435,000.00</u>
<u>1215001000</u>	<u>Legislative Counsel</u>		<u>\$50,000.00</u>
<u>1220000000</u>	<u>Joint Fiscal Office</u>		<u>\$50,000.00</u>
<u>1225001000</u>	<u>Legislative IT</u>		<u>\$60,000.00</u>
<u>1100010000</u>	<u>Secretary of Administration</u>		<u>\$50,000.00</u>
<u>1110003000</u>	<u>Budget &amp; Management</u>		<u>\$117,075.64</u>
<u>1110006000</u>	<u>University of Vermont</u>		<u>\$1.00</u>
<u>1110007000</u>	<u>UVM– Morgan Horse Farm</u>		<u>\$1.00</u>
<u>1110009100</u>	<u>Vermont State Colleges</u>		<u>\$3.00</u>
<u>1130030000</u>	<u>Libraries</u>		<u>\$26,000.38</u>
<u>1140010000</u>	<u>Tax Operation Costs</u>		<u>\$200,000.00</u>
<u>1140040000</u>	<u>Homeowner Rebates</u>		<u>\$333,503.02</u>
<u>1140330000</u>	<u>Renter Rebates</u>		<u>\$1,712,964.82</u>
<u>1240001000</u>	<u>Lieutenant Governor’s Office</u>		<u>\$20,672.89</u>
<u>2130200000</u>	<u>Sheriffs</u>		<u>\$542,914.55</u>
<u>2140010000</u>	<u>DPS – State Police</u>		<u>\$13,666,973.39</u>
<u>2170010000</u>	<u>Criminal Justice Trng Council</u>		<u>\$62,049.00</u>
<u>2280001000</u>	<u>Human Rights Commission</u>		<u>\$9,101.68</u>
<u>3150891901</u>	<u>Copeland Center</u>		<u>\$5,803.03</u>
<u>3330010000</u>	<u>Green Mountain Care Board</u>		<u>\$0.44</u>
<u>3400001000</u>	<u>Secretary’s Office Admin Costs</u>		<u>\$50,000.00</u>
<u>3400002000</u>	<u>RSVP Appropriation</u>		<u>\$1,035.00</u>

<u>3400891902</u>	<u>Elec Med/Health Records Syst</u>	<u>\$3,894.00</u>
<u>3410017000</u>	<u>DVHA-Programs-ST-Only Funded</u>	<u>\$76,450.02</u>
<u>3420010000</u>	<u>Administration</u>	<u>\$650,000.00</u>
<u>3420021000</u>	<u>Public Health</u>	<u>\$1,784,782.61</u>
<u>3420892110</u>	<u>VDH-Data Collection</u>	<u>\$134,000.00</u>
<u>3440060000</u>	<u>DCFS - General Assistance</u>	<u>\$4,374,450.77</u>
<u>3440891903</u>	<u>Parent Child Centers</u>	<u>\$18,089.40</u>
<u>3440891906</u>	<u>Incentivizing Child Care Profs</u>	<u>\$96,628.40</u>
<u>3440891908</u>	<u>Weatherization Assist Bridge</u>	<u>\$290,035.94</u>
<u>3460020000</u>	<u>Advocacy &amp; Indep Living Grants</u>	<u>\$241,585.88</u>
<u>3480004000</u>	<u>Corrections-Correctional Services</u>	<u>\$6,361,238.22</u>
<u>5100010000</u>	<u>Administration</u>	<u>\$118,500.00</u>
<u>5100060000</u>	<u>Adult Basic Education</u>	<u>\$63,476.19</u>
<u>5100070000</u>	<u>Education Services</u>	<u>\$51,719.84</u>
<u>5100210000</u>	<u>Ed-Flexible Pathways</u>	<u>\$10,675.00</u>
<u>5100891807</u>	<u>Restorative Justice Grants</u>	<u>\$75,867.34</u>
<u>5100891901</u>	<u>AOE New Positions</u>	<u>\$214,729.59</u>
<u>6100040000</u>	<u>Property Tax Assessment Approp</u>	<u>\$0.93</u>
<u>6130010000</u>	<u>Administration</u>	<u>\$0.70</u>
<u>7100892107</u>	<u>ACCD-Public Access TV</u>	<u>\$30,450.10</u>
<u>7120892001</u>	<u>ThinkVermont Initiative</u>	<u>\$45,000.00</u>

(e) Notwithstanding any provision of law to the contrary, in fiscal year 2022, the following amounts shall revert to the Education Fund from the accounts indicated:

<u>1140060000</u>	<u>Reappraisal &amp; Listing Payments</u>	<u>\$0.13</u>
<u>5100010000</u>	<u>Administration</u>	<u>\$950,949.54</u>
<u>5100040000</u>	<u>Special Education Formula</u>	<u>\$5,824,528.53</u>
<u>5100050000</u>	<u>State-Placed Students</u>	<u>\$880,000.00</u>
<u>5100090000</u>	<u>Education Grant</u>	<u>\$0.69</u>
<u>5100110000</u>	<u>Small School Grant</u>	<u>\$614,965.00</u>

<u>5100190000</u>	<u>Essential Early Educ Grant</u>	<u>\$41,295.67</u>
<u>5100200000</u>	<u>Education-Technical Education</u>	<u>\$1,841,126.00</u>
<u>5100210000</u>	<u>Ed-Flexible Pathways</u>	<u>\$1,579,282.05</u>

(f) Notwithstanding any provision of law to the contrary, in fiscal year 2022, the following amount shall revert to the Transportation Fund from the account indicated:

<u>2140010000</u>	<u>DPS-State Police</u>	<u>\$3,933,026.61</u>
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(g) Notwithstanding any provision of law to the contrary, in fiscal year 2022, the following amount shall revert to the Clean Water Fund from the account indicated:

<u>6140040000</u>	<u>Environmental Conservation – Office of Water Programs</u>	
	<u>Office of Water Programs</u>	<u>\$675,149.73</u>

Sec. 49 2021 Acts and Resolves No. 74, Sec. D.102 is amended to read:

Sec. D.102 27/53 RESERVE; TRANSFER AND USE

(a) ~~\$3,740,000~~ \$4,770,000 from the General Fund shall be reserved in the 27/53 reserve in fiscal year 2022. This action is the fiscal year 2022 contribution to the reserve for the 53rd week of Medicaid as required by 32 V.S.A. § 308e and the 27th payroll reserve as required by 32 V.S.A. § 308e(b).

(b) ~~\$24,030,000~~ \$25,060,000 shall be unreserved from the 27/53 Reserve in in fiscal year 2022 to provide for the appropriations described in Secs. B.1106(a)(1)(A) and B.1106(a)(1)(B) of this act.

Sec. 50. 2021 Acts and Resolves No. 74, Sec. E.107 is amended to read:

Sec. E.107 CORONAVIRUS RELIEF FUND APPROPRIATIONS;  
REVERSION AND REALLOCATION; REPORTS

(a) The Commissioner of Finance and Management is authorized to revert all unobligated Coronavirus Relief Fund (CRF) appropriations prior to December 31, 2021. The total amount of CRF monies reverted in accordance with this subsection shall be allocated pursuant to 32 V.S.A. § 511 to any agency or department for CRF-eligible costs incurred from ~~July 1, 2021~~ March 1, 2020 through December 31, 2021.

(b) If previously obligated CRF monies become unobligated after December 31, 2021, the Commissioner of Finance and Management is authorized to revert the unobligated CRF appropriations and allocate the monies for expenditure pursuant to 32 V.S.A. § 511 to any agency or

department for CRF-eligible costs incurred from ~~July 1, 2021~~ March 1, 2020 through December 31, 2021.

#### Sec. 51. CORONAVIRUS RELIEF FUND REALLOCATION

(a) Pursuant to 2021 Acts and Resolves No. 74, Sec. E.107 as amended by Sec. 50 of this act, the following amount is reallocated from the Coronavirus Relief Fund to the following eligible appropriation:

(1) To the Agency of Education for Local Educational Agency (LEA) grants: \$436,217.22.

Sec. 52. [Deleted.]

#### Sec. 53. FISCAL YEAR 2022 UNALLOCATED RESERVE

(a) After satisfying the requirements of 32 V.S.A. § 308, and after other reserve requirements have been met, but prior to satisfying the requirements of 32 V.S.A. § 308c, the first \$86,000,000 of remaining unreserved and undesignated funds at the close of fiscal year 2022 shall remain in the General Fund and be carried forward to fiscal year 2023. These funds may be used to provide state match to the federal Infrastructure Investment and Jobs Act.

(b) After meeting the requirements of subsection (a) of this section, but prior to satisfying the requirements of 32 V.S.A. § 308c, the remaining unreserved and undesignated funds at the close of fiscal year 2022 shall be allocated as follows:

(1) \$850,000 shall be transferred to the to the Cannabis Regulation Fund (21998).

(2) \$1,700,000 to the State Liability Self-Insurance Fund (56200).

(3) \$1,877,092 to the Correctional Industries Internal Services Fund (59100).

(4) \$9,961,531 to the Agency of Human Services-Central Office-Global Commitment to offset one-time pressure related to the suspension of Medicaid eligibility redeterminations for fiscal year 2023. This appropriation is made to the extent the Global Commitment fiscal need is identified after analysis of the impact of continued enhanced pandemic related Federal Medical Assistance Percentage (FMAP) in tandem with the updated analysis on the fiscal impact related to caseload redetermination and cost per member per month. The Agency of Human Services, in consultation with the Joint Fiscal Office and the Department of Finance and Management shall provide this analysis as part of the Medicaid end-of-year report provided the Emergency Board in July 2022.

(5) \$25,000,000 is reserved and carried forward into fiscal year 2023 to improve the debt position of the State. This may include the redemption of general obligation bonds, reducing the amount of new debt to be issued or to address negative internal fund balances.

(6) \$25,114,179 is appropriated to the extent available and, in fiscal year 2022, the Commissioner of Finance and Management is authorized to replace American Rescue Plan Act – Coronavirus State Fiscal Recovery Funds appropriated in 2021 Acts and Resolves No. 74, Sec. G.300, as amended by Sec. 68 of this act, with General Fund dollars in the following amounts:

(A) \$6,000,000 to replace the fund source in the appropriation in Sec. G.300(a)(23) (Vermont Foodbank);

(B) \$1,001,913 to replace the fund source in the appropriation in Sec. G.300(a)(26) (adult day services);

(C) \$4,934,590 to replace the fund source in the appropriation in Sec. G.300(a)(27) (Department of Corrections);

(D) \$12,803,996 to replace the fund source in the appropriation in Sec. G.300(a)(28) (Department of Labor); and

(E) \$373,680 to replace the fund source in the appropriation in Sec. G.300(a)(29) (Vermont Veterans' Home).

Sec. 54. GENERAL ASSISTANCE EMERGENCY HOUSING;  
TRANSITIONAL HOUSING; SOURCE OF FUNDS

(a) The Department for Children and Families shall continue to make emergency housing available through the General Assistance Emergency Housing program to individuals and families through June 30, 2022, using eligibility criteria in effect on January 1, 2022.

(b) The Adverse Weather Conditions policy in effect on November 22, 2021 shall continue in effect until March 31, 2022 using 100 percent FEMA funds and through the end of the fiscal year using either 100 percent FEMA funds or Emergency Rental Assistance Program (ERAP) funds.

(c)(1) The Commissioner for Children and Families shall reconvene the General Assistance working group described in 2021 Acts and Resolves No. 74, sections E.321 and E.321.2 for the purpose of assisting with the development of rules for a transitional housing program, which shall be funded by federal ERAP funds. The Department shall initiate emergency rulemaking as soon as practicable and shall be deemed to have met the emergency rulemaking criteria in 3 V.S.A. § 844. The Department shall file permanent rules pursuant to 3 V.S.A. chapter 25 concurrently with its emergency rule

filing.

(2) Notwithstanding subsection (a) of this section, once emergency rules have been adopted for the ERAP-funded transitional housing program, and if the Department has located housing through facilitated occupancy agreements with motels and hotels or other housing providers on behalf of program participants, the Department shall begin transitioning participating individuals and families from the General Assistance emergency housing program funded by 100 percent FEMA funds to the transitional housing program funded by ERAP funds prior to June 30, 2022.

(3) The Department is authorized to provide supplemental services as needed for the safety of program participants and providers to the extent that ERAP or 100 percent FEMA funds are available for this purpose.

Sec. 54a. 9 V.S.A. § 4452 is amended to read:

§ 4452. EXCLUSIONS

Unless created to avoid the application of this chapter, this chapter does not apply to any of the following:

\* \* \*

(8) transient occupancy in a hotel, motel, or lodgings during the time the occupant is a recipient of General Assistance or Emergency Assistance temporary housing assistance, or occupancy in a hotel or motel funded by federal Emergency Rental Assistance administered by the Department for Children and Families through September 30, 2025, regardless of whether the occupancy is subject to a tax levied under 32 V.S.A. chapter 225;

\* \* \*

Sec. 55. 2021 Acts and Resolves No. 74, Sec. E.126 is amended to read:

Sec. E.126 TRANSFER OF FUNDS WITHIN LEGISLATIVE BRANCH

(a) Notwithstanding 32 V.S.A. § 706, in fiscal year 2022, appropriations within the Legislative Branch may be transferred between respective offices to ensure a balanced close-out in the fiscal year.

(b) The Joint Fiscal Office shall be reimbursed by a transfer from the Legislative budget for any costs incurred in contracting with an economist or independent consulting entity for the study created in 2021 Acts and Resolves No. 45, Sec. 14.

Sec. 56. FISCAL YEAR 2022; STATE HOUSE EXPANSION; REQUEST FOR PROPOSAL; SERGEANT AT ARMS; DEPARTMENT OF BUILDINGS AND GENERAL SERVICES; GENERAL FUND

CARRYFORWARD

(a) On or before May 1, 2022, the Department of Buildings and General Services, in collaboration with the Sergeant at Arms, shall develop and issue a request for proposal (RFP) for programming, schematic design, and the initial phase of design development documents for an expansion of the State House, including the infrastructure needs for any future phases of expansion.

(b) Upon approval and funding from the General Assembly, it is the intent of the General Assembly that the Sergeant at Arms and the Department of Buildings and General Services will extend the RFP for architectural and engineering services to finalize design development and construction and bid documents.

Sec. 57. 2021 Acts and Resolves No. 74, Sec. E.215 is amended to read:

Sec. E.215 Military – Administration

(a) The amount of \$1,119,834 ~~\$934,290~~ shall be disbursed to the Vermont Student Assistance Corporation for the National Guard educational assistance program established in 16 V.S.A. § 2856 and the National Guard Tuition Benefit Program established in 16 V.S.A. § 2857.

Sec. 58. [Deleted.]

Sec. 59. CANNABIS CONTROL BOARD

(a) The establishment of the following eight (8) new permanent classified positions are authorized in fiscal year 2022:

- (1) One (1) Licensing Director;
- (2) Two (2) Licensing Administrators;
- (3) One (1) Policy Enforcement Director;
- (4) Three (3) Compliance Officers; and
- (5) One (1) Financial Manager.

Sec. 59a. 2021 Acts and Resolves No. 62, Sec. 15 is amended to read:

Sec. 15. IMPLEMENTATION OF MEDICAL CANNABIS REGISTRY

(a) On January 1, 2022, the following shall transfer from the Department of Public Safety to the Cannabis Control Board:

- (1) the authority to administer the Medical Cannabis Registry and the regulation of cannabis dispensaries pursuant to 18 V.S.A. chapter 86;
- (2) the cannabis registration fee fund established pursuant to 18 V.S.A. chapter 86; and

(3) the positions dedicated to administering 18 V.S.A. chapter 86.

(b) The Registry shall continue to be governed by 18 V.S.A. chapter 86 and the rules adopted pursuant to that chapter until 7 V.S.A. chapters 35 and 37 and the rules adopted by the Board pursuant to those chapters take effect on ~~March 1, 2022~~ July 1, 2022 as provided in 2019 Acts and Resolves No. 164.

Sec. 59b. 2019 Acts and Resolves No. 164, Sec. 33 is amended to read:

Sec. 33. EFFECTIVE DATES

\* \* \*

(d) ~~Secs. 9 (Medical Cannabis Registry chapter), except for 7 V.S.A. § 956 (rulemaking); 11 (Repeal); 12 (Medical Cannabis Dispensaries), except for 7 V.S.A. § 974 (rulemaking); 14 (creation of excise tax); 14a (tax license disclosure); 15 (sales tax exemption); 16 (tax exemption); 17 (tax expenditure); 17a (meals and rooms tax); 17b (meals and rooms tax expenditure); and 17c (dedicated use of sales and use tax revenue) shall take effect March 1, 2022.~~

(e) ~~Secs. 6d (Auditor of Accounts report); 9 (Medical Cannabis Registry chapter), except for 7 V.S.A. § 956 (rulemaking); 11 (Repeal); and 12 (Medical Cannabis Dispensaries), except for 7 V.S.A. § 974 (rulemaking), shall take effect on July 1, 2022.~~

\* \* \*

Sec. 60. 2021 Acts and Resolves No. 74, Sec. E.301 is amended to read:

Sec. E.301 SECRETARY'S OFFICE – GLOBAL COMMITMENT:

\* \* \*

(b) In addition to the State funds appropriated in this section, a total estimated sum of ~~\$24,993,731~~ \$25,220,180 is anticipated to be certified as State matching funds under the Global Commitment as follows:

\* \* \*

(2) ~~\$2,773,731~~ \$3,000,180 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

(c) Up to ~~\$4,618,437~~ \$4,034,170 is transferred from the AHS Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with the amount appropriated in Sec. B.301 of this act – Secretary's Office – Global Commitment.

Sec. 60a. MEDICAID; POSTPARTUM COVERAGE; STATE PLAN  
AMENDMENT

(a) The Agency of Human Services shall seek to amend Vermont's Medicaid state plan to extend Medicaid coverage to 12 months postpartum for eligible individuals as permitted under Sec. 9812 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2.

Sec. 61. DEPARTMENT FOR CHILDREN AND FAMILIES

(a) \$2,000,000 of federal spending authority for the Department for Children and Families' administrative division, to be established pursuant to 32 V.S.A. § 511, shall be used for federal matching funds to implement the first phase of the Comprehensive Child Welfare Information System in Vermont in accordance with 45 C.F.R. § 1355.55.

Sec. 62. 2021 Acts and Resolves No. 74, Sec. E.335 is amended to read:

Sec. E.335 CORRECTIONS APPROPRIATIONS; UNEXPENDED FUNDS TRANSFER; JUSTICE REINVESTMENT; REPORT

\* \* \*

(b) In fiscal year 2022, any unexpended funds for correctional services out-of-state beds shall be carried forward to fiscal year 2023, and the amount reported to the Joint Legislative Justice Oversight Committee in September 2022, ~~to support~~ provide additional funding to community-based service programs in support of Justice Reinvestment II initiatives. Funds may only be expended on community-based service programs upon approval of the Joint Legislative Justice Oversight Committee. Prior to approval, the House Committees on Appropriations and on Corrections and Institutions and the Senate Committees on Appropriations and on Judiciary shall be notified of any proposed expenditures on community-based service programs.

Sec. 63. 2021 Acts and Resolves No. 74, Sec. E.501.1(a) is amended to read:

(a) ESSER I funds. The following sums are appropriated to the Agency of Education in fiscal year 2021 from the ESSER funds provided to the State pursuant to Section 18003 of Division B of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116–136 (CARES Act); a portion of the funds may be expended in fiscal year 2020 consistent with the terms of the grant acceptance, and any unexpended amounts may be carried forward to fiscal years 2022 and after:

(1) \$953,021 for software tools to assist with the response to the COVID-19 pandemic;

(2) ~~\$2,006,074~~ \$1,006,074 for learning management assistance, including remote learning supports and materials; and

(3) \$1,000,000 for emerging State-level needs; and

(4) \$155,741 for administrative and personnel costs.

Sec. 64. 2021 Acts and Resolves No. 74, Sec. E.501.2(b) is amended to read:

(b) ESSER III funds. The federal funds appropriated in Sec. B.501 of this act shall be allocated as follows:

(1) \$1,000,000 from the ESSER funds provided to the State pursuant to Sec. 2001(f) of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 ~~to address emerging State-level needs~~ for learning management assistance, including remote learning supports and materials; and

\* \* \*

Sec. 65. 2020 Acts and Resolves No. 120, Sec. A.51, as amended by 2020 Acts and Resolves No. 154, Sec. B. 1113 is further amended to read:

Sec. A.51. SCHOOL INDOOR AIR QUALITY GRANT PROGRAM;  
CORONAVIRUS RELIEF FUND; APPROPRIATION

\* \* \*

(c) Definition. As used in this section, “covered school” means public schools, regional career technical center school districts as defined in 16 V.S.A. 1571, regional CTE centers as defined in 16 V.S.A 1522, and approved independent schools as defined under 16 V.S.A. § 11.

\* \* \*

Sec. 65a. ONE-TIME FISCAL YEAR 2022 TECHNICAL EDUCATION SUPPLEMENTAL GRANT FUNDING

(a) In fiscal year 2022, \$1,725,000 is appropriated from the Education Fund to the Agency of Education to make supplemental grants to career technical education centers. The grants shall be made proportionally based on fiscal year 2019 through 2021 average headcount of attendees at each center.

Sec. 66. 2021 Acts and Resolves No. 74, Sec. E.311.3 to read:

Sec. E.311.3 EDUCATIONAL ASSISTANCE; MEDICAL STUDENT INCENTIVE SCHOLARSHIP PROGRAM;  
APPROPRIATION

\* \* \*

(b) This funding shall remain available to VSAC until expended, and if needed, fiscally neutral adjustments to spending authority shall be included in future budget legislation.

Sec. 67. 2021 Acts and Resolves No. 74, Sec. E.602.2(c) is added to read:

(c) Vermont State College System (VSCS) shall use funds remaining with Vermont Technical College provided in 2019 Acts and Resolves No. 80 to continue to study a model for course delivery at Career and Technical Education (CTE) centers in Vermont and pilot up to two programs that offer these degree programs in up to two CTE centers. On or before January 15, 2023, the VSCS shall submit a written supplemental report to the House and Senate Committees on Education and the State Board of Education with its findings and recommendations from the pilot programs.

Sec. 67a. REAFFIRMATION OF MULTIYEAR FUNDING PRIORITIES  
FOR AMERICAN RESCUE PLAN ACT (ARPA) AND OTHER  
FEDERAL AND STATE FUNDS

(a) In 2021 Acts and Resolves No. 74, Sec. G.100, the General Assembly recognized that ARPA State Fiscal Relief funds, along with other federal or State funds, offer the unprecedented opportunity to invest in Vermont's recovery and long-term future by supporting Vermonters' health and well-being and by strengthening Vermont's communities, businesses, environment, and climate.

(b) In November 2021, the federal Infrastructure Investment and Jobs Act (IIJA) was enacted. This federal law includes unprecedented levels of federal investments for broadband; water, transportation, and electricity infrastructure; environmental remediation; information technology including cybersecurity; and carbon reduction and climate resilience strategies. The law authorizes approximately \$1.2 trillion of funding over five years, of which approximately \$550 billion is newly authorized spending, for transformative investments in these critical infrastructure systems. The law provides for formula funding to states, as well as competitive grants that states may apply for to seek additional funding, with nearly 50 percent of the additional funding allocated for nontransportation investments. While match requirements vary by project and funding stream, the additional state match requirements necessary to draw down the nontransportation formula and competitive grant funding will be substantial.

(c) The General Assembly reaffirms the intention of 2021 Acts and Resolves No. 74, Sec. G.100 and will seek to make the budget and appropriations processes of the 2022 legislative session consistent with the need to create State fiscal capacity to maximize the federal funding opportunities in the IIJA for broadband; information technology including cybersecurity; water; energy; and climate initiatives.

Sec. 68. 2021 Acts and Resolves No. 74, Sec. G.300 is amended to read:

Sec. G.300 INVESTMENTS IN VERMONT'S ECONOMY,

## WORKFORCE, AND COMMUNITIES

(a) ~~\$109,200,000~~ \$187,114,176 in fiscal year 2022 is appropriated from the American Rescue Plan Act (ARPA) - Coronavirus State Fiscal Recovery Funds as follows:

\* \* \*

(7) ~~\$1,000,000~~ \$2,000,000 in fiscal year 2022 to the University of Vermont.

(A) \$1,000,000 for matching funds for research grant opportunities related to COVID-19.

(B) \$1,000,000 to provide up to two free classes in calendar year 2022 for any Vermont resident who is seeking to transition to a new career or to enhance the resident's job skills.

(8) ~~\$10,000,000~~ \$19,700,000 in fiscal year 2022 to the Vermont State Colleges for the following programs; funds shall be carried forward until expended:

(A) \$2,000,000 to provide funding for up to six credits or two courses in the 2022–2023 academic year, including wraparound services for Vermonters whose employment was impacted by the COVID-19 public health emergency since March 13, 2020. The wraparound services may also be provided to students who enroll in six credit hours or two courses in the summer or fall of 2021 and spring of 2022 pursuant to 2021 Acts and Resolves No. 9, Sec. 18.

(B) \$3,000,000 to provide degree completion 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.

(C) ~~\$5,000,000~~ \$14,700,000 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, electrical and plumbing apprenticeships, dental hygiene, certificate in accounting, small business management, radiologic science, and respiratory therapy. \$540,000 of these funds shall be allocated for paramedic/EMS programs and any unexpended amount of this allocation shall be available for the broader purpose in this subdivision (C). Funds may be used for practical nursing, childcare, nursing, and mental health counseling programs only after available federal and State financial aid is applied to ensure no cost to the student. Of this amount, \$7,350,000 shall be carried

forward for the 2022–2023 school year. If demand from undergraduates is met, then funds may be used to pay for tuition for the following graduate programs:

- (i) Master in Education (all programs);
- (ii) Master in Educational Leadership;
- (iii) Master of Arts and Certificate of Advanced Graduate Studies in School Psychology;
- (iv) Masters in Counseling; and
- (v) Masters in Clinical Mental Health Counseling.

\* \* \*

(22) \$2,320,000 to the Agency of Commerce and Community Development for Working Community Challenge grants.

(23) \$6,000,000 to the Department for Children and Families to be granted to the Vermont Foodbank.

(24) [Deleted.]

(25) \$2,000,000 to the Agency of Agriculture, Food and Markets for grants to be made to eligible projects in the Working Lands Enterprise Initiative.

(26) \$1,001,913 to the Department of Disabilities, Aging, and Independent Living to be granted to Adult Day service providers to maintain operations through June 30, 2022.

(27) \$4,934,590 to the Department of Corrections for costs associated with the collective bargaining unit related to retention and shift differential.

(28) \$12,803,996 to the Department of Labor to cover pandemic related operating costs in the Unemployment system and other programs.

(29) \$373,680 to the Vermont Veteran’s Home for retention and personal protective equipment related expenses.

(30) \$6,000,000 to the Department for Children and Families to be granted to childcare providers to address emergent and exigent circumstances following the COVID-19 pandemic for workforce retention bonuses to retain early childhood staff and home-based providers. It is the intent of the General Assembly that the eligible employers awarded funds pursuant to this section shall use the funds to make retention payments to their employees. The employers shall be afforded flexibility in determining how best to provide the financial retention assistance to their employees and how best to encourage

employment beyond the terms of this program.

(A) The Department is authorized to establish parameters related to minimum hours worked for an employee or home-based provider to be eligible for a bonus under this subdivision (30), and to design a program that does not allow for duplication of bonuses to staff who work for more than one provider. Staff under a teacher contract shall not be eligible for this program.

(B) Notwithstanding any provision of Vermont law to the contrary and to the extent permitted under federal law, the amount of a recruitment or retention payment received by an employee under this section shall be disregarded for purposes of determining the employee's or employee's household's income eligibility for any benefit program.

(31) \$30,000,000 to the Agency of Human Services for a program to provide workforce recruitment and retention funding as specified in Sec. 72 of this act. These funds are combined with other funding provide in Sec. 72 for total \$60,000,000 retention payment program.

(32) \$1,500,000 to the Department of Buildings and General Services to develop and issue the request for proposal for the State House expansion planning design, provided that any funds remaining unobligated by October 1, 2023 shall be reverted and made available for reallocation.

(33) \$2,600,000.00 to the Agency of Agriculture, Food and Markets for purposes of implementing the Dairy Risk Management Assistance Program established under Sec. 77 of this act. Funds appropriated under this section that are unexpended in fiscal year 2022 shall carry forward for use by the Agency of Agriculture, Food and Markets in providing risk management assistance for dairy farmers in fiscal year 2023.

\* \* \*

Sec. 69. 2021 Acts and Resolves No. 74, Sec. G.400 is amended to read:

Sec. G.400 HOUSING AND HOMELESSNESS INVESTMENTS

(a) ~~\$99,000,000~~ \$124,000,000 in fiscal year 2022 is appropriated from the American Rescue Plan Act (ARPA) - Coronavirus State Fiscal Recovery Funds as follows:

(1) ~~\$94,000,000~~ \$119,000,000 to the Vermont Housing and Conservation Board (VHCB) to provide housing and increase shelter capacity, with priority given to populations who may be displaced from the hotel/motel voucher problem or are currently without housing, including by providing permanent homes in mixed-income settings. VHCB shall distribute the funds in consultation with the Secretary of Human Services and may subgrant a

portion to other entities, including the Department of Housing and Community Development, the Vermont Housing Finance Agency, and regional nonprofit housing organizations, for one or more of the following purposes:

(A) if necessary, to help ensure that households and areas impacted by the pandemic are served;

(B) to undertake additional housing initiatives, such as home ownership, to the extent permitted by ARPA and related regulations and guidance; or

(C) to provide for the efficient use of the funds.

\* \* \*

(b) ~~\$91,000,000~~ \$121,000,000 is appropriated from other funds as follows:

(1) \$40,000,000 in fiscal year 2021 is appropriated from the General Fund to the Vermont Housing and Conservation Board (VHCB) for affordable housing initiatives. These funds shall carryforward into fiscal year 2022 and are in addition to funding provided to VHCB in 2021 Acts and Resolves No. 9 and \$30,000,000 in fiscal year 2022 is appropriated from the General Fund to the Vermont Housing and Conservation Board (VHCB) for affordable housing initiatives.

\* \* \*

Sec. 69a. 2021 Acts and Resolves No. 74, Sec. G.600 is amended to read:

Sec. G.600 CLIMATE ACTION INVESTMENTS

(a) ~~\$50,000,000~~ \$41,000,000 in fiscal year 2022 is appropriated from the American Rescue Plan Act - Coronavirus State Fiscal Recovery Funds as follows:

(1) \$4,000,000 to the Department for Children and Families, Office of Economic Opportunity, Home Weatherization Assistance Program to be used in fiscal years 2022 and 2023. Up to \$150,000 of these funds may be used for vermiculite remediation and home repair as part of home weatherization. These funds are in addition to the funds that are provided in Sec. B.324 of this act and the federal ARPA LIHEAP funding provided, as set forth in Sec. E.324.1 of this act.

~~(2) \$9,000,000 to the Agency of Administration to grant to the Vermont Housing Finance Agency for financial support of housing weatherization statewide. On or before January 31, 2022 and thereafter upon request from a legislative committee, the Vermont Housing Finance Agency shall issue a report to the General Assembly detailing the programs to which funds~~

~~appropriated under this subdivision were provided. The report shall include the results of its investigations into on-bill to-the-meter billing and other methods to provide weatherization financing.~~

(3) \$5,000,000 to the Department of Public Service to grant to the Efficiency Vermont for the purpose of weatherization incentives. These funds shall be deposited in Electric Efficiency Fund established under 30 V.S.A. § 209(d)(3) and shall be available for use by Efficiency Vermont through December 31, 2023.

(4)(3) \$2,000,000 to the Department of Public Service to grant to Efficiency Vermont for the purpose of workforce development initiatives and to support the expansion of NeighborWorks of Western Vermont's Heat Squad program. These funds shall be deposited in the Electric Efficiency Fund established under 30 V.S.A. § 209(d)(3) and shall be available for use by Efficiency Vermont through December 31, 2023.

(5)(4) \$20,000,000 to the Department of Public Service of which \$10,000,000 is to be used on the Affordable Community-Scale Renewable Energy Program, consistent with parameters of the Clean Energy Development Fund, to support the creation of renewable energy projects for Vermonters with low-income. In fiscal year 2022, \$5,000,000 may be allocated by the Clean Energy Development Board. The Department shall submit a plan for use of the remaining \$5,000,000 funds for approval by the General Assembly during the 2022 legislative session.

(6)(5) \$10,000,000 to the Vermont Housing Conservation Board, which may be used for conservation projects and Farm and Forest Viability Program activities that support the rural economy. Up to \$100,000 shall be used to expand the Rural Economic Development Initiative (REDI).

(b) ~~\$4,500,000~~ \$13,500,000 in fiscal year 2022 is appropriated from the General Fund as follows:

\* \* \*

(4) \$9,000,000 to the Agency of Administration to grant to the Vermont Housing Finance Agency for financial support of housing weatherization statewide. On or before January 31, 2022 and thereafter upon request from a legislative committee, the Vermont Housing Finance Agency shall issue a report to the General Assembly detailing the programs to which funds appropriated under this subdivision were provided. The report shall include the results of its investigations into on-bill to-the-meter billing and other methods to provide weatherization financing.

Sec. 70. 2021 Acts and Resolves No. 74, Sec. G.700(a)(4)(B)(i) is amended to

read:

(i) \$1,000,000 to increase the funds available for grants and loan forgiveness to replace failed or inadequate residential on-site wastewater and water supply systems.

Sec. 71. 2021 Acts and Resolves No. 74, Sec. G.700(a)(5) is amended to read:

(5) \$10,000,000 to the Department of Environmental Conservation for allocation by the Clean Water Board established under 10 V.S.A. § 1389, as part of their budget process in fiscal year 2022 for water quality initiatives to be allocated as follows:

(A) \$6,500,000 to the Department of Environmental Conservation for municipal water control grants and storm water project delivery, planning, and implementation.

(B) \$3,500,000 to the Agency of Agriculture, Food and Markets for water quality grants to partners and farmers.

Sec. 71a. AMERICAN RESCUE PLAN ACT; PREVAILING WAGE REQUIREMENT

(a)(1) Except as provided in subsection (b) of this section, any contract awarded for a maintenance, construction, or improvement project that receives \$200,000.00 or more in American Rescue Plan Act (ARPA) funds shall provide that all construction employees working on the project shall be paid not less than the mean prevailing wage published periodically by the Vermont Department of Labor in its occupational employment and wage survey plus an additional fringe benefit of 42 and one-half percent of wage, as calculated by the current Vermont prevailing wage survey.

(2) As used in this subsection, “fringe benefits” has the same meaning as used in 29 V.S.A. § 161.

(b) The requirements of subsection (a) of this section shall not apply to any maintenance, construction, or improvement project that received \$200,000.00 or more in American Rescue Plan Act (ARPA) funds appropriated prior to the effective date of this act if any of the following apply as of the effective date of this act:

- (1) the project has been invited or advertised for bid;
- (2) the project is under contract; or
- (3) the funds are obligated.

(c) Subsection (a) of this section shall not apply to contracts awarded for maintenance, construction, or improvements projects that are required by law

to comply with the requirements of the federal Davis-Bacon Act.

Sec. 72. WORKFORCE RECRUITMENT AND RETENTION INCENTIVE  
GRANT FUNDING FOR EMPLOYEES OF ELIGIBLE HEALTH  
CARE AND SOCIAL SERVICE EMPLOYERS

(a)(1) Program established. The Secretary of Human Services shall establish a workforce recruitment and retention incentive grant program for employees of eligible employers, as defined in this section. Eligible employers may apply for a grant within the grant application period determined by the Secretary.

(2) The total grant award amount for each eligible employer shall be calculated at a rate of \$2,000 per full-time equivalent employee (FTE) based on the number of FTEs identified by the eligible employer in its grant application.

(3) In order to be eligible to receive a recruitment or retention incentive payment funded by a grant awarded pursuant to this section, an employee shall commit to continuing employment with the eligible employer for at least one calendar quarter following receipt of the payment.

(4) Eligible employers shall distribute the full amount of their awards within 12 months following receipt of the grant funds.

(b) Definition. As used in this section, “eligible employers” means:

(1) assisted living residences, as defined in 33 V.S.A. § 7102;

(2) nursing homes, as defined in 33 V.S.A. § 7102;

(3) residential care homes, as defined in 33 V.S.A. § 7102;

(4) home health agencies, as defined in 33 V.S.A. § 6302;

(5) designated and specialized service agencies, including shared living providers;

(6) substance use treatment providers in the Department of Health’s preferred provider network;

(7) recovery centers;

(8) adult day service providers;

(9) area agencies on aging; and

(10) programs licensed by the Department for Children and Families as residential treatment programs.

(c) Independent direct support providers. For the purpose of administering

recruitment and retention incentive payments to independent direct support providers, ARIS Solutions, as the fiscal agent for the employers of independent direct support providers, is authorized to apply for a grant in the same manner as an eligible employer and to disburse incentive payments funded by the grant to eligible independent direct support providers in a manner consistent with ARIS Solutions' payroll practices, to the extent that making those awards is not inconsistent with the terms of the collective bargaining agreement between the Agency of Human Services and the independent direct support providers.

(d) Intent; flexibility; payment disregard.

(1) It is the intent of the General Assembly that the eligible employers awarded funds pursuant to this section shall use the funds to make recruitment and retention incentive payments to their employees and prospective employees. The employers shall be afforded flexibility in determining how best to provide these incentive payments and how best to encourage continued employment beyond the service commitment set forth in subdivision (a)(3) of this section.

(2) Notwithstanding any provision of Vermont law to the contrary and to the extent permitted under federal law, the amount of a recruitment or retention incentive payment received by an existing or prospective employee of an eligible employer under the program established in this section shall be disregarded for purposes of determining the employee's or employee's household's income eligibility for any benefit program.

(e) Available funds.

(1) The sum of \$60,000,000 shall be made available to the Agency of Human Services in fiscal year 2022 to fund the workforce recruitment and retention incentive grant program established in this act, from the following sources:

(A) \$25,000,000 as appropriated in Sec. 72a(a)(2) to the Agency of Human Services in fiscal year 2022 from the Global Commitment Fund. The Agency shall amend the American Rescue Plan Act Home and Community-Based Services plan it submitted to the Centers for Medicare and Medicaid Services if needed to reflect this allocation.

(B) \$5,000,000 is appropriated to the Agency of Human Services in fiscal year 2022 from the General Fund. These funds may be included among the Global Commitment appropriations referenced in 2021 Acts and Resolves No. 74, Sec. E.301.2 as available for transfers if it is determined that grants made under this provision can be included and matched in the Global

Commitment waiver. These funds shall carry forward if not fully expended in fiscal year 2022.

(C) \$30,000,000 shall be made available to support the program from the funds allocated to the Agency of Human Services from the American Rescue Plan Act of 2021 – Coronavirus State Fiscal Recovery Fund in 2021 Acts and Resolves No. 74, as amended by Sec. 68 of this act.

(2) The Agency of Human Services may use up to 1.5 percent of funds allocated in subdivision (1) of this subsection to administer the program.

(f) Allocations. Of the funds made available in subsection (e) of this section, \$45,000,000 shall be allocated for a first round of funding, to be made available to the eligible employers identified in subsection (b) of this section. The remaining \$15,000,000 shall be reserved for a second round of funding pending identification of a set of additional health care and social service provider employers with a demonstrated need for the recruitment and retention incentive grant funding, as recommended by the Agency of Human Services and accepted by the General Assembly, or by the Joint Fiscal Committee if the General Assembly is not in session, except that the Agency is authorized to access all or a portion of the reserved funding to the extent that a funding deficiency is identified when meeting the needs of the first round of eligible employers.

(g) Reporting requirements.

(1) On or before April 15, 2022, the Secretary of Human Services shall report to the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare regarding the status of implementation of the workforce recruitment and retention incentive grant program.

(2) On or before July 1, 2022, the Secretary shall provide an update on the program to the Joint Fiscal Committee, including the amount of funding distributed to date, the amount of funding remaining for distribution, and any anticipated funding deficiency for the first round of grants based on the remaining need.

Sec. 72a. MEDICAID HOME- AND COMMUNITY-BASED SERVICES  
(HCBS) PLAN

(a) Pursuant to Sec. 9817 of the American Rescue Plan Act (ARPA), in October 2021, the State submitted a home- and community-based services (HCBS) spending plan to the Centers for Medicare and Medicaid Services. This plan currently totals \$146,600,000, consisting of the following major components:

- (1) \$77,800,000 allocated to improve services;
- (2) \$25,000,000 allocated to promote a high-performing and stable HCBS workforce; and
- (3) \$43,800,000 allocated to improve HCBS care through data systems, value-based payment models, and oversight.

(b) The Agency of Human Services (AHS) is authorized to transfer General Fund appropriations made in fiscal year 2022 in the Global Commitment line to a new, one-time General Fund HCBS appropriation departmental ID. The amount transferred shall be not greater than the amount accounted for in fiscal year 2022 as a result of the 10 percent match rate allowed under ARPA Sec. 9817. The estimate of this transfer is between \$65,000,000 and \$69,000,000. Up to \$7,540,128 of the funds transferred and appropriated in this subsection may be used in fiscal year 2022 as State matching funds in 2021 Acts and Resolves No. 74, Sec. B.301 for the \$17,136,654 HCBS Global Commitment rate increases provided in 2021 Acts and Resolves No. 74. AHS shall report to the Joint Fiscal Committee in July 2022 on the actual amount transferred pursuant to this authority and the amount expended as the state match for all the HCBS plan expenditures in fiscal year 2022. Funds transferred and appropriated under this subsection shall carry forward until expended and may only be used as state matching funds for the HCBS plan.

(c) In fiscal year 2022, a total of \$59,457,740 is appropriated from the Global Commitment Fund to AHS to meet the objectives of the HCBS plan. This appropriation consists of \$17,136,654 as appropriated in 2021 Acts and Resolves No. 74 for a three percent rate increase to HCBS providers, including the assistive community care rates and children integrated services rates, and the following appropriations in distinct one-time departmental IDs:

(1) \$25,000,000 is appropriated for the retention and recruitment grant program for HCBS providers as specified in Sec. 72 of this act.

(2) \$3,447,500 is appropriated to the Agency of Human Services – Secretary’s Office.

(3) \$2,370,000 is appropriated to the Department of Disabilities, Aging, and Independent Living.

(4) \$6,171,000 is appropriated to the Department of Mental Health.

(5) \$390,000 is appropriated to the Department of Vermont Health Access.

(6) \$4,942,586 is appropriated to the Department of Health.

(d) The Global Commitment Fund appropriated in subsection (c) of this section may be obligated in fiscal year 2022 for the purposes of bringing HCBS plan spending authority forward into fiscal year 2023. The funds appropriated in subsections (b) and (c) of this section may be transferred on a net-neutral basis in fiscal year 2022 in the same manner as the Global Commitment appropriations referenced in 2021 Acts and Resolves No. 74, Sec. E.301.2. The Agency shall report to the Joint Fiscal Committee in September 2022 on transfers of appropriations made and final amounts expended by each department in fiscal year 2022 and any obligated funds carried forward to be expended in fiscal year 2023.

Sec. 73. 2020 Acts and Resolves No. 136, Sec. 7, as amended by 2020 Acts and Resolves No. 154, Sec. B.1121, and 2021 Acts and Resolves No. 3, Sec. 50, is further amended to read:

Sec. 7. AGENCY OF HUMAN SERVICES; HEALTH CARE PROVIDER STABILIZATION GRANT PROGRAM

\* \* \*

(d) Specific allocations. Notwithstanding any provisions of this section to the contrary, of the funds appropriated in subsection (a) of this section, the Agency of Human Services shall make the following allocations for the following purposes:

\* \* \*

(3) Up to \$3,000,000.00 for COVID-19-related expenses incurred by designated and specialized service agencies through ~~December 30, 2020~~ December 31, 2021.

\* \* \*

Sec. 74. HEALTH CARE PROVIDER STABILIZATION GRANT PROGRAM; ALTERNATIVE FUND DISTRIBUTION PROCESS

Notwithstanding any provision of 2020 Acts and Resolves No. 136, Sec. 7, as amended by 2020 Acts and Resolves No. 154, Sec. B.1121, 2021 Acts and Resolves No. 3, Sec. 50, and this act to the contrary, the Agency of Human Services may distribute funds from the Health Care Provider Stabilization Grant Program to eligible health care providers using an alternative process to that set forth in 2020 Acts and Resolves No. 136, Sec. 7, as amended, as deemed necessary by the Agency due to emergent and exigent circumstances attributable to the COVID-19 pandemic.

Sec. 75. 2019 Acts and Resolves No. 6, Sec. 105, as amended by 2019 Acts and Resolves No. 71, Sec. 19, is further amended to read:

Sec. 105. EFFECTIVE DATES

\* \* \*

(b) Sec. 73 (further amending 32 V.S.A. § 10402) shall take effect on July 1, ~~2021~~ 2023.

\* \* \*

Sec. 76. CARRYFORWARD AUTHORITY

(a) Notwithstanding any other provisions of law and subject to the approval of the Secretary of Administration, General, Transportation, Transportation Infrastructure Bond, Education Fund, Clean Water Fund (21932), and Agricultural Water Quality Fund (21933) appropriations remaining unexpended on June 30, 2022 in the Executive Branch of State government shall be carried forward and shall be designated for expenditure.

(b) Notwithstanding any other provisions of law, General Fund appropriations remaining unexpended on June 30, 2022 in the Legislative and Judicial Branches of State government shall be carried forward and shall be designated for expenditure.

Sec. 77. DAIRY MARGIN COVERAGE PROGRAM; PREMIUM ASSISTANCE

(a) As used in this section:

(1) “Dairy Margin Coverage Program” or “DMC” means a voluntary program authorized under the Farm Act that provides dairy operations with risk management coverage that will pay producers when the difference between the national price of milk and the average cost of feed falls below a certain level selected by the Program participants.

(2) “Farm Act” means the federal Agriculture Improvement Act of 2018, Pub. L. No. 115-334.

(3) “Good standing” means an applicant under this section that:

(A) does not have an active enforcement violation under any Agency of Agriculture, Food and Markets program that has reached a final order with the Secretary and is not subject to an ongoing enforcement action initiated by the Agency of Natural Resources; and

(B) is in compliance with all terms of a current grant agreement or contract with the Secretary.

(4) “Milk producer” or “producer” means a person, partnership, unincorporated association, or corporation who owns or controls one or more

dairy cows, dairy goats, or dairy sheep and sells or offers for sale a part or all of the milk produced by the animals.

(5) “Secretary” means the Secretary of Agriculture, Food and Markets.

(b) The Secretary shall establish the Dairy Risk Management Assistance Program (Assistance Program) for the purpose of assisting milk producers that participate in the federal DMC management programs. A milk producer in Vermont that participates in the DMC at the first-tier coverage level may apply for reimbursement of premium payments from the Assistance Program. A milk producer shall be eligible for assistance if the producer:

(1) is in good standing with the Agency of Agriculture, Food and Markets and the Agency of Natural Resources; and

(2) provides proof of payment of an annual premium payment for participation in Tier 1 of DMC.

(c)(1) A milk producer shall apply to the Secretary on or before July 1, 2022 to participate.

(2) The Secretary shall reimburse eligible applicants in the order in which the Secretary receives administratively complete applications. The Secretary shall have the discretion to determine when an application is administratively complete.

(3) After funds are exhausted, applicants shall no longer be eligible for reimbursement from the Secretary unless or until additional funds are appropriated to the Assistance Program.

Sec. 78. EDUCATION FUND REFUND; CITY OF BARRE TIF DISTRICT;  
TAX INCREMENT; FISCAL YEAR 2016 – 2019

Notwithstanding 16 V.S.A. chapter 133 and any other provision of law to the contrary, the sum of \$20,962 shall be transferred from the Education Fund to the City of Barre not later than fiscal year 2023 to compensate the City for overpayments of education property taxes in fiscal years 2016 to 2019 due to insufficient retention of tax increment from the City’s Tax Increment Financing District Fund.

Sec. 79. 2021 Acts and Resolves No. 55, Sec. 20 is amended to read:

Sec. 20. MILEAGESMART

(a) The Agency is authorized to spend up to \$750,000.00 in one-time Transportation Fund monies in fiscal years 2021 and 2022 combined and up to \$500,000.00 in one-time General Fund monies in fiscal year 2022 on MileageSmart, which was established in 2019 Acts and Resolves No. 59, Sec.

34, as amended, with up to ~~10~~ 15 percent of the total amount that is distributed in incentives in fiscal year 2022, including incentive funding authorized by this section and incentive funding carried over from prior fiscal years pursuant to 2019 Acts and Resolves No. 59, Sec. 34, as amended, available for costs associated with administering MileageSmart.

Sec. 80. [Deleted.]

Sec. 81. EFFECTIVE DATES

This act shall take effect on passage except, notwithstanding 1 V.S.A. § 214:

(1) Secs. 73 (designated and specialized service agencies; COVID-19-related expenses) shall take effect retroactively on January 1, 2021;

(2) Secs. 74 (Health Care Provider Stabilization Grant Program; alternative fund distribution process) shall take effect retroactively on July 1, 2020; and

(3) Sec. 75 (health care claims tax) shall take effect retroactively on July 1, 2021.

And by renumbering all of the sections of the bill to be numerically correct (including internal references) and adjusting all of the totals to be arithmetically correct.

*M. JANE KITCHEL  
RICHARD W. SEARS, JR.  
RICHARD A. WESTMAN*

*Committee on the part of the Senate*

*MARY S. HOOPER  
PETER J. FAGAN  
KIMBERLY JESSUP*

*Committee on the part of the House*

**Action Postponed Until April 20, 2022**

**Governor's Veto**

**H. 157**

An act relating to registration of construction contractors.

For Text of Veto Message, please see House Journal of February 10, 2022

## Consent Calendar

### Concurrent Resolutions for Adoption Under Joint Rule 16a

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of February 24, 2022.

#### H.C.R. 106

House concurrent resolution in memory of Robert William Kirkbride

#### H.C.R. 107

House concurrent resolution designating March 10, 2022, as Social Worker Advocacy Day at the State House

#### H.C.R. 108

House concurrent resolution designating the legislative week of March 8– 11, 2022 as Early Childhood Week at the General Assembly

### 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).**

### **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 #3087** – \$663,538 to the VT Department of Financial Regulation from the Centers for Medicare and Medicaid Services. Funds will be used to analyze Vermont’s current health insurance options to ensure coverage is accessible to all Vermonters, and to develop an action plan if necessary. Includes one (1) limited-service position, Grant Manager and Health Policy Analyst, funded through 9/14/2023.

***[NOTE: The Department of Financial Regulation signed an RFP with an actuarial firm to start looking at the benchmark in September 2021. The work being performed now is planned on being paid for with grant funds.]***

*[Received February 10, 2022]*

**JFO #3088** – \$896,945 to the VT Judiciary from the U.S. Office of Justice Programs. Funds will be used to support The Chittenden County Family Treatment Docket which opened for referrals in March 2021. The initial limited launch was intended to capture what areas require additional technical assistance from our national best practice standards partner, Children and Family Futures. Funding is needed to sustain operation and expand service to a larger number of at-risk families. Includes one (1) limited-service position, Treatment Court Coordinator, funded through 09/2024.

*[Received February 10, 2022]*

**JFO #3089** - \$6,589,481 to the VT Agency of Human Services, Dept of Disabilities, Aging and Independent Living from U.S. Dept of Education. Funds to establish a system and to provide support for 500 Vermonters with disabilities to achieve credentials leading to high-wage employment. Includes eight (8) limited-service positions: one (1) Project Director; six (6) VR Counselor/Career Navigator; one (1) Assistive Technology Specialist funded through 9/30/2026.

*[Received 2/17/2022, expedited review requested 2/17/2022]*

**JFO #3090** –Three (3) limited-service positions: Military Project Manager. Positions needed to replace Federal personnel reductions in project management and program management staffing levels. VT Military confirms the positions are fully funded through the Master Cooperative Agreement through 9/30/24. *[Received February 17, 2022]*

